

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION

FORTY THIRD REPORT

2014 - 2015

(Presented to the Haryana Vidhan Sabha on 25th March 2015)



HARYANA VIDHAN SABHA SECRETARIAT
CHANDIGARH
2015

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**COMPOSITION OF THE COMMITTEE
(2014 TILL DISOLUTION OF THE TWELTH HARYANA
LEGISLATIVE ASSEMBLY)**

COMMITTEE ON SUBORDINATE LEGISLATION

Chairperson

Shri Jagbir Singh Malik MLA

Members

Shri Om Parkash Jain MLA

Shri Sri Krishan Hooda MLA

Shri Mohammed Ilyas MLA

Shri Rameshwar Dayal Rajoria MLA

Shri Ghanshyam Dass MLA

Shri Subhash Chaudhary MLA

Advocate General Haryana

Special Invitees

Shri Ganga Ram MLA

Secretariat

Shri Rajender Kumar Nandal Secretary

Shri Nitin Malik Deputy Secretary

The Committee was constituted w e f 3rd May 2014 *vide* Haryana Vidhan Sabha Secretariat Notification No HVS SLC 1/ 2014 15/32 dated 5th May 2014

Shri Ganga Ram M L A was nominated as Special Invitee of the Committee *vide* Notification No HVS SLC 1/2014 15/47 w e f 14th May 2014

The Committee on Subordinate Legislation for the year 2014 15 was nominated by the Hon ble Speaker on the 3rd May 2014 and the Committee held 37 meetings The report of the Committee was not presented to the House due to General Election of Haryana Vidhan Sabha which was held on 15th October 2014 and the term of the Assembly expired on 27th October 2014

**COMPOSITION OF THE COMMITTEE
REMAINING PERIOD OF THE YEAR (2014-2015)
COMMITTEE ON SUBORDINATE LEGISLATION**

Chairperson

Smt Seema Trikha M L A

Members

Shri Karan Singh Dalal M L A

Smt Kiran Choudhry M L A

Shri Mool Chand Sharma M L A

Shri Umesh Aggarwal M L A

Smt Naina Singh Chautala M L A

Prof Ravinder Baliara M L A

Advocate General Haryana

Special Invitees

Shri Sri Krishan Hooda M L A

Shri Jagbir Singh Malik M L A

Secretariat

Shri Rajender Kumar Nandal Secretary

Shri Nitin Malik Deputy Secretary

After the General Election the Committee was constituted w e f 25th November 2014 from the remaining period of the year 2014 15 vide Haryana Vidhan Sabha Secretariat Notification No HVS SLC I/ 2014 15/84 dated 25th November 2014

Shri Sri Krishan Hooda M L A and Shri Jagbir Singh Malik M L A was nominated as Special Invitees of the Committee w e f 9th December 2014 for the remaining period of the year 2014 15 of the Committee vide Notification No HVS SLC I/2014 15/95 dated 10th December 2014

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 Third Report to the House

2 The matters covered by this Report were finally considered by the Committee at their sitting held on 4th March 2015 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 4th March 2015

SEEMA TRIKHA
Chairperson
Committee on Subordinate Legislation

REPORT

1 The Committee on Subordinate Legislation for the year 2014 till dissolution of the twelfth Haryana Lagislative Assembly was nominated by the Speaker Haryana Vidhan Sabha under rule 249 (1) of Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 3rd May 2014 and was notified in the official Gazette vide notification No HVS SLC 112014 15/32 dated the 5th May 2014 The Report of the Committee was not presented to the House due to General Election of Haryana Vidhan Sabha which was held on 15th October 2014 and the term of the Assembly expired on 27th October 2014 After the General election the new Committee was nominated by the Speaker on 25th November 20 14 and notified in the official Gazette vide notification No HVS SLC-112014 15/84 dated the 25th November 2014

2 Smt Seema Trnkha MLA was appointed as the Chairperson of the Committee by the Speaker

3 The Committee held 51 sittings till the presentation of the Report

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

- 1 The Punjab Factory Rules 1952 framed under the Factories Act 1948
- 2 The Haryana Minor Mineral Concession Stocking Transportation of Minerals and Prevention of Illegal Mining Rules 2012 framed under the Mines and Minerals (Development and Regulation) Act 1 957

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

SCOPE AND FUNCTIONS OF THE COMMITTEE

The scope and functions of the Committee are set down in rules 248 256 and 257 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly Rule 248 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 256 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 257 lays down as follows

257 (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

(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 254 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly which reads as under

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

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

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

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

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

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

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

However the Chairperson of the Committee may on a request being made to him permit in exceptional circumstances any other senior officer to represent the department before the Committee After the rules/orders and the departmental representatives have been examined the Committee prepares the

report and presents it to the House. Copies of the report after its presentation to the House are forwarded to the concerned departments for taking further action on the observations/recommendations of the Committee. The action taken by the Departments are watched by the Committee from time to time. In case where any Department is not in a position to implement or feels and difficulty in giving effect to a recommendations made by the Committee, the Department is required to place its views before the Committee which may if it thinks fit present further observations/recommendations to the House after considering the views of the Department in the matter.

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

1. The Committee would scrutinize only such rules which have been finally published in the Gazette and not the draft rules.

2. The Department of the 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

(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

GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

1 **Delay in framing the Rules**

The Committee reiterates the recommendations made in its previous Forty Second 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 continues to occur. The Committee can not but stress again that the Department should evolve suitable measures to streamline their procedure in order that the recommendations made by the Committee are implemented on top priority basis within a maximum period of 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

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 in its 35th 42nd Reports

The 42nd Report was sent to the Department concerned vide letter dated 19 3 2014 to implement the outstanding observations/ recommendations made by the Committee in its earlier Reports. Subsequent reminders were also sent to the Department vide letter dated 23 12 2014 19 1 2015 and 20 2-2015 to expedite the action in the matter at an early date. 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 so far.

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 while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee

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 as contained in its 36th -42nd Reports

The 42nd Report was sent to the Department concerned vide letter dated 19 3 2014 to implement the outstanding observations/ recommendations made by the Committee in its earlier Reports. Subsequent reminders were also sent to the Department vide letter dated 23 12 2014, 20 1-2015 and 20 2 2015 to expedite the action in the matter at an early date. 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 so far.

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 while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee

Further observations/recommendations made by the Committee

38TH REPORT 2006 2007

(HOME DEPARTMENT)

The Haryana Home Guards Rules, 1980 framed 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 42nd Reports

The 42nd Report was sent to the Department concerned vide letter dated 19th March 2014 to implement the recommendations/observations made by the Committee at the earliest. The Additional Chief Secretary to Government Haryana Home Department has sent the letter dated 7 4 2014 vide memo No 34/40 A/2008 1 HG III to the Commandant General Home Guards & Director Civil Defence Home Department Haryana and endorse a copy of the same to the Secretary Haryana Vidhan Sabha for information the same placed before the Committee in its meeting held on 8 5 2014

A letter was sent to the Additional Chief Secretary to Government Haryana Home Department vide letter no HVS SLC Imp 22/2008 09/27840 dated 23 12 2014 for supply the latest/requisite reply to the recommendations/observations of the Committee made in the report at the earliest and further again a reminder was also sent to the Additional Chief Secretary to Government Haryana Home Department vide letter No HVS SLC Imp 22/2008 09/1037 dated 20 1 2015 to supply the latest/requisite reply in the matter at the earliest

In response to the above said communications the department supply the reply of the recommendations/observations of the Committee vide memo no 34/40 A/2008 1H G III dated 29 1 2015 and the same was placed before the Committee in its meeting held on 6 2 5015

After perusing the reply of the Department the Committee is of the view that the observations/recommendations made by the Committee have been implemented by the concerned Department therefore no further action required to be taken in the matter

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

**39TH REPORT 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 work regarding observations/ recommendations made by the previous 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 42nd Reports

The 42nd Report was sent to the Department concerned vide letter dated 20th March 2014 to implement the recommendations/observations made by the Committee at the earliest In respect to the aforesaid communication the department supply the reply of recommendations/ observations of the Committee vide their memo No SBA-4 2012/21463 dated 17-4 2014 and the same placed before the Committee in its meeting held on 8 5 2014 intimated that the recommendation of Haryana Vidhan Sabha has been kept pending because pursuant to the judgment dated 28 01 2011 passed by the Hon ble Suprem Court no final view has yet been taken as to whether the Shamilat land is to be transferred to the private persons or not The Advocate General Haryana has been requested to advice in the matter and requested that necessary instructions/policy for framing the criteria of yardsticks and guidelines for allotment of land for industrial use shall be issued after a final view is taken in the matter as per advice of the Advocate General Haryana

Subsequent reminders were also sent to the Department vide letter dated 23 12 2014 and 20 01-2015 to expedite the action in the matter at an early date 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

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 while amending the relevant Rules to the Committee at the earliest

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 watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act 2008 as contained in its 39th 42nd Reports

The 42nd Report was sent to the Department concerned vide letter dated 20 3 2014 to implement the observations/recommendations at the earliest In respect to the aforesaid communication the Department supply the reply of recommendations/observations of the Committee vide letter No 394 STR 1 2013/640 dated 21-4 2014 and the same was placed before the Committee in its meeting held on 8 5 2014 stated that the Compliance of the order of the Hon ble High Court in CWP No 3687/2010 dated 19 09 2013 the Committee was constituted headed by Additional Chief Secretary & Financial Commissioner to amend the Act and the necessary action is to be taken The recommendations/observations of the Haryana Vidhan Sabha is placed before the Committee for consideration to amend the Act suitably

Subsequent reminders were also sent to the Department vide letter dated 23 12 2014 and 21 01-2015 to expedite the action in the matter at an early date In respect to the aforesaid communication the Department supply the reply of recommendations/ observations of the vide letter No 251-STR-1 2015/1846 dated 18 2 2015 and the same was placed before the Committee in its meeting held on 27 2-2015 stated that as per order of the Hon ble High Court the necessary action has been taken after the final decision same may be informed accordingly

In view of the above facts and circumstances the Committee expects that after disposed of the aforesaid writ Petitions the Department would take up the matter on top priority basis and supply the copy of notifications incorporating the observations/ recommendations of the Committee expeditiously

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 42nd Reports

The 42nd Report was sent to the Department concerned vide letter dated 20 3 2014 to implement the observations/recommendations at the earliest In respect to the aforesaid communication the Department supply the reply of recommendations/ observations of the Committee vide memo No 1467 Ft 4 2014/6274 dated 21-4-2014 and the same was placed before the Committee in its meeting held on 8 5 2014 stated that the above mentioned matter draft Notification of amendment in Haryana Wildlife (Protection) Rule 1974 was forwarded to Legal Remembrance & Secy to Govt Haryana Law and Legislative Department vide this Department U O NO 6268 ft 2012/2359 dated 12 11-2012 for vetting L R Department vide their U O No 692 Leg II (102) b/h/2013 dated 18 11 2013 gave their approval After getting it vetted from L R the draft of Rules was sent to Hon ble Chief Minister Haryana for his approval Which is approved by Hon ble Chief Minister vide their diary NO 9085 dated 11 12 2013 Thereafter the Draft Notification was sent to Finance Department vide this Department U O NO 5298 ft-4-2013/103 dated 14 01 2014 Finance Department agree with the proposal of Administration Department to make Haryana Wildlife (protection) Rules 2013 under sub section (i) of section 64 of Haryana Wildlife (Protection) Rules on the condition that department will got it approved from CMM on its own level So the Memorandum of Draft Notification is submitted to Hon ble Chief Minister for his prior permission to place before Council of Ministers After approval of Council of Minister Draft Notification will refered to L R Department for publication

Subsequent reminders were also sent to the Department vide letter dated 23 12 2014 and 20 01-2015 to expedite the action in the matter at an early date. After that no reply has been received from the Department concerned till the drafting and finalization of this 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 while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

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 -42nd Reports

The 42nd Report was sent to the Department concerned vide letter dated 2-4 2014 to implement the recommendations/observations of the Committee at the earliest. The reminders were sent to the Department vide letter dated 24 12 2014 & 28 01 2015 to obtain the latest/requisite reply in the matter at an early date.

In respect to the aforesaid communication the department supply the reply of recommendations/observations of the Committee vide their letter No FG 1 2015/4003 dated 9 2 2015 and the same was placed before the Committee in its meeting held on 13 2 2015 stated that the Committee on Subordinate Legislation of the Haryana Vidhan Sabha for giving constructive suggestions it is respectfully submitted that the recommendations of the Committee have been accepted by the Government and the Department in principles. After the implementation of the National Food Security Act 2013 so many amendments are to be made in Haryana Public Distribution System (Licensing and Control) Order 2009 because after passing the National Food Security Act it is pertinent to extend the sphere of activity. After the implementation of this Act the nature of Public Distribution System has been changed completely. So it is mandatory to issue New Public Distribution System Control Order in due course as per the needs and requirements of the consumer which are being monitored through the requests being received from them. The Department of Food & Supplies is awaiting the release of TPDS Control order by the Government of India. As and when the same is received the State Government will notify its new Control Order which may be called Haryana Public Distribution System (Licensing and Control) Order 2015.

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 expeditiously.

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 -42nd Reports

The Committee observed that 41st Report was sent to the Department vide letter dated 24 2 2014 to implement the recommendations/observations made by the Committee at the earliest. Subsequent reminders were also sent to the Department vide letter dated 24 12 2014, 28-1-2015 and 20 2 2015 to expedite the action in the matter at an early date. 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.

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 after amending the relevant Rules to the Committee at the earliest.

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

41ST REPORT 2012 2013

(ENVIRONMENT DEPARTMENT)

The Haryana Air (Prevention and Control of Pollution) Rules, 1983 framed under the Air (Prevention and Control of Pollution) Act, 1981

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution) Act 1981 as contained in its 41st & 42nd Reports

The 42nd Report was sent to the Department vide letter dated 24/4/2014 to implement the observations/recommendations at the earliest. In respect to the aforesaid communication the Department supply the reply of recommendations/observations of the Committee vide memo No 24/2014 Env dated 4/6/2014 and the same was placed before the Committee in its meeting held on 10/6/2014 as under

Sr No	Reference to paragraph/ number of Report	Summary of Recommendations /observations	Action taken or proposed to be taken by the Government	Remarks if any
			Amendment is being made in the Rules as per the Recommendations of the committee on subordinate legislation of the Haryana Vidhan Sabha and proposal sent by the Haryana State Pollution Control Board given as under	The Haryana State Pollution Control has submitted the proposal for amendment in the Haryana Air (Prevention and Control of Pollution) Rules 1983 vide letter No HSPCB/2013/3173 dated 04.12.2013 and the draft notification in English version and Hindi version has been submitted vide letter No 9922 dt 23.01.2014 and letter No 79 dated 06.05.2014 respectively
1	41st report (2012-13)	The Committee recommends that a	In sub rule (d) of this rule the words Haryana State Board for	

		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	the Prevention and Control of Water Pollution may be substituted with the words Haryana State Pollution Control Board	
2		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.	<p>The complete para of this rule may be substituted with the following paras</p> <p>(i) Non official Members of the Board resident in Chandigarh/ Panchkula shall be paid an allowance of Rupees Three Hundreds per day for each day of the actual meeting of the Board or actual meeting of any Committee constituted under sub section (3) of section 11 or as revised by the Govt. from time to time</p> <p>(ii) Non official members of the Board not resident in Chandigarh/Panchkula shall be paid an allowance of rupees Three Hundreds per day (including daily allowance) for each day of the actual meetings of the Board or for each day of actual meetings of any committee constituted under sub section (3) of section 11 and also travelling allowance at such rates as is admissible to a grade 1 Officer of the Government</p> <p>(iii) When the Legislative Assembly is not in session a Member of the Legislative Assembly who is also a member of the Board shall be entitled to such allowances as are admissible to him for attending an Assembly Session on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source</p>	
		1. There is no justification to obtain the permission of the Govt. by the Chairman for	The proviso in sub rule (2) of this rule regarding prior permission of the Government for visiting any place outside Haryana Union Territories of Chandigarh and Delhi may be	

		<p>visiting Chandigarh and accordingly sub rules (2) of rule 4 may be amended</p> <p>2 The Committee recommends that in the 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</p> <p>3 The Committee recommends that the word full mentioned in sub rule(4) of this rule may be omitted being superfluous</p> <p>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</p> <p>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</p> <p>6 The Committee recommends that in 4th line of sub rule(7) of this rule the word full may be omitted being superfluous</p>	<p>deleted</p> <p>In the line second of second proviso of sub rule (2) of this rule the word Meetings may be substituted by the word Meeting</p> <p>1 In the 1st line of sub rule 4 of this rule the word full may be omitted</p> <p>2 The sub rule 4 of this rule may be substituted with the following para</p> <p>The Chairman shall have powers in the matters of appointment promotion confirmation transfer and termination of the services of the officers and employees of the Board as prescribed in Haryana State Pollution Control Board (Group A B C and D) service Regulations 2004 and the amendments made under sub section (3) and (3A) of section 12 of the Water (Prevention and Control of Pollution) Act 1974</p> <p>In 4th line of sub rule(7) of this rule the word full may be omitted</p>	
		<p>The Committee recommends that in sub rule (6) of this rule for the words Fifteen Minutes the words Half an Hour may be</p>	<p>In sub rule (6) of this rule for the words Fifteen Minutes the words Half an Hour may be substituted</p>	

		substituted for the adjournment of meeting for want of quorum		
		<p>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</p> <p>2 The Committee further recommends hat for the words as far as possible mentioned in sub rule (3) of this the words as far as practicable may be substituted to make the rule more explicit</p>	<p>In sub rule (1) of this rule before the word time the words date and after the word time the word place may be added</p> <p>For the words as far as possible mentioned in sub rule (3) of this rule the words as far as practicable may be substituted</p>	
		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 Member of committee to avoid any conflict in the matter	In the third line after the word Board the words or the Chairman may be deleted	
		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	In the second line the words two hundred may be substituted with the word two thousands	

		<p>The Committee recommends that the terms and conditions of service of the Members Secretary may be prescribed in the rule itself to make the rule more specific and explicit</p>	<p>In this rule the following provisions may be substituted</p> <p>(i) Government may appoint a full time Member Secretary of the Board any person possessing the qualification as prescribed in section 5 (2)(f) of the Act</p> <p>(ii) (a) The Member Secretary who is a serving officer will be entitled to draw pay and allowances as fixed by the Govt</p> <p>(b) The Member Secretary who is a retired Government Officer will draw the pay which he was drawing immediately before his retirement minus pension and pension equal to gratuity plus other Officer of corresponding status in the Haryana Government</p> <p>(c) Notwithstanding anything contained in sub rules (ii) (a) and (b)</p> <p>when a person other than a serving officer or a retired Government officer is appointed as Member Secretary he will draw a fixed monthly salary as fixed by the Government at the time of his appointment</p> <p>(iii) The other terms and conditions of service of Member Secretary of the Board shall be fixed by state Government</p>	
		<p>1 The Committee recommends that for the purpose recording the Annual Confidential Reports of the subordinate staff the sub rule (v) or rule 10 may be amended suitably as per prevailing practice in the Board</p> <p>2 The Committee recommends that to meet the principle of natural justice</p>	<p>The proviso of sub rule (v) of this rule may be substituted with the following proviso</p> <p>The Member Secretary shall write the confidential reports of officers or employees of the Board as prescribed by the Board</p> <p>In the third line after the word approval the words and withholding the payment shall</p>	

		<p>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</p> <p>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</p>	<p>be conveyed to the affected person in writing may be added</p> <p>In sub rule (xi) of this rule after the word Government in the last line the words and submit the report thereof to the Government may be added</p>	
		<p>The Committee recommends that the pay scales mentioned in proviso to this rule may be suitable amended/ substituted as the Pay Scales of the employees of the Haryana Govt /State have been revised</p>	<p>In sub rule (1) of this rule the figures Rs 2 300 in the fifth line may be substituted with the figures Rs 15 600 Rs 39 100 + Rs 8000/</p>	
		<p>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</p>	<p>In sub rule (3) of this rule the figures Rs 2 000 in the last line may be substituted with the figures Rs 20000/</p>	
		<p>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</p>	<p>In the last line of sub rule (2) of this rule for the word office the word official may be substituted</p>	

		to make the rule more clear		
		The Committee recommends that the 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	In sub rule (5) of this rule the words cash electronic fund transfer system may be added after the word Board in the last line	
		The Committee recommends that in the 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	In the sub rule (3) of this rule in the fifth line for the word application the word applicant may be substituted	
		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	In the last after the words form IV the words within a period of 3 working days may be added	
		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 words at least II class may be substituted with the words at least second class	
		1 The Committee recommends that in clause (ii) of sub rule (1) of this rule for the sign may be substituted to make the rule grammatically correct 2 The Committee	In clause (ii) of sub rule (1) of this rule sign is deleted This clause recommended by the committee has already	

		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	been amended vide notification No S O 26/C A 14/1981 /S 54/2011 dated 25 02 2011 issued by the Government of Haryana Environment Department as under If the president and other Members of the Appellate Authority are based at location other than Headquarters of the Board the Board will also pay travelling allowance local charges etc at such rate as are admissible to Grade I Officer of the Government and other such facilities as fixed by the Government	
		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	In the last line after the words Appellate Authority the following para may be added If the Appellate Authority is satisfied that the case of action etc is the same it can allow joint appeal also In the first line of this rule the words sub rule 7 may be substituted with the words sub rule 2	
		1 The Committee recommends that in line second of sub rule (1) of rule 25 after the word date the word and place may also 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	In line second of sub rule (1) of this rule after the word date the word and place may be added The Govt has already made amendments by notification No S O 26/C A 14/1981/S 54/2011 dated 25 02 11 as under Each member of the Appellate Authority shall be paid an honorarium per case or fixed Honorarium as decided by the Government from time to time	

		Appellate Authority has been changed as admitted by the Board in their reply		
		<p>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</p> <p>2 The Committee also recommends that in sub rule (7) of this rule for the word complied the word complied may be substituted to convey the correct sense</p> <p>3 The Committee further recommends that sub rule (13) of this rule may be omitted being redundant</p>	<p>In second line of sub rule (5) of this rule the words past experience may be substituted by the words the service rendered by the officers/ officials on deputation</p> <p>In first line of sub rule (7) of this rule the word complied may be substituted with the word complied</p> <p>Sub rule (13) of this rule may be omitted</p>	

1 SSI Registration

Most basic Document needed for any small scale industry in India Once you have an SSI registration you can avail many government facilities Usually this available at the District Industries Centre just check It is not very difficult to get this

2 BIS Registration [ISI Mark Certificate]

This is mandatory for Packaged Drinking Water The Standard is — IS 14543

We have compiled a collection of all ISI Documents in one single place besides other very useful material Just check the contents of our Packaged Drinking Water Plant Training course 3 POLLUTION CONTROL CERTIFICATE

This is available from the Local Pollution Board Office Simple Procedure

4 ALL REQUIRED TEST REPORTS OF RAW AND PURE WATER

Can be had from a local Test Laboratory just locate a Water Testing Lab Check at the Local Drinking Water Testing Laboratory Just Go with your sample water of 1 Ltr Take sample from 2 3 locations & get it tested for Packaged Drinking Water

5 PEST CONTROL CERTIFICATE

Approach a local pest Control guy he will provide this

6 CHEMIST DEGREE AND MEDICAL CERTIFICATE

7 MICROBIOLOGIST — DEGREE AND MEDICAL CERTIFICATE

8 MEDICAL CERTIFICATE FOR WORKERS —4

9 N O C OF GRAMPANCHAYAT (IF APPLICABLE)

10 REGISTRATION OF TRADEMARK

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Our Training Course offers a list of 50 Such Consultants fom 6 major cities in India besides other tremendous value material Check Now

11 DOCUMENT REGARDING OWNERSHIP/LEASE OF LAND

12 MEMORANDUM OF ASSOCIATION OF COMPANIES/PARTNERSHIP DEED IF APPLICABLE

Subsequent reminders were also sent to the Department vide letter dated 24 12 2014 and 28 01 2015 to expedite the action in the matter at an early date After that no reply has been received from Department concerned till the drafting and finalization of this Report

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

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

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

42ND REPORT 2013 2014

(TOWN & COUNTRY PLANNING DEPARTMENT)

- (i) **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 watched the implementation of observations/recommendations made by the Committee in respect 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 as contained in its 42nd Report

The 42nd Report was sent to the Department concerned vide letter dated 24/2/2014 to implement the recommendations/observations made by the Committee at the earliest. Subsequent reminders were also sent to the Department vide letter dated 7/1/2015 and 20/2/2015 to expedite the action in the matter at an early date. In response to the aforesaid communication the Department supply the reply of recommendations/ observations of the vide Memo No Misc 387/2015/DTP(SS)/3234 dated 26th February 2015 and the same was placed before the Committee in its meeting held on 4/3/2015 stated that the Government has decided to formulate a Comprehensive Town Planning Legislation for which Consultant has been appointed. The recommendations/ observations of the Honble Committee on Subordinate Legislation will be duly considered while preparing the Comprehensive Town Planning Legislation. In the meanwhile the case for amending the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 taking into consideration the recommendations/observations of the Committee in its 42nd report for the year 2013-14 is being initiated.

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.

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

42nd REPORT 2013 2014

(HEALTH DEPARTMENT)

(ii) The Haryana Registration of Births and Deaths Rules, 2002 framed under the Haryana Registration of Births and Deaths Act, 1969

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Registration of Births and Deaths Rules 2002 framed under the Haryana Registration of Births and Deaths Act 1969 as contained in its 42nd Report

The Committee observed that 42nd Report was sent to the Department vide letter dated 2-4 2014 to implement the recommendations/observations made by the Committee at the earliest. In respect to the aforesaid communication the department supply the reply of recommendations/observations of the Committee vide their letter no 3/154/2011 3H B III dated 17 6 2014 and the same was placed before the Committee in its meeting held on 1-7 2014. A letter was sent to the Department vide letter dated 7 1 2015 to obtain the latest/requisite reply at the earliest. The reply of the Department was received from the Director General Health Services Haryana Panchkula vide letter no 2/42G 1 SBHI2015/664 dated 29 1 2015 and the same was placed before the Committee in its meeting held on 13 2 2015 stated as under

Sr No	Reference to paragraph/ No of report	Summary of recommendations / observations	Action taken or proposed to be taken by the Government	Remarks if any
1	Page No 108 Rule No 5	The Committee is of the view that the information should be given by the Village Chowkdar Multi purpose Health Worker and Anganwadi Worker within a specific period after the births and deaths	As per Section 8 of registration of Births and Death Act 1969 only head of the household or family member can give the information in case of domiciliary event Current practice is that MPHWS obtains the information on the prescribed Form duly signed by the family member and submit it to the concerned Primary Health Center for registration. Family members are	No action required

			not required to visit primary Health center for registration of birth or death if reported to MPHWS in time	
2	Rule No 8(5)	<p>The Committee would like to know for its information as to whether Rule 8(5) has been implemented with letter and spirit ?</p> <p>The Committee observed that in second last line of Rule 8(5) the word 'Post' may be substituted with the word 'Registered Post' to make the Rule more effective</p>	<p>It is fact that some of the Registrar of 4 urban registration centers are not following the rule 8 in true spirit. There is a need to ensure compliance of this particular rule.</p> <p>In rural registration centers free copies of certificate are delivered to the family by the ANM.</p>	No action required
			Problem of hinds may be raised by the Municipality if directed to send the free certificate by registered post	
3	Rule No 9	<p>The Committee is of the view that the Births and Deaths should be registered within a specific period after giving the information by the informant.</p> <p>The committee would like to discuss Rule 9 on the point of delayed registration of births to make the rule more simple at the time of oral examination of the departmental representatives at the appropriate time</p>	<p>It has been observed that percentage of delete registration against total registration is only two percent. After implementation of revamped system in the year 2005 birth registration has increased to 98%. Hence the number of unregistered events have decreased to less than two percent. It can be presumed that incoming here the cases of delayed registration will be decrease</p>	No action required
4	Rule No 10	The Committee is of the view that in the proviso of Rule 10 (1) the words "but within a period of 15 years" may be deleted to make the Rule simpler	<p>Period of 15 years was fixed on the direction of Registrar General India. A notification in this connection was issued in the year 1995.</p> <p>A proposal to give two years grace period for getting the name of the child entered in the birth record is under consideration of the govt. Necessary approval of Registrar General India has already been obtained</p>	Instruction has been issued relaxing the norm of 15 years (copy enclosed)

5	Rule No 11	The Committee would like to discuss the provisions of Rule 11 on the point of correction or cancellation of entry in the register of Births and Deaths to make the Rule simpler at the time of oral examination of the department at the appropriate time	Registrar General India vide letter dated 30-7-2003 has directed the Chief Registrar to keep vigil over misuse of this rule as large number of such cases have been observed by them.	No action required
6	Rule No 13	The Committee recommends that the Rule 13(1) a b c & d the amount Rs 2, 10 and 10 as mentioned in the Rule respectively may be increased by Rs. 10, 10, 50 and 50 respectively due to price escalation The Committee further recommends that in the first proviso of Rule 13 (1) the additional fee of Rs 5 as mentioned in the proviso may be increase by Rs 10 due to price escalation	A proposal for revision of fees is under consideration of the Govt. The proposed fees for a b c and d are Rs. 10, 10, 25 and 25 Revision of additional fee is also under consideration to Rs 100	Proposal under consideration of Govt
7	Rule No 17	The Committee recommends that in first line of the 17 (1) the word "her" may be deleted being superfluous and to make the Rule grammatically correct. The Committee would like to know for its information whether the register and other record of the Births and Deaths is kept at one place of the district or at different places	The word "her" seems to be a typographical mistake the correct word is "the" instead of word "her" The status of current as well as old record is as below (iv) Old and new record of urban area is available with the Municipalities themselves (v) Old record of rural area till year 2004 is available with Civil Surgeon Offices (vi) A record of rural area from year 2005 on ward is available at Primary Health Centers	Error has been corrected
GENERAL OBSERVATION OF THE COMMITTEE				
1	1 (A)	At the time of registration of births it may be checked that the particulars like name of the child, mother's name, father's name etc. are filled correctly	There are standing orders the Acts That particulars in the birth or death registration form should be filled up as recorded in any document like ration card, school record, voter card etc.	

	(B)		<p>officials are regularly organized at the district level Funds for this purpose are provided by the Registrar General India</p> <p>It is very important that Registrar should get the person trained before putting him on registration duty</p>	<p>issue was discussed in a meeting and instruction has issued to the District Registrars</p>
	(C)	<p>Registrar of the urban area may be changed to SMO/MO as like rural area By doing this all the birth and Death data comes under Health Department. Presently there is lot of difficulty regarding birth and death record of urban area as this is under Executive Officer of M C</p>	<p>it is a good observation in order to have uniform pattern of registration hierarchy through out the state But Municipalities are doing this activity as assigned them under the Municipal Act.</p> <p>Health department can be assigned this duty in urban area also by providing necessary manpower and other infrastructure</p>	
	(D)	<p>The record of the births and Deaths should be computerized</p>	<p>Process of computerization of births and Process of death registration record has been started In sum of the urban and rural registration centers computerized certificate are being issued In coming years most of the current and old record will be get computerized</p>	
			<p>In order to avoid problems in future it is suggested to made the production of birth certificate compulsory either at the time of school first admission or leaving the school</p>	<p>In the first phase department has decided to make the Birth Certificate compulsory in the School Education Board In the second</p>

				phase Birth Certificate will be made compulsory at the time of issuing School living Certificate
	Form 1	<p>The Committee recommends that in Part I of Form No 1 after Sr No 7(2) the words 3 Other place may be inserted to make the Form more clear</p> <p>The Committee recommends that in Part 1 of Form No 1 after Sr No 9 the words Fathers Name Permanent Address and District may be inserted to make the Form more effective The Committee further recommends that in all the forms the words Seal and Signature of the Registrar may be replaced with Seal with name and Signature of the Registrar</p> <p>The committee also recommends that in the second last line of Form I Part II after the words 2 House the words 3 Other Place may be inserted to make the Form more clear</p> <p>The committee also recommends that in Part 1 of Form No 3 after Sr No 3 the words Other lace may be inserted to make the From more clear</p>	<p>1 Adding the words 3 other place in Form No 1 is submitted for discussion</p> <p>2 It is not mandatory in the rules that only father can give the information of birth Secondly Institutional incharge is also responsible to report the institutional events</p> <p>3 It is a good suggestion to add the name of the Registrar in order to track him later whenever required</p>	Suggestion will be considered while amendment of rules in future
	Form - 3	The committee also recommends that in Part 1 of Form No 3 after Sr No 3 the words Other Place maybe inserted to make the from more clear	Adding the word Other Place in Form No 3 is submitted for discussions	No action required

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

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

42ND REPORT 2013 2014

(REVENUE AND DISASTER MANAGEMENT DEPARTMENT)

(iii) The Haryana Kisan Pass Book Rules, 1996 framed under the Haryana Kisan Pass Book Act, 1994

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Kisan Pass Book Rules 1996 framed under the Haryana Kisan Pass Book Act 1994 as contained in its 41st & 42nd Report

The Committee observed that 42nd Report was sent to the Department vide letter dated 24/4/2014 to implement the recommendations/observations made by the Committee at the earliest. In respect to the aforesaid communication the department supply the reply of recommendations/observations of the Committee vide their letter no 2510 ARS 4- 2014/16014 dated 7-11-2014 and the same was placed before the Committee in its meeting held on 9/12/2014 stated as under

Sr No	Reference to paragraph/ No of Report	Summary of recommendations observations	Action taken and proposed to be taken by Govt	Remarks if any
1	3(5)	The Committee recommends that in the second last line of the sub rule the word 'jointly' may be substituted with the word 'jointly' to make the sub rule grammatically correct.	The department is in agreement with _____ the recommendation. Correction slip will be made.	
2	3(7)	The Committee would like to know for its information whether the definition of Executive Officer should not be mentioned in the rules.	Definition of Executive Officer needs not be mentioned in the rule. Require no action.	
3	4(4)	The Committee recommends that in the 10th line of the sub rule the word 'emarks' may be substituted with the word 'remarks' to make the sub rule grammatically correct.	The word 'remarks' already exist there. Require no action.	

		correct		
4	9(2)	The Committee observed the time for depositing the Kisan Pass Books should be 15 days instead of one week to facilitate the Kisans	The department is in agreement with the recommendation Therefore in the forth line of the rule the word 'a week' should be substituted by the word 15 days correction slip will be made	
5	9(2)	The Committee recommends that in the third line of this sub rule the word Pass Book may be substituted with the word Kisan Pass Book' to make the sub rule more clear	The department is in agreement with the recommendation Correction slip will be made	
6	10(3)	The Committee is of the view that in this Sub rule often damage or loss of the Kisan Pass Books the word The Kisan lodge report with the police may be deleted to make the rule more simpler	The department is in agreement with the recommendation of the Committee Rule 10(3) may be read as The Kisan will be required to take all reactions for the safe custody of the Kisan Pass Book and will guard it from damage destruction and loss If inspite of all precautions the pass book is lost or completely destroyed the Kisan will submit his application in form 4 for issue of a duplicate Pass Book that shall be entertained by the Circle Revenue Officer If the Kisan Pass Book get damaged or mutilated to an extent that it can not be used then the Kisan will put an application in form 4 to the Circle Revenue officer for the issue of a duplicate Pass Book The application so made shall be accompanied by the damaged or mutilated Pass Book In Annexure A instruction No 15 will be read as The Kisan will be required to take all precautions for the safe custody of the Kisan Pass Book and will guard it from damage destruction and loss because in the event of its	

			<p>loss he will have to submit an application to Circle Revenue Officer for issuance of duplicate Pass Book which will cost Rs 250/</p> <p>In form No 4 Sr No 6(a) will be deleted and Sr No 6(b) be read as Sr No 6 Correction slip will be made</p>	
7	12	The Committee recommends that in the first line of this rule the word (i) between the words for the may be deleted being superfluous	The department is in agreement with the recommendation of the Committee Correction slip will be made	
8	Form I Part I	The Committee is of the view that before the column Khewat or jamabandi No one more column under the heading Sr No may be added and the numbering of columns may be re-numbered to make the form more comprehensive	The department is in agreement with the recommendation Correction slip will be made	
9	Annexure A	<p>The Committee would like to know for its information that what type of legal proceedings will be initiated against Kisan as mentioned in instruction No 13</p> <p>The Committee recommends that in the second line of instruction No 15 for the word form the word from may be substituted to make it grammatically correct.</p>	<p>If a Kisan fails to present his Pass Book to Circle Revenue Officer/Sub Registrar/ Joint Sub-Registrar he will be imposed a fine of Rs 500/</p> <p>The department is in agreement with the recommendation Correction slip will be made</p>	

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

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

**42ND REPORT 2013 2014
(IRRIGATION DEPARTMENT)**

(iv) The Haryana Canal and Drainage Rules,1996 framed under the Haryana Canal and Drainage Act,1974

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Canal and Drainage Rules 1976 framed under the Haryana Canal and Drainage Act 1974 as contained in its 42nd Report

The Committee observed that 42nd Report was sent to the Department vide letter dated 2 4 2014 to implement the recommendations/observations made by the Committee at the earliest. In respect to the aforesaid communication the department supply the reply of recommendations/observations of the Committee vide letter No 763/2R&CR dated 15 5 2014 stated that the recommendations/observations of the Committee shall be implemented after obtaining due approval from Hon ble C M Haryana. The said reply was placed before the Committee in its meeting held on 26 6 2014. Subsequent reminder was sent to the Department vide letter dated 7 1 2015 to expedite the action in the matter at an early date. In respect of the aforesaid communication the department supply the reply of recommendations/observations of the Committee vide their letter no 36/2R&CR dated 8 12 2015 and the same was placed before the Committee in its meeting held on 16 1 2015 stated that the approval from Hon ble C M Haryana has been obtained regarding implementation of recommendations/observations of the Committee and the draft memorandum regarding the said implementation is being submitted for approval of Council of Ministers.

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.

SCRUTINY OF THE PUNJAB FACTORY RULES, 1952 FRAMED UNDER THE FACTORIES ACT 1948

The Committee scrutinized the Punjab Factory Rules 1952 framed under the Factories Act 1948 and made the following observations/recommendations thereon

Title

‘ THE PUNJAB FACTORY RULES 1952 AS APPLICABLE IN THE STATE OF HARYANA ’

Observation of the Committee

The Committee recommends that the title of the rule i.e. The Punjab Factory Rules 1952 may be substituted with the title of word The Haryana Factory Rules 1952 to make the rule more clear

The Department in their written reply stated as under

Yes may be substituted

Rule 2

‘2 Definitions —In these Rules unless there is anything repugnant in the subject or context —

- (a) **Act** means the Factories Act 1948
- (b) **Appendix** means an appendix appended to these Rules
- (c) **Artificial humidification** means the introduction of moisture into the air of a room by any artificial means whatsoever except the unavoidable escape of steam or water vapour into the atmosphere directly due to a manufacturing process

Provided that the introduction of air directly from outside through moistened mats or screens placed in openings at times when the temperature of the room is [26 degrees] or more shall not be deemed to be artificial humidification

- (d) **Belt** includes any driving strap or rope
- (e) **Degrees of temperature** means degrees on the ⁵[Celsius] scale
- (f) **Fume** includes gas or vapour
- (g) **Form** means form appended to these rules

- (h) **Health Officer** means the Municipal Health Officer or District Health Officer or such other official as may be appointed by the State Government in that behalf
- (i) **Hygrometer** means an accurate wet and dry bulb hygrometer conforming to the prescribed conditions as regards constructions and maintenance
- (j) **Inspector** means an officer appointed under Section 8 of the Act and includes Chief Inspector Additional Inspector and the District Magistrate
- (k) **Maintained** means maintained in an efficient state in efficient working order and in good repair
- (l) **Manager** means the person responsible to take occupier for the working of the factory for the purposes of the Act
- (m) **Family** means the wife son daughter father mother brother and sister of the owner of any place wherein a manufacturing process is carried on who lives with or is dependent on such owner

Observations of the Committee

Rule 2

- (i) The Committee would like to know at the time of oral examination as to whether the facilities of Private Doctor in the factory may be provided as well as the name of the nominee may also be included

Rule 2(c)

- (ii) The Committee recommends that in the last line of the proviso of the rule 2 C the temperature of 26 degrees of room may be increased

The Department in their written reply stated as under —

- (i) The facility of a private doctor has already provided under Rule 70 Section 45 of the Factories Act 1948
- (ii) The temperature has been prescribed as per the Model Factory Rules to Government of India and the Director General Factory Advice Services and Labour Institute which is an expert agency of the Government of India in this regard has framed these Model Rules So before considering any increase in the temperature the comments of the DGFASLI may be obtained

Rule 2A sub rule(1)**FORM OF APPLICATION FOR GRANT OF CERTIFICATE OF COMPETENCY TO A
PERSON UNDER SUB RULE (1) OF RULE 2 A**

- 1 Name
 - 2 Date of Birth
 - 3 Name of the Organisation
(If not self employed)
 - 4 Designation
 - 5 Educational qualifications
(copies of testimonials to be attached)
 - 6 Details of professional experience
(In chronological order)
- | | Name of the Organisation | Period of Service | Designation | Area of Responsibility |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------|------------------------|
| 7 | Membership if any of professional bodies | | | |
| 8 | (i) Details of facilities (examination testing etc) at his disposal
(ii) Arrangements for calibrating and maintaining the accuracy of these facilities | | | |
| 9 | Purpose for which competency certificate is sought (section or sections of the Act should be stated) | | | |
| 10 | Whether the applicant has been declared as a competent person under any statute (if so the details) | | | |
| 11 | Any other relevant information | | | |
| 12 | Declaration by the applicant | | | |
- I hereby declare that the information furnished above is true I undertake—
- (a) that in the event of any change in the facilities at my disposal (either addition or deletion) or my leaving the aforesaid organization I will promptly inform the Chief Inspector
- (b) to maintain the facilities in good working order calibrated periodically as per manufacturer's instructions or as per National Standards and
- (c) to fulfill and abide by all the conditions stipulated in the certificate of competency and instructions issued by the Chief Inspector from time to time

Place & Date

Signature of the applicant

DECLARATION BY THE INSTITUTION

I _____ certify that Shri whose details are furnished above is in our employment and nominate him on behalf of the organisation for the purposes of being declared as a Competent Person under the Act I also undertake that I will—

- (a) notification inspector in case the competent person leaves our employment
- (b) provide train good order all facilities at his disposal as mentioned above
- (c) notify the Inspector any change in the facilities (either addition or deletion)

Signature

Designation

Date

Telephone No

Official seal

Observation of the Committee

The Committee observed that in the form of application for grant of certificate of competency to person under sub rule (1) of Rule 2 A some words of column (a) (b) & (c) of the declaration by the institution given in the bottom para of this form are miss print and the same are required to re print accordingly In this regard the Committee also observed that in the stamp given below of the declaration of this form the word email/I also be inserted after the word telephone No

The Department in their written reply stated as under

Nothing is miss print in the declaration by the institution on Column a b c It is Same as prescribed in Model Factories Rules Govt of India The e mail id may be inserted after the word telephone no

Rule 3

3 Submission of Plans [section 6(1)1—The State Government or the Chief Inspector may require for the purposes of the Act submission of plans of any factory which was either in existence on the date of commencement of the Act or which has not been constructed or extended since then Such plans shall be drawn to scale showing —

- (a) the site of the factory and immediate surroundings including adjacent building and other structures road drains etc
- (b) the plan elevation and necessary cross sections of the factory buildings indicating all relevant details relating to natural lighting ventilation and means of escape in case of fire and the position of the plant and machinery aisles and passage ways and
- (c) such other particulars as the State Government or the Chief Inspector as the case may be may require

Observation of the Committee

The Committee observed that in rule 3 the provision of sewerage in the factory also be provided

The Department in their written reply stated as under

Yes may be provided

Rule 4

“4 Certificate of stability (section 6) — (1) No manufacturing process to be carried on with the aid of power shall be begun or carried on in any building or part of a building until a certificate of stability of the building or part of the building in Form No 1 B signed by a person possessing the qualifications prescribed in sub rule has been delivered to and accepted by the Chief Inspector. No extended portion of any factory wherein manufacturing process is being carried on with the aid of power shall be used as a part of the factory any time after the extension nor plant or machinery shall be added in any factory nor brought into use any time after such addition until such a certificate in respect of such extension or plan has been delivered to and accepted by the Chief Inspector of Factories

2[(2) The person competent to certify the plans and specification or to sign **Form No 1 B** shall possess the qualification and experience as prescribed at serial number 1 of the Schedule annexed to rule 2 A

Note The competent person to give the certificate of stability shall possess —

- (i) Degree in Civil or Structural Engineering or its equivalent
- (ii) A minimum of 10 years experience in the design or construction or testing or repair of structures
- (iii) Knowledge of non destructive testing various codes of practices that are current and the effect of the vibrations and natural forces on the stability of the building and
- (iv) Ability to arrive at a reliable conclusion with regard to the safety of the structure or the building]

Observation of the Committee

The Committee desired that the time limit for the acceptance or rejection of the Certificate of Stability should be fixed

The Department in their written reply stated as under

Yes 3 months time period may be fixed for the acceptance or rejection of the certificate of stability

Rule 5

“5 Authority to sign certificate of stability (Section 6) No person except in the case of building owned by any Government shall be authorised to sign a certificate of stability or to certify plans and specifications who is in the employment of the owner or builder of the building in respect of which the certificate is given

Observation of the Committee

The Committee desired that the time limit to issue Suitability Certificate should be mentioned in the rule

The Department in their written reply stated as under

It is not desirable to prescribe the time limit for issuing certificate of stability in respect of any building as this certificate of stability is being issued by the private competent person having qualification as prescribed under the rules

Rule 6

“6 Internal Height of work rooms (section 6)—(i) The internal height of a work room shall be not less than 14 feet measured from the floor level to the lowest part of the roof and if the roof is of corrugated iron which is neither covered with tiles nor has an inner ceiling or lining of heat resisting material with an air space of at least four inches between it and the corrugated iron the internal height shall be not less than 16 feet

Provided that in the case of building having a brick or concrete roof or a combination of the two the minimum height may be 12 feet if approved by the Chief Inspector of Factories

Provided further that in case of factories employing less than 50 workers the Chief Inspector may where he is satisfied that the conditions of work are reasonably good exempt such factories from the provision of this sub rule

- (ii) There shall be provided at all times for each person employed in any room of a factory where mechanical or electrical power is used at least 36 square feet of floor space exclusive of that occupied by machinery and a breathing space of at least 500 cubic feet
- (iii) Particulars of each work room of the factory in which persons are regularly employed shall be entered in **Form 1 A** which shall be shown to the Inspector when required The provisions of sub rule (1) of the Rule 6 shall not apply to rooms intended for storage godowns and like purposes and also rooms intended solely for office purpose where only clerical work is done

Observation of the Committee

The Committee would like to be informed about the internal height of work rooms at work place in the modern perspective

The Department in their written reply stated as under —

As per the prescribed provision in existing rules the exemption is being granted by the CIF in the minimum internal height of work rooms for the factories employing up to 50 workers if the CIF is satisfied that the conditions of work place are reasonably good. This condition of up to 50 workers may be deleted so that the CIF may grant exemption to the factory employing any number of workers subject to the condition of working in that place and nature of manufacturing process

Rule 7

'7 Application for registration and grant of licence (section 6 & 7)

(1) The occupier of every factory shall submit to the Chief Inspector an application in Form No. 2 [in triplicate] for the registration of the factory and for the grant of licence 2{ **]—

Observation of the Committee

The Committee observed that in rule 7 (1) time limit for granting licence should be fixed

The Department in their written reply stated as under

The time limit has already been fixed under Section 6(2) of the Factories Act 1948 i.e. three months

Rule 8

"8 Grant Licence (under Section 6) —(1)A licence for a factory shall be granted by the Chief Inspector in Form No. 4 for a period of one year or five years as the case may be on payment of the fees specified in the Schedule there to

Provided that in case an application is made for a period of five years the fee payable shall be five times of the fee specified in the Schedule

(2) Every licence granted or renewed shall remain in force up to the 31st of December of the year for which the licence is granted or renewed

Observations of the Committee

Rule 8

- (i) The Committee wants to know from the department whether the period of Licence can be increased

Rule 8(2)

- (ii) The Committee would like to know from the department at the time of oral examination why the licence is issued for a Calendar year. Whether it can be issued for a Financial year or not ?

The Department in their written reply stated as under

- (i) Presently the license is being granted for one year and five years which seems to be appropriate
- (ii) The Factory Act provides the definition of Calendar year in Section 2(bb) and the Government of India the Ministry of Labour Employment are adhering to the Calendar Year for want of all the return and information under the Act

Rule 9

"9 Amendment of licence (section 6)—(1)A licence granted under Rule 8 may be amended by the Chief Inspector

(2) A licensee who desires to have his licence amended shall submit it to the Chief Inspector with an application stating the nature of the amendment and reasons therefore

(3) The fee for the amendment of a licence shall be ²-[thirty] rupees plus the amount (if any) by which the fee that would have been payable if the licence had originally been issued in the amended form exceeds the fee originally paid for the licence

Observation of the Committee

Rule 9(1 & 2)

- (i) The Committee observes that in Rule 9 (1&2) time limit should be fixed for amendment of licence

Rule 9(3)

- (ii) The Committee would like to know as to whether the fee for the amendment of a licence can be raised because thirty rupees is a very small amount for the purpose

The Department in their written reply stated as under —

- (i) Yes time limit may be fixed
- (ii) Yes may be increased

Rule 10(1)

"10 Renewal of licence (section 6) —(1) A Licence shall be renewed by the Chief Inspector on payment of the same fee which is charged for the grant of a licence 3[for a year or five years for which application has been received]

Observation of the Committee

The Committee observes that in Rule 10(1) time limit should be fixed for renewal of Licence

The Department in their written reply stated as under

The time limit has already been fixed under Section 6(2) of the Factories Act 1948

Rule 11(1)

'11 Transfer of licence (Section 6) (1) The holder of a licence may at any time before the expiry of the licence apply for permission to transfer his licence to another person

Observation of the Committee

The Committee observes that in Rule 11(1) some time limit or the transfer of licence should be fixed

The Department in their written reply stated as under

Yes time limit may be fixed

Rule 13

13 Loss of Licence (section 6) — Where a licence granted under these Rules is ²[tost or accidentally destroyed or defaced] a duplicate may he granted on payment of a fee of rupees 3

Observation of the Committee

The Committee observes that the time limit to grant a duplicate licence should be fixed

The Department in their written reply stated as under

Yes may be fixed

Rule 14

'14 Payment of fees [section 6(1)(d)] ⁴(1) Every application under these rules shall be accompanied by a treasury receipt showing that the appropriate fee has been paid Into the local treasury under the head of account 0230 Labour & Employment 104 Fees realised under the Factories Act 1948 5[*]

(2) If an application for the 6[grant transfer renewal] or amendment of licence is rejected the fee paid shall be refunded o the applicant

Observation of the Committee

The Committee observes that mode of payment such as through cheque demand draft on line payment or cash deposit may be added to make the rule more explicit

The Department in their written reply stated as under

The provision of E payment may be added in the rules

Rule 16

⁴**[16 Qualifications of Inspector** (section 8) —No person shall be appointed as an Inspector for the purposes of the Act unless he possesses the qualifications specified for Factory Inspectors in the Punjab Labour Service (Class I and 11) Rules 1955]

⁵**[16 A Qualifications of Inspector** (section 8) —An Inspector shall for the purpose of the execution of the powers assigned to him under the Act within the local limits of his jurisdiction have power to do all or any of the following things that is to say

- (a) to photograph any worker to inspect examine measure copy photograph sketch or test as the case may be any building or room any plant machinery appliance or apparatus any prescribed register or document or anything provided for the purpose of securing the health safety or welfare of the workers employed in a factory
- (b) in the case of an Inspector who is a duly qualified medical practitioner to carry out such medical examinations as may be necessary for the purposes of his duties under the Act (c) to prosecute conduct or defend before a Court any complaint or other proceedings arising under the Act or in discharge of his duties as an Inspector

Provided that the powers of district magistrates and such other public officers as are appointed to be Additional Inspectors shall be limited to the inspection of Factories for the purpose notified under sub section (5) of Section 8

⁶**16 E Guidelines, Instructions and records,(sections 7A and 112 0)** Without prejudice to the general responsibility of the occupier to comply with the provisions of Section 7A the Chief Inspector may from time to time issue guidelines and instructions regarding the general duties of the occupier relating to health safety and welfare of all workers while they are at work in the factory

Observationsof the Committee

- (i) The Committee recommends that in the third line of Rule 16 the word Punjab may be substituted with the word Haryana
- (ii) The Committee observes that in rule 16A(a) videography may be added to make the rule more explicit
- (iii) The Committee observes that in rule 16B(1) provision of facilities of sewerage may be added to make the rule more explicit

The Department in their written reply stated as under

- (i) Yes May be substituted

- (ii) Yes May pleased be added
- (iii) The facility of sewerage is already provided under Rule 48 of the exiting Rules

Rule 17

‘ 17 Duties of Certifying Surgeon (section 10)) — For purposes of the examination and certification of young persons who wish to obtain certificates of fitness the Certifying Surgeon shall arrange a suitable time and place for the attendance of such persons and shall give previous notice in writing of such arrangement to the managers of factories situated within the local limits assigned to him. He may also arrange where possible to get the women workers examined by a Lady Doctor

- (2) (a) The Certifying Surgeon shall issue his certificates in Form No 5. The foil and counterfoil shall be filled and the left thumb mark of the person in whose name the certificate is granted shall be taken on them. On being satisfied as to the correctness of the entries made therein and of the fitness of the person examined he shall sign the foil and initial the counterfoil and shall deliver the foil to the person in whose name the certificate of fitness is granted. The foil so delivered shall be the certificate of fitness granted under Section 69 of the Act. All counterfoils shall be kept by the Certifying Surgeon for a period of at least 2 years after the issue of the certificate

Observations of the Committee

- (i) The Committee observes that in sixth line of rule 17(1) the word may be substituted with the word shall to make the rule more clear and also to omit the words where possible
- (ii) The Committee observes that in rule 17(2) provision of consideration about differently abled persons may be mentioned in the rule

The Department in their written reply stated as under

- (i) Yes may be substituted
- (ii) Yes may be substituted

Rule 19

19 A Disposal of trade waste and effluents [section 12(2)] (1) In the case of factory where the drainage system is proposed to be connected to the public sewerage system prior approval of the arrangements made shall be obtained from the local or other authority maintaining such system

(2) In the case of a factory situated in a place where no public sewerage system exists prior approval of the arrangements made for the disposal of trade wastes

and effluents shall be obtained from the Public Health Authorities or such authority as the State Government may appoint in this behalf

[19 A LIMITS OF TEMPERATURE AND AIR MOVEMENT [section 13 (1)] — In any factory the maximum wet bulb temperature of air in a work room at a height of 1.5 metres (5 feet) above the floor level shall not exceed 30 °C (86 °F) and an adequate air Movement of at least 30 metres per minute (100 feet per minute) shall be provided and in relation to dry bulb temperature the wet bulb temperature in the work room at the said height shall not exceed that shown in the Schedule given below or as regards a dry bulb reading intermediate between the two dry bulb readings that specified in relation to the higher of these two dry bulb readings

***Limits of temperature and air movement
Schedule**

Dry bulb temperature		Wet bulb	temperature
°C	(°F)	°C	(°F)
30	(86)	29.0	(84.2)
31	(87.8)	28.9	(84.0)
32	(89.6)	28.8	(83.8)
33	(91.4)	28.7	(83.6)
34	(93.2)	28.6	(83.5)
35	(95)	29.5	(83.4)
36	(96.8)	28.4	(83.2)
37	(98.6)	28.3	(83.0)
38	(100.4)	28.2	(82.7)
39	(102.2)	28.1	(82.6)
40	(104)	28.0	(82.5)
41	(105.8)	27.9	(82.3)
42	(107.6)	27.8	(82.1)
43	(109.4)	27.7	(81.9)
44	(111.2)	27.6	(81.7)
45	(113)	27.5	(81.5)
46	(114.8)	27.4	(81.3)
47	(116.6)	27.3	(81.1)

Provided that if the temperature measured with a thermometer inserted in a hollow globe of 15 cm (6 in) discoloured matt black outside and kept in the

environment for not less than 20 minutes exceeds the dry bulb temperature of air the temperature so recorded by the globe thermometer shall be taken in place of the dry bulb temperature

Provided further that when the reading of the wet bulb temperature outside in the shade exceeds 27 C (80.6 F) the value of the wet bulb temperature allowed in the Schedule for a given dry bulb temperature may be correspondingly exceeded to the same extent

Provided further that the said requirement shall not apply in respect of factories covered by Section 15 and in respect of factories where the nature of work carried on involves production excessively high temperatures referred to in Clause (ii) of sub section (1) of Section 13 to which workers are exposed for short periods of time not exceeding one hour followed by an interval of sufficient duration in thermal environments not exceeding those otherwise laid down in this rule

Provided further that the Chief Inspector having due regard to the health of the workers may in special and exceptional circumstances by an order in writing exempt any factory or part of a factory from the foregoing requirement in so far as restricting the thermal conditions within the limits laid down in the above schedule are concerned to the extent that he may consider necessary subject to such conditions as he may specify

19 B [Provision of Thermometers [section 13 (2)] (1) If it appears to the Inspector that in any factory the temperature of air in a workroom is sufficiently high and is likely to exceed the limits prescribed in Rule 19-A he may serve on the manager of the factory an order requiring him to provide sufficient number of whirling hygrometers or any other type of hygrometers and direct that the dry bulb and wet bulb reading in each such work-room shall be recorded at such positions as approved by the Inspector twice during each working shift by a person especially nominated for the purpose by the manager and approved by the Inspector

(2) If the Inspector has reason to believe that substantial amount of heat is added inside the environment of a work room by radiation from walls or for other solid surroundings he may serve on the manager of the factory an order requiring him to provide one or more globe thermometers referred to in the first provision to Rule 19 A and further requiring him to place the globe thermometers at places specified by him and keep a record of the temperatures in a suitable register

Observations of the Committee

Rule 19

- (i) The Committee wants to know whether the norms are being followed effectively or not ?

Rule 19A

- (ii) At the time of oral examination the Committee would like to know from the department whether there is any need to increase/decrease the existing parameters

Rule 19B

- (iii) The Committee wants to know whether any new/ advance technology has come in the hygrometers?

The Department in their written reply stated as under —

- (i) The Punjab Factory Rules were framed in the year 1952 whereas the disposal of street waste and affluent is being looked after by Water (Prevention & Control of Pollution) Act 1974 and it is being enforced by Haryana State Pollution Control Board
- (ii) These parameters are same as prescribed under Model Factory Rules Government of India and these are also being monitored by them
- (iii) The Humidity Sensors are available in the place of Hygrometers

Rule 38

²[38 Means of Supply [section 18(1)]—If drinking water is not supplied directly from a public water supply system or from any other water supply system of the factory approve by the Health Officer it shall be kept in suitable vessels receptacles or tanks fitted with taps and having dust proof covers placed on raised stands or platforms in shade and having suitable arrangement of drainage to carry away the split water Such vessels receptacles and tanks shall be kept clean and the water renewed at least once every day All practicable measures shall be taken to ensure that the water is free from contamination

Observation of the Committee

At the time of oral examination the Committee would like to discuss about the means/ sources of supply of drinking water i.e submersible tubewell etc

The Department in their written reply stated as under —

To be discussed

Rule 41

' 41 Cooling of water [section 18(4)] —In every factory wherein more than 250 workers are ordinarily employed —

- (a) the drinking water supplied to the workers shall from 2[15th April to the 15th September] every year be cooled so that the temperature of drinking water is below 3[26 degree C]

Provided that if ice is placed in the drinking water for purpose of cooling the ice shall be clean and wholesome and shall be obtained only from a source approved in writing by the Health Officer

- (b) The cooled drinking water shall be supplied in every canteen lunchroom and rest room and also at convenient accessible points

throughout the factory which for the purpose of these Rules shall be called Water Centres

- (b) The water centres shall be sheltered from the weather and adequately drained
- (d) The number of water centres to be provided shall be one centre for every 150 persons employed at any one time in the factory

Provided that in the case of a factory where the number of persons employed exceeds 500 it shall be sufficient if there is one such centre as aforesaid for every 150 persons up to the first 500 and one for every 500 persons there-after

- (e) Every water centre shall be maintained in a clean and orderly condition
- (f) It shall be in charge of a suitable person who shall distribute the water. Such person shall be provided with clean clothes while on duty. Clause (f) shall not apply to any factory in which suitable mechanically operated drinking water refrigerating units are installed to the satisfaction of the Chief Inspector

Observation of the Committee

In Rule 41 the sub sections have been shown as a b b & d. It should be a b c & d

The Department in their written reply stated as under

Necessary correction may be substituted

Rule 55

'55 Further Safety Precautions [Section 41] —(1)Without prejudice to the provision or sub section (1) of Section 1 of the Act in regard to the fencing of machines the further precautions specified in Schedules [1 to VII] annexed hereto shall apply to the machines noted in each Schedule

²55 A REGISTER IN FORM 7 A [Section 22(1)] —1n which the name and other particulars of every such worker as may be employed or required to perform the duties specified in sub section (i) of Section 22 shall be entered)

Observation of the Committee

The Committee would like to know whether the amendments i.e substituted and inserted etc shown in the bottom line of the pages have been incorporated in the Rules provided by the department ?

The Department in their written reply stated as under

Yes the amendment has been incorporated in the rules

Rule 59 to 63

'59 Belts, etc to be regularly examined [Section 20 (I) (a)] —All belts shall be regularly examined to ensure that the joints are safe and belts at proper tension

'60 Hoists and lifts Lifts [Section 28] —(1) A register shall be maintained to record particulars of examination of hoists or lifts and shall give particulars as shown in Form 37]

(2) Exemption of certain hoists and lifts In pursuance of the provisions of sub section (4) of Section 28 of the Act in respect of any class or description of hoists or lifts specified in the first column of the Schedule annexed hereto the requirements of this section as specified in the second column of the said Schedule and set opposite to that class or description of hoist or lift shall not apply

SCHEDULE *EXEMPTION OF CERTAIN HOISTS AND LIFTS

Class or description of hoist or lift	Requirement which shall not apply
1	2
Hoists or lifts mainly used for raising materials for charging blast furnace or limekilns	Sub section 1(b) in so far as it requires a gate at the bottom landing sub section (d) sub section 1(e)
Hoists not connected with mechanical power and which are not used for carrying persons	Sub section 1 (b) in so far as it requires the hoist way or lift way enclosure to be so constructed as to prevent any person or thing from being trapped between any part of the hoist or lift and any fixed structure or moving part sub section 1(e) description of hoist or lift shall not apply

²60 A Lifting Machines, Chains, Ropes and Lifting Tackles [Section 29] —(1) No lifting machine and no chain rope or lifting tackle except fibre rope or fibre rope sling shall be taken into use in any factory for the first time in that factory unless it has been tested and all parts have been thoroughly examined by a competent person and a certificate of such a test and examination specifying the safe working load or loads and signed by the person making the test and the examination has been obtained and is kept available for inspection

¹Substitute vide Haryana Government Notification no G S R 117/C A 63/48/S 112/Amd (2)/82 dated 13th October 1982

Heading not given in the rules but added for clarity purposes

²Rule 60 A inserted vide Punjab Government Notification no 10VII DS Lab 60/216 dated 4th January 1960

- (2) (a) Every jib crane so Constructed that the safe working load may be verified by the raising or lowering of the jib shall have attached thereto either an automatic indicator of safe working loads or an automatic jib angle indicator and a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load

- (b) A table showing the safe working loads of every kind and size of chain rope or lifting tackle in use and in the case of multiple sling the safe working loads at different angles of the legs shall be posted in the store room or place where or in which the chains ropes or lifting tackles are kept and in the prominent position on the premises and no rope chain or lifting tackle not shown in the table shall be used

Provided that the foregoing provisions of this clause shall not apply in respect of such lifting tackle if the safe working load thereof or in the case of a multiple sling the safe working load at different angles of the legs is plainly marked upon it

- (3) (a) A register to be maintained under sub section (iii) of the clause (a) of sub section (1) of Section 29 of the Act shall contain the following particulars
- (i) Name of occupier of factory
 - (ii) Address of the factory
 - (iii) Distinguishing number or mark of any description sufficient to identify the lifting machine chain rope or the lifting tackle
 - (iv) Date when the lifting machine chain rope or lifting tackle was first taken into use in the factory
 - (v) Date and number of the certificate relating to any test and examination made under sub rules (1) and (7) together with the name and address of the person who issued the certificate
 - (vi) Date of each periodical thorough examination made under subsection (iii) of clause (a) of sub section (1) of Section 29 of the Act and sub rule (6) and by whom it was carried out
 - (vii) Date of annealing or other heat treatment of the chain and other lifting tackle made under sub rule (5) and by whom it was carried out
 - (viii) Particulars of any defects affecting the safe working load found at any such thorough examination or after annealing and of the steps taken to remedy such defects

- (b) The register shall be kept readily available for inspection

(4) All rails on which travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength and have an even running surface and every such rail or track shall be properly laid adequately supported and properly maintained

(5) All chains and lifting tackles except a rope sling shall unless they have been subjected to such other heat treatment as may be approved by Chief Inspector of Factories be effectively annealed under the supervision of a competent person at the following intervals

- (i) All chains slings rings hooks shackles and swivels used in connection with molten metal or molten slag or when they are made of half inch bar or smaller once at least in every six months
- (ii) All other chains rings hooks shackles and swivels in general use once at least in every twelve months

Provided that chains and lifting tackles not in frequent use shall subject to the approval of Chief Inspector be annealed only when necessary Particulars of such annealing shall be entered in the register prescribed under sub rule (3)

(6) Nothing in sub rule (5) shall apply to the following classes of chains and lifting tackles

- (i) Chains made of malleable cast iron
- (ii) Plate link chains
- (iii) Chains rings hooks shackles and swivels made of steels or of any non ferrous metal
- (iv) Pitched chains working on sprocket or pecketed wheels
- (v) Rings hooks shackles and swivels permanently attached to pitched chains pulley blocks or weighing machines
- (vi) Hooks and swivels having screw threader parts or ball bearing or other case hardened parts
- (vii) Socket shackles secured to wire ropes by white metal capping
- (viii) Bordeaux connections

Such chains and lifting tackle shall be thoroughly examined by a competent person once at least in every 12 months and particulars entered in the register kept in accordance with sub rules (3)

(7) All lifting machines chains ropes and lifting tackle except a fibre rope or fibre rope sling which have been lengthened altered or repaired by welding or otherwise shall before being again taken into use be adequately retested and reexamined by a competent person and a certificate of such test and examination be obtained and particulars entered in the register kept in accordance with sub rule (3)

(8) No person under 18 years of age and no person who is not sufficiently competent and reliable shall be employed as driver of a lifting machine whether driven by mechanical power or otherwise or to give signals to a driver

¹[60 B Passageway for cranes [Section 29] —(1) To provide access to rail track of overhead travelling cranes suitable passageways of at least fifty centimeter (twenty inches) width with to boards and double hand rails ninety centimeter (three feet) shall be provided alongside and clear of the rail track of overhead travelling cranes such that no moving part of the crane can strike persons on the ways and the passageway shall be at a lower level than the crane track itself Safe access ladders shall be provided at suitable intervals to afford access to these passageways and from passageways to the rail tracks

²[(2) The Chief Inspector may for reason to be specified in writings exempt any factory in respect of any over head travelling crane from the operation of any provision of clause (1) subject to such conditions as he may specify]

³[(3) Where the Chief Inspector of Factories is satisfied that in a factory due to shut down or for any other reason it is not practicable to maintain a minimum distance of 20 feet between the person employed or working on or near the wheel track of a travelling crane and the crane he may on the request of the manager reduce the distance to such an extent as he may consider necessary and also prescribe further precautions indicating appointment of suitable number of supervisors to ensure the safety of the persons while they are employed to work on or near the track]

⁴[61 Pressure vessels or plants [Section 31] — (1) In this rule—

- (a) design pressure means the maximum pressure that a pressure vessel or plant is designed to withstand safely when operating normally
- (b) maximum permissible working pressure means the maximum pressure at which a pressure vessel or plant is permitted to be operated or used under this rule and is determined by the technical requirements of the process
- (c) plant means a system of piping that is connected to a pressure vessel and is used to contain a gas vapour or liquid under pressure greater than the atmospheric pressure and includes the pressure vessel
- (d) pressure vessel means an unfired vessel that may be used for containing storing distributing transferring distilling processing or otherwise handling any gas vapour or liquid under pressure greater than the atmospheric pressure and include any pipeline fitting or other equipment attached thereto or used in connection there with and

¹Inserted by Punjab Government Notification No 467/V11 DS Lab 62/6283 dated 6th March 1962

²Substituted vide Haryana Government Notification No G S R 117/C A 63/48/S 112/Amd (2)/82/dated 13th October 1982

³Inserted vide Haryana Government Notification No G S R 38/C A 63/48/S 112/Amd (1)/ 78 dated 23rd March 1978

⁴Substituted by Haryana Govt Notification No GSR/CA-63/48 S112/Amd (1)78 dated 23rd March 1978

- (e) competent person means a person who in the opinion of the Chief Inspector of Factories is capable by virtue of his qualifications training and experience of conducting thorough examination and pressure tests as required on a pressure vessel or plant and of making a full report on its condition
- (2) Nothing in this rule shall apply to—
- (a) vessels having internal diameter not exceeding 150 mm (6 inch) and a capacity not exceeding 141 585 litres (5 cu ft)
 - (b) vessels made of ferrous materials having an internal operating pressure not exceeding 1 kg/sq cm (15 lbs sq inch)
 - (c) steam boilers steam and feed pipes and their fittings coming under the purview of Indian Boilers Act 1923 (5 of 1923)
 - (d) metal bottles or cylinders used for storage or transport of compressed gases or liquefied or dissolved gases under pressure covered by the Gas Cylinder Rules 1981 framed under the Indian Explosive Act 1884 (4 of 1884)
 - (e) vessels in which internal pressure is due solely to the static head of liquid
 - (f) vessels with a nominal water capacity not exceeding 500 litres connected in a water pumping system containing air that is compressed to serve as cushion
 - (g) vessels for nuclear energy application
 - (h) refrigeration plant having a capacity of 3 tons or less of refrigeration in 24 hours and
 - (i) working cylinders of steam engines or prime movers feed pumps and team traps turbine casing compressor cylinders steam separators or dryers steam strainers steam de super heaters oil separators air receivers for fire pnnkler installations air receivers of mono type machines provided the maximum working pressure of the air receiver does not exceed 1 33 kg/sq cm (20 lbs/sq in) and the capacity 84 95

litres (3 cult) air receivers of electrical circuit breakers air receivers of electrical relays air vessels on pumps pipe coils accessories of instruments and appliance such as cy'linders and piston assemblies used for operating relays and interlocking type of guards vessels with liquids subjected to static head only and hydraulically operating cylinders other than any cylinder communicating with an air loaded accumulator

- (3) Every pressure vessels or plant used in a factory shall be
- (a) properly designed on sound engineering practice
 - (b) of good construction sound material adequate strength and free from any patent defects and
 - (c) properly maintained in a safe condition

Provided that the pressure vessels or plant in respect of the design and construction of which there is an Indian Standard or a standard of the country of manufacture or any other law or regulation in force shall be designed and constructed in accordance with the said standard law or regulation as the case may be and a certificate thereof shall be obtained from the manufacturer or from the competent person which shall be kept and produced on demand by an Inspector

- (4) Every pressure vessel shall be fitted with —
- (a) a suitable safety valve or other effective pressure relieving device of adequate capacity to ensure that the maximum permissible working pressure of the pressure vessel shall not be exceeded It shall be set to operate at a pressure not exceeding the maximum permissible working pressure and when more than one protective device is provided only one of the devices need be set to operate at the maximum permissible working pressure and the additional device shall be set to discharge at a pressure not more than five per cent in excess of the maximum permissible working pressure
 - (b) a suitable pressure gauge with dial range not less than 1.5 times the maximum permissible working pressure easily visible and designed to show at all times the correct internal pressure and marked with a prominent red mark at the

maximum permissible working pressure of the pressure vessel

- (c) a suitable nipple and globe valve connected for the exclusive purpose of attaching a test pressure gauge for checking the accuracy of the pressure gauge referred to in clause (b)
- (d) a suitable stop valve or valves by which the pressure vessel may be isolated from other pressure vessels or plant or source of supply of pressure. Such a stop valve or valves shall be located as close to the pressure vessel as possible and shall be easily accessible and
- (e) a suitable drain cock or valve at the lowest part of the pressure vessel for the discharge of the Liquid or other substances that may collect in the pressure vessel

Provided that it shall be sufficient for the purpose of this sub rule if the safety valve or pressure relieving device the pressure gauge and the stop valve are mounted on a pipeline immediately adjacent to the pressure vessel and where there is a range of two or more similar pressure vessels served by the same pressure lead only one set of such mountings need be fitted on the pressure lead immediately adjacent to the range of pressure vessels provided they cannot be isolated

(5) Every pressure vessel which is designed for a working pressure less than the pressure at the source of supply or less than the pressure which can be obtained in the pipe connecting the pressure vessel with any other source of supply shall be fitted with a suitable pressure reducing valve or other suitable automatic device to prevent the maximum permissible working pressure of the pressure vessel being exceeded

To further protect the pressure vessel in the event of failure of the reducing valve or device at least one safety valve having a capacity sufficient to release all the steam vapour or gas without undue pressure rise as determined by the pressure at the source of supply and the size of the pipe connecting the source of supply shall be fitted on the load pressure side of the reducing valve

(6) No new pressure vessel or plant shall be taken into use in a factory after coming into force of this rule unless it has been hydrostatically tested by a competent person at a pressure at least 1.3 times the design pressure and no pressure vessel or plant which has been previously used or which has remained isolated or idle for period exceeding 2 months or which has undergone alterations or repairs shall be taken into use in a factory unless it has been

thoroughly examined by a competent person externally and internally if practicable and has been hydrostatically tested by the competent person at a pressure which shall be 1.5 times the maximum permissible working pressure

Provided that the pressure vessel or plant which is so designed and constructed that it cannot be safely filled with water or liquid or is used in service when even some traces of water cannot be tolerated shall be pneumatically tested at a pressure not less than the design pressure or the maximum permissible working pressure as the case may be

Provided further that the pressure vessel or plant which is lined with glass shall be tested hydrostatically or pneumatically as required at a pressure not less than the design pressure or maximum permissible working pressure as the case may be

No pressure vessel or plant shall be used in a factory unless there has been obtained from the maker of the pressure vessel or plant or from the competent person a certificate specifying the design pressure or maximum permissible working pressure thereof and stating the nature of tests to which the pressure vessel or plant and its fittings if any have been subjected and every pressure vessel or plant so used in a factory shall be marked so as to enable it to be identified as to be pressure vessel or plant to which the certificate relates. The certificate shall be kept available for perusal by the Inspector

No pressure vessel or plant shall be permitted to be operated or used at a pressure higher than its design pressure or maximum permissible working pressure as shown in the certificate

Note Design pressure shall not be less than the maximum permissible working pressure and shall take into account the possible fluctuations of pressure during actual operation

(7) Every pressure vessel or plant in service shall be thoroughly examined by a competent person

(a) externally once in every period of six months

(b) internally once in every period of 12 months. If by reason of the construction of a pressure vessel or plant a thorough internal examination is not possible this examination may be replaced by a hydrostatic test which shall be carried out once in every period of two years

Provided that for a pressure vessel or plant in continuous process which cannot be frequently opened the period of internal examination may be extended to four years and

- (c) hydrostatically tests once in every period of four years

Provided that in respect of pressure vessel or plant with thin walls such as sizing cylinder made of copper or any other non ferrous metal periodic hydrostatic test may be dispensed with subject to the condition that the requirements laid down in sub rule (8) are fulfilled

Provided further that when it is impracticable to carry out thorough external examination of any pressure vessel or plant every six months as required in clause (a) or if owing to its construction and use a pressure vessel or plant cannot be hydrostatically tested as required in clause (h) or clause (c) a thorough external examination of the pressure vessel or plant shall be carried out at least once in every period of two years and at least once in every period of four years a thorough systematic non destructive test like ultrasonic test for metal thickness or other defects of all parts the failure of which might lead to eventual rupture of the pressure vessel or plant shall be carried out

- (d) the pressure for the hydrostatic test to be carried out for the purpose of this rule shall be 1.25 times the design pressure of 1.5 times the maximum permissible working pressure whichever is less

(8) In respect of any pressure vessel or plant of thin walls such as sizing cylinder made of copper or any other non ferrous metal the maximum permissible working pressure shall be reduced at the rate of five per cent of the original maximum permissible working pressure for every year of its use after the first five years and no such cylinder shall be allowed to continue to be used for more than 20 years after it was first taken into use

If any information as to the date of construction thickness of walls or maximum permissible working pressure is not available the age of such pressure vessel or plant shall be determined by the competent person in consultation with the Chief Inspector of Factories from the other particulars available with the manager

Every new and second hand pressure vessel or plant of thin walls to which repairs likely to affect its strength or safety have been carried out shall

be tested before use to at least 1.5 times its maximum permissible working pressure

(9) If during any examination any doubt arises as to the ability of the pressure vessel or plant to work safely until the next prescribed examination the competent person shall enter in the prescribed register his observations findings and conclusions with other relevant remarks with reasons and may authorise the pressure vessel or plant to be used and kept in operation subject to a lowering of maximum permissible working pressure or to more frequent or special examination or test or subject to both of these conditions

A report of the result of every examination or test carried out shall be completed in Form 8 shall be signed by the person making the examination or test and shall be kept available for perusal by the Inspector at all hours when the factory or any part thereof is working

Where the report of any examination under this rule specifies any condition for securing the safe working of any pressure vessel or plant the pressure vessel or plant shall not be used unless the specified condition is fulfilled

The competent person making report of any examination under this rule shall within seven days of the completion of the examination send to the Inspector a copy of the report in every case where the maximum permissible working pressure is reduced or the examination shows that the pressure vessel or plant or any part thereof cannot continue to be used with safety unless certain repairs are carried out or unless any other safety measure is taken

(10) The requirements of this rule shall be in addition to and without any prejudice to and not in derogation of the requirements of any other law in force

Certificates or reports of any examination or test of any pressure vessel or plant to which sub rules (7) to (9) do not apply conducted or required to be conducted under any other law in force and other relevant record relating to such pressure vessel or plant shall be properly maintained as required under the said law and shall be produced on demand by the Inspector]

¹[62 Excessive wages [Section 34] —(1) For the purpose of this rule—

(a) **manual transport of loads** means any transport in which the weight of the load is wholly born by one worker it covers the lifting and putting down of loads and

¹Substituted vide Haryana Government Notification No 14/43/2001-4Lab dated 29th July 2004

- (b) **regular manual transport of loads** means any activity which is continuously or principally devoted to the manual transport of loads or which normally includes even though intermittently the manual transport of loads

(2) No person unaided by another person or mechanical aid be required or allowed to lift put down carry or move any load of material articles tools or appliances exceeding the maximum limit in weight as set out in the following Schedule

[SCHEDULE]

MAXIMUM WEIGHT OF MATERIAL ARTICLE, TOOL OR APPLIANCE

Sr No	Persons	Maximum weight of material article tool or appliance
1	2	3
(a)	ADULT MALE	50 Kilo grams
(b)	ADULT FEMALE	30 Kilo grams
(c)	YOUNG PERSON (MALE 15 18 YRS)	30 Kilo grams
(d)	YOUNG PERSON (FEMALE 15 18 YRS)	20 Kilo grams
(e)	YOUNG PERSON (MALE 14 15YRS)	16 Kilo grams
(f)	YOUNG PERSON (FEMALE 14 15 YRS)	14 Kilo grams

(3) No woman or young person shall engage in conjunction with others lifting carrying or moving any material article tool or appliance if the weight thereof exceeds the lowest weight fixed by the Schedule to sub rule (2) for any of the persons engaged multiple by the number of persons engaged

(4) Taking into account all conditions in which the work is to be performed no worker shall be required or permitted to engage any person in the manual transport of load which by reason of its weight is likely to jeopardise his health or safety

(5) Wherever reasonably practicable suitable technical devices shall be used for the manual transport of loads

(6) Notwithstanding the fact that workers are engaged in the regular manual transport of loads within the permissible limits as set out in sub rule (2) they shall be subjected to medical examination prior to regular assignment and periodical examination at an interval of 12 months If the assignment of such jobs exceeds more than 12 months]

63 PROTECTION OF EYES [Section 35 —Effective screens or suitable goggles shall be provided for the protection of persons employed in or in the immediate vicinity of the following processes —

Heading not part of the rules added for clarity purposes

- (a) The processes specified in Schedule I annexed hereto being processes which invoke risk of injury to the eyes from particles fragments thrown off in the course of the process
- (b) The processes specified in Schedule 11 annexed hereto being processes which involve risk of injury to the eyes by reason of exposure to excessive light [or infra red or ultra violet radiations]

¹ [SCHEDULE I]

THE PROCESS ESPECIFIED BEING PROCESSES WHICH INVOLVE RISK OF INJURY TO THE EYES FROM PARTICLES OR FRAC MENTS THROWN OFF IN THE COURSE OF THE PROCESS

- (1) The breaking cutting dressing or carving of bricks stone concrete slag or similar materials by means of a hammer a chisel pick or similar hand tool or by means of a portable tool driven by mechanical power and the dry grinding of SUrfaces of any such materials by means of wheel or disc driven by mechanical power wherein any of the foregoing cases particles or fragments are liable to be thrown off towards the face of the operator in the course of the process
- (2) The dry grinding of surfaces of metal by applying them by hand to a wheel disc/or hand driven by mechanical power and of surfaces of metal by means of a portable tool driven by mechanical power
- (3) The diving into separate parts of metal bricks stone concrete or similar materials by means of a high speed saw driven by mechanical power or by means of an abrasive cutting off wheel or disc driven by mechanical power
- (4) The turning of metals or articles of metal where particles or fragments are liable to be thrown off towards the face of the operator in the course of the process
- (5) Drilling by means of portable tools where particles or fragments are liable to be thrown off towards the face of the operator in the course of the process
- (6) The welding and cutting c f metals by means of an electric oxy acetylene or similar process
- (7) The hot fettling of steel castings by means of a flux injected burner or air torch and the de seaming of metal
- (8) The fettling of metal castings involving the removal of metal including runners gates and risers and the removal of any other material during the course o f fettling
- (9) The chipping of metal and the chipping knocking out cutting out or cuttings off cold rivets bolts nuts lugs pins collars or similar articles from any structure or plant or from part of any structure or plant by means of a hammer chisel punch or similar hand tool or by means of a portable tool driven by mechanical power

¹Substituted vide Haryana Government Notification No 12/(33) 80 i Lab dated 3rd January 1980

²Subs vide Hr Govt Noti No G S R I 17/C A 63/48/S 112/Amd (2)/82 dated 13th October 1982

(10) The chipping or scurring of paint scale slag rust or other corrosion from the surface of metal and other materials by means of a hand tool or by a portable tool driven by mechanical power

(11) The breaking of scrap metal by means of a hammer or by means of a tool driven by mechanical power

(12) The routing of metal where particles or fragments are liable to be thrown off towards the face of the operator in the course of the process

(13) Work with drop hammers and power hammers used in either case for the manufacture of forgings and work by any person not working with such hammers whose work is carried on in such circumstances and in such a position that particles or fragments are liable to be thrown off towards his face during work with drop hammers or power hammers

(14) Work at a furnace where there is risk to the eyes from molten metal

(15) Pouring or skimming of molten metal

(16) Work involving risk to the eyes from hot sand being thrown off

(17) Truing or dressing of an abrasive wheel

(18) The handling in open vessels or manipulation of strong acids or dangerous corrosive liquids or materials and the operation maintenance or dismantling of plant or any part of plant being plant or part of plant which contains or has contained such acids liquids or materials unless the plant or part of plant has been so prepared (by isolation reduction of pressure or otherwise) treated or designed and constructed as to prevent risk or injury

(19) Any other process wherein there is a risk of injury to eye from articles or fragments thrown off during the course of the process

¹ [SCHEDULE III]

THE PROCESSES SPECIFIED BEING PROCESSES WHICH INVOLVE RISK OF INJURY TO THE EYES BY REASONS OF EXPOSURE TO EXCESSIVE LIGHT OR INFRARED OR ULTRAVIOLET RADIATIONS

(1) Welding or cutting of metals by means of an electrical oxy acetylene or similar process

(2) All work on furnaces where there is risk of exposure to excessive light or infrared radiations

(3) Process such as rolling casting or forging of metals where there is risk of exposure to excessive light or infrared radiations

(4) Any other process wherein there is a risk of injury to eyes from exposure to excessive light or ultra violet or infrared radiation //

¹Substituted vide Haryana Government Notification No G S R 117/C A 63/48/S 112/Amd (2)/82 dated 13th October 1982 Heading not part of the rules added for clarity purposes

Observation of the Committee

The Committee would like to know whether the substitutions/ insertions have been incorporated/ inserted in the relevant columns or not ?

The Department in their written reply stated as under

Yes these are inserted / incorporated in the relevant columns

Rule 65

65 Exemption [Section 37(5)1—*The requirement of sub section (4) of Section 37 of the Act shall not apply to the following processes carried on in any factory*

- (a) The operation of repairing a water sealed gasholder by the electric welding process subject to the following conditions
 - (i) The gas holder shall contain only the following gases separately or mixed at a pressure greater than atmospheric pressure namely town gas coke oven gas producer gas blast furnace gas or gases other than air used in their manufacture

Provided that this exemption shall not apply to any gasholder containing acetylene or mixture of gases to which acetylene has been added intentionally

- (ii) Welding shall only be done by the electric welding processes and shall be carried out by experienced operatives under the constant supervision of a competent person
- (b) The operations of cutting or welding steel or wrought iron gas mains and services by the application of heat subject to the following conditions
 - (i) the main or service pipes shall be situated in the open air and it shall contain only the following gases separately or mixed at a pressure greater than atmospheric pressure namely town gas coke oven gas producer gas blast furnace gas or gases other than air used in their manufacturer
 - (ii) the main or service pipes shall not contain acetylene or any gas or mixture of gases to which acetylene has been added intentionally

- (iii) the operation shall be carried out by an experienced person or persons and at least two persons (including those carrying out the operations) experienced in work on gas mains and over 18 years of age shall be present during the operations
 - (iv) the site of the operation shall be free from any inflammable or explosive gas or vapour
 - (v) where acetylene gas is used as a source of heat in connection with an operation it shall be compressed and contained in a porous substance in a cylinder and
 - (vi) prior to the application of any flame to the gas main or service this shall be pierced or drilled and the escaping gas ignited
- (c) ¹ [***]
- (d) ¹ [***]1

Observation of the Committee

The Committee feels that if Sections C and D of Rule 65 have been omitted then they can be deleted from here

The Department in their written reply stated as under

Yes may be deleted

Rule 66

“²[66 FIRE PROTECTION [Section 38] —(1) Process equipment, plant, involving serious explosion and serious fire hazards—

- (a) All processes storages equipments plants etc involving serious explosion and flash fire hazard shall be located in segregated building where the equipment shall be so arranged that only a minimum number of employees are exposed to such hazards at any one time

- (b) All industrial processes involving serious fire hazard shall be located in buildings or work places separated from one another by walls of fire resistant construction
- (c) Equipment and plant involving serious fire or flash fire hazard shall wherever possible be so constructed and installed that in case of fire they can be easily isolated
- (d) Ventilation ducts pneumatic conveyors and similar equipments involving a serious fire risk should be provided with flame-arresting or automatic fire extinguishing appliances or fire resisting dampers electrically interlocked with heat sensitive/smoke detectors and the air-conditioning plant system
- (e) In all work places having serious fire or flash fire hazards passages between machines installations or piles of material should be at least 90 cms wide For storage piles the clearance between the ceiling and the top of the pile should not be less than 2 cm

(2) Access for fire fighting

- (a) Buildings and plants shall be so laid out and roads passageways etc so maintained as to permit unobstructed access for fire fighting
- (b) Doors and window openings shall be located in suitable positions on all external walls of the building to provide easy access to the entire area within the building for fire fighting

(3) Protection against lightening

Protection from lightening shall be provided for—

- (a) building in which explosive or highly flammable substances are manufactured used handled **or stored**,
- (b) storage tanks containing oils paints or other flammable liquids
- (c) grains elevators

¹ Omitted vide Haryana Government Notification No 14/40/87 6 dated 26th June 1995 2 RULE 66 substituted vide Haryana Government Notification No 7/3/86-6 Lab dated 19th September 1988

- (d) buildings chimneys or stacks where flammable gases fumes dust or lint are likely to be present and
- (e) sub station buildings and out door transformers and switch yards

(4) Precautions against ignition

Where there is danger of fire or explosion from accumulation of flammable or explosive substances in air—

- (a) All electrical apparatus shall either be excluded from the area of risk or they shall be of such construction and so installed and maintained as to prevent the danger of their being source of ignition
- (b) effective measures shall be adopted for prevention of accumulation of static charges to a dangerous extent
- (c) workers shall wear shoes without iron or steel nails or any other exposed ferrous materials which is likely to cause sparks by friction
- (d) transmission belts with iron fasteners shall not be used
- (e) smoking lighting or carrying of matches lighters or smoking materials shall be prohibited
- (f) all other precautions as are reasonably practicable shall be taken to prevent initiation of ignition from all other possible sources such as open flames frictional sparks overheated surfaces of machinery or plants chemical or physical chemical reaction and radiant heat

(5) Spontaneous ignition

Where materials are likely to induce spontaneous ignition care shall be taken to avoid formation of air pocket and to ensure adequate ventilation The material susceptible to spontaneous ignition should be stored in dry condition and should be in heaps of such capacity and separated by such passage which will prevent fire The material susceptible to ignition and stored in the open shall be at a distance not less than 10 metres away from process or storage buildings

(6) Cylinders containing compressed gas

Cylinders containing compressed gas may only be stored in open if they are protected against excessive variation of temperature direct rays of sun or continuous dampness Such cylinders shall never be stored near highly flammable substances furnaces or hot processes The room where such cylinders are stored shall have adequate ventilation

(7) Storage of flammable liquids

- (a) The quantity of flammable liquids in any workroom shall be the minimum required for the process or processes carried on in such room Flammable liquids shall be stored in suitable containers with close fitting covers

Provided that not more than 20 litres of flammable liquids having a flash point of 21 °C or less shall be kept or stored in any work room

- (b) Flammable liquids shall be stored in closed containers and limited quantities in well ventilated room of fire resisting construction which are isolated from the remainder of the building by fire walls and self closing fire doors
- (c) Large quantities of such liquids shall be stored in isolated adequately ventilated building of fire resisting construction or in storage tanks preferably underground and at a distance from any building as required in the Petroleum Rules 1976
- (d) Effective steps shall be taken to prevent leakage of such liquids into basements sumps or drains and to confine any escaping liquid within safe limits

(8) Accumulation of flammable dust gas fume or vapour in air or flammable waste material on the floors

- (a) Effective steps shall be taken for removal or prevention of the accumulation in the air of flammable dust gas fume or vapour to an extent which is likely to be dangerous
- (b) No waste material of a flammable nature shall be permitted to accumulate on the floors and shall be removed at least once in a day or shift and more often when possible Such materials shall be placed in suitable metal containers with covers wherever possible

(9) Fire exits

- (a) In this rule
 - (i) horizontal exit means an arrangement which allows alternative egress from a floor area to an other floor at or near the same level in an adjoining building or an adjoining part of the same building with adequate separation and
 - (ii) travel distance means the distances an occupant has to travel to reach an exit
- (b) An exit may be a doorway corridor passageway to an external stairway or to a verandah or to an internal stairway segregated from the rest of building by fire resisting walls which shall provide continuous and protected means of egress to the exterior of a building or to an exterior open space An exit may also include a horizontal exit leading to an adjoining building at the same level
- (c) Lifts escalators and revolving doors shall not be considered as exits for the purpose of this sub rule
- (d) In every room of a factory exits sufficient to permit safe escape of the occupants in case of fire or other emergency shall be provided which shall be free of any obstruction
- (e) The exits shall be clearly visible and suitably illuminated with suitable arrangement wherever artificial lighting is to be adopted

for this purpose to maintain the required illumination in case of failure of the normal source of electric supply

- (f) The exits shall be marked in a language understood by the majority of the workers
- (g) Iron rung ladders or spiral staircases shall not be used as exit staircases
- (h) Fire resisting doors or roller shutters shall be provided at appropriate
- (i) places along the escape routes to prevent spread of fire and smoke particularly at the entrance of lifts or stairs where funnel or flue effect may be created inducing an upward spread of fire
- (j) All exits shall provide continuous means of egress to the exterior of a building or to an exterior open space leading to a street
- (k) Exits shall be so located that the travel distance to reach at least one of them on the floor shall not exceed 30 metres. In case of those factories where high hazard materials are stored or used the travel distance to the exit shall not exceed 22.5 metres and there shall be at least two ways of escape from every room however small except toilet rooms so located that the points of access thereto are out of or suitably shielded from areas of high hazard
- (l) Wherever more than one exit is required for any room space or floor exits shall be placed as remote from each other as possible and shall be arranged to provide direct access to separate directions from any point in the areas served
- (m) The unit of exit width used to measure capacity of any exit shall be 50 cm. A clear width of 25 cm shall be counted as an additional half unit. Clear width of less than 25 cm shall not be counted for exit width
- (n) Occupants per unit width shall be 50 for stairs and 75 for doors
- (o) For determining the exits required the occupant load shall be reckoned on the basis of actual number of occupants within any floor area or 10 square metres per person whichever is more
- (p) There shall not be less than two exits serving every floor area above and below the ground floor and at least one of them shall be an internal enclosed stairway
- (q) For every building or structure used for storage only and every section thereof considered separately shall have access to at least one exit so arranged and located as to provide a suitable means of escape for any person employed therein and in any such room wherein more than 10 persons may be normally present at least two separate means of exit shall be available as remote from each other as practicable
- (r) Every storage area shall have access to at least one means of exit which can be readily opened

- (s) Every exit doorway shall open into an enclosed stairway horizontal exit on a corridor or passageway providing continuous and protected means of egress
- (t) No exit doorway shall be less than 100 cm in width doorways shall be not less than 200 cm in height
- (u) Exit doorways shall open outwards that is away from the room but shall not obstruct the travel along any exit No door when opened shall reduce the required width of a stairway or landing to less than 90 cm Overhead or sliding doors shall not be installed for this purpose
- (v) An exit door shall not open immediately upon a flight of 1 stairs A landing at least 1.5 m x 1.5 m in size shall be provided in the stairway to each doorway The level of 1 landing shall be the same as that of the floor which it serves
- (w) The exit doorways shall be openable from the side which they serve without the use of a key
- (x) Exit corridors and passageways shall be of a width not less than the aggregate required width of exit doorways leading from there in the direction of travels the exterior
- (y) Where stairways discharge through corridors and passageways the height of the corridors and passageways shall not be less than 2.4 metres
- (aa) A staircase shall not be arranged round a lift shaft unless the latter is totally enclosed by a material having a fire resistance rating not lower than that of the type of construction of the former
- (bb) Hollow combustible construction shall not be permitted
- (cc) The minimum width of an internal staircase shall be 100 cm
- (dd) The minimum width of treads without nosing shall be 25 cm for an internal staircase The treads shall be constructed and maintained in a manner to prevent slipping
- (ee) The maximum height of a riser shall be 19 cm and the number of risers shall be limited to 12 per flight
- (ff) Hand rails shall be provided with minimum height of 100 cm and shall be firmly supported
- (gg) The use of spiral staircase shall be limited to low occupant load and to a building of height of 9 metres unless they are connected to platform such as balconies and terraces to allow escape or pause A spiral staircase shall not be less than 300 cm in diameter and have adequate headroom
- (hh) The width of a horizontal exit shall be same as for the exit doorways
- (ii) The horizontal exit shall be equipped with at least one fire door of self closing type
- (jj) The floor area on the opposite or refuge side of a horizontal exit shall be sufficient to accommodate occupants of the floor areas

served allowing not less than 0.3 square meters per person. The refuge area shall be provided with exits adequate to meet the requirements of this sub rule. At least one of the exits shall lead directly to the exterior or street.

- (kk) Where there is difference in level between connected areas for horizontal exit ramps not more than 1 in 8 slope shall be provided. For this purpose steps shall not be used.
- (ll) Doors in horizontal exits shall be openable at all times.
- (mm) Ramps with a slope of not more than 1 in 10 may be substituted for the requirements of staircase. For all slopes exceeding 1 in 10 and wherever the use is such as to involve danger of slipping the ramp shall be surfaced with non slipping material.
- (nn) In any building not provided with automatic fire alarm a manual fire alarm system shall be provided if the total capacity of the building is over 500 persons or if more than 25 persons are employed above or below the ground floor except that no manual fire alarm shall be required in one storey buildings where the entire area is undivided and all parts thereof are clearly visible to all occupants.

10 First aid fire fighting arrangements—(a) In every factory there shall be provided and maintained adequate and suitable fire fighting equipments for fighting fire in early stages those being referred to as first aid fire fighting equipments in this rule.

- (b) The types of first aid fire fighting equipments to be provided shall be determined by considering the different types of fire risks which are classified as follows:
 - (i) **Class A fire**—Fire due to combustible materials such as wood, textiles, paper, rubbish and the like.
 - 1 **Light hazard—Occupancies** like offices, assembly halls, canteens, rest rooms, ambulance rooms and the like.
 - 2 **Ordinary hazard—Occupancies** like saw mills, carpentry shop, small timber yards, bookbinding shops, engineering workshop and the like.
 - 3 **Extra hazard—Occupancies** like large timber yards, godowns storing fibrous materials, flour mills, cotton mills, jute mills, large wood working factories and the like.
 - (ii) **Class B fire**—Fire in flammable liquids like oil, petroleum products, solvents, grease, paints etc.
 - (iii) **Class C fire**—Fire arising out of gaseous substances.
 - (iv) **Class D fire**—Fire from reactive chemicals, active metals and the like.
 - (v) **Class E fire**—Fire involving electrical equipment and machinery and the like.

- (c) The number and types of first aid fire fighting equipment to be provided for light hazard occupancy shall be as given in Schedule I For ordinary hazard or extra hazard occupancies equipment as given in paragraph 12 shall be provided in addition to that given in Schedule I
- (d) The first aid fire fighting equipment shall conform to the relevant Indian Standards
- (e) As far as possible the first aid fire fighting equipment shall all be similar in shape and appearance and shall have the same method of operation
- (f) All first aid fire fighting equipment shall be placed in a conspicuous position and shall be readily and easily accessible for immediate use Generally these equipment shall be placed as near as possible to the exits or stair landing or normal routes of escape
- (g) All water buckets and bucket pump type extinguishers shall be filled with clean water All sand buckets shall be filled with clean dry and fine sand
- (h) All other extinguishers shall be charged appropriately in accordance with the instructions of the manufacturer
- (i) Each first aid fire fighting equipment shall be allotted serial number by which it shall be referred to in the records The following details shall be painted with white paint on the body of each equipment
 - 1 Serial number
 - 2 Date of last refilling and
 - 3 Date of last inspection
- (j) First aid fire fighting equipment shall be placed on platforms or in cabinets in such a way that their bottom is 750 mm above the floor level Fire buckets shall be placed on hooks attached to a suitable stand or wall in such a way that their bottom is 750 mm above the floor level Such equipment if placed outside the building shall be under sheds or covers
- (k) All extinguishers shall be thoroughly cleaned and recharged immediately after discharge Sufficient refill material shall be kept readily available for this purpose at all times
- (l) All first aid fire fighting equipment shall be subjected to routine maintenance inspection and testing to be carried out by properly trained persons Periodicity of the routine maintenance

inspection and test shall conform to the relevant Indian Standards

(11) Other fire fighting arrangements —(a) In every factory adequate provision of water supply for fire fighting shall be made and where the amount of water required in litres per minute as calculated from the formula $A+B+C+D$ divided by 20 is 550 or more power driven trailer pumps of adequate capacity to meet the requirement of water as calculated above shall be provided and maintained

In the above formula—

- A = The total area in square meters of all floors including galleries in all building of the factory
- B = The total area in square meters of all floors and galleries including open spaces in which combustible materials are handled or stored
- C = The total area in square meters of all floors over 15 meters above ground level and
- D = The total area in square meters of all floors of all buildings other than those of fire resisting construction

Provided that in areas where the fire risk involved does not require use of water such areas under B C or D may for the purpose of calculation be halved

Provided further that where the areas under B C or D are protected by permanent automatic fire fighting installations approved by any fire association or fire insurance company such areas may for the purpose of calculation be halved Provided also that where the factory is situated at not more than 3 kilometers from an established city or town fire service the pumping capacity based on the amount of water arrived at by the formula above may be reduced by 25% but no account shall be taken of this reduction in calculating water supply required under clause (a)

- (b) Each trailer pump shall be provided with equipment as per Schedule II appended to this rule Such equipment shall conform to the relevant Indian Standards
- (c) Trailer pump shall be housed in a separate shed or sheds which shall be sited close to a principal source of water supply in the vicinity of the main risks of the factory
- (d) In factories where the area is such as cannot be reached by man hauling of trailer pumps within reasonable time vehicles with towing attachment shall be provided at the scale of one for every four trailer pumps with a minimum of one such vehicle kept available at all times
- (e) Water supply shall be provided to give flow of water as required under clause (a) for at least 100 minutes At least 50% of this water supply or 450 000 litres whichever is less shall be in the form of static tanks of adequate capacities (not less than 450 000 litres each)

distributed round the factory with due regards to the potential fire risks in the factory Where piped supply is provided the size of the main shall not be less than 15 centimeters diameter and it shall be capable of supplying a minimum of 4 500 litres per minute at a pressure of not less than 7 kilograms per square centimetre

- (f) All trailer pumps including the equipment provided with them and the vehicles for towing them shall be maintained in good condition and subjected to periodical inspection and testing as required

(12) Personnel in charge of equipment and for firefighting, fire drills, etc —

- (a) The first aid and other fire fighting equipment to be provided as required in sub rules 10 & 11 shall be in charge of a trained responsible person

- (b) Sufficient number of persons shall be trained in the proper handling of fire fighting equipment as referred to in clause (a) and their use against the types of fire for which they are intended to ensure that adequate number of persons are available for fire fighting both by means of first aid fire fighting equipment and others Such persons shall be provided with clothing and equipment including helmets belts and boots preferably gumboots Wherever vehicles with towing attachment are to be provided as required in clause (d) of sub rule (11) sufficient number of persons shall be trained in driving these vehicles to ensure that trained persons are available for driving them whenever the need arises

- (c) Fire fighting drills shall be held as often as necessary and at least once in every period of 2 months

(13) Automatic sprinklers and fire hydrants shall be in addition and not in substitution of the requirements in sub rules (10) and (11)

(14) IF THE CHIEF INSPECTOR IS SATISFIED in respect of any factory or any part of the factory that owing to the exceptional circumstances such an inadequacy of water supply or infrequency of the manufacturing process or for any other reason to be recorded in writing all or any of the requirement of the rule are impracticable or not necessary for the protection of workers he may by order in writing (which he may at his discretion revoke) exempt such factory or part of the factory from all or any of the provisions of the rule subject to conditions as he may by such order prescribe

SCHEDULE—I

FIRSTAID FIREFIGHTING EQUIPMENT

(1) The different type of fires and first aid fire fighting equipments suitable for use on them are as under

Sr No	Class of Fire	Suitable Type of Appliances
A	Fires in ordinary combustibles (Wood vegetable fires paper and the like)	Chemical Extinguishers of Soda acid Gas/expelled water and antifreeze typed and water buckets
B	Fires in flammable liquids paints grease solvents and the like	Chemical extinguishers of foam carbon dioxide and dry power types and sand buckets
C	Fires in gaseous substances under pressure	Chemical Extinguishers of carbon dioxide and dry power type
D	Fires in reactive Chemicals active metals and the like	Special type of dry power extinguishers and sand buckets
E	Fires in electrical equipments	Chemical extinguishers of carbon dioxide and dry power type and sand buckets

(2) One 9 litres water buckets shall be provided for every 100 sq m of the floor area or part thereof and one 9 litres water type extinguishers shall be provided to six buckets or part thereof with a minimum of one extinguisher and two buckets per compartment of the building Buckets may be dispensed with provided supply of extinguishers is double of that indicated above

(3) Acceptable replacements for water buckets and water type extinguishers in occupancies where Class B fires are anticipated e as under

Acceptable Replacements	Buckets of Water		Water Type Extinguishers
	For one bucket	For three buckets	
Dry Sand Carbon dioxide	1 bucket 3 kg (07 lbs)	3 bucket 9 kg (or 20 lb)	For each 9 liters (or 2 gallons) extinguishers
Dry Power	2 kg(or 5 lbs)	5 kg (or 11 lbs)	5 kg (or 11 lbs _ (in one or more extinguishers)
Foam Extinguishers	8 liters or 2 gallons	9 liters (or 2 gallons)	9 liters (or 2 gallon)

(4) The following provision shall be complied with where Class B fires are anticipated

- (a) For rooms containing electrical transformers switchgears motors and/or other electrical apparatus only not less than 2 kg Dry powder or carbon dioxide type extinguishers shall be provided within 15 m of the apparatus
- (b) Where motors and/or other electrical equipments are installed in rooms other than those containing such equipment only one 5 kg dry powder or carbon dioxide extinguisher shall be installed within 15m of such equipment in addition to the requirements mentioned at (2) and (3) above For this purpose the same extinguisher may be deemed to afford protection to all apparatus within 15m thereof
- (c) Where electrical motors are installed on platforms one 2 kg dry powder or carbon dioxide type extinguisher shall be provided on or below each platforms In case of a long platform with a number of motors one extinguisher shall be acceptable as adequate for every 3 motors on the common platform The above requirements will be in addition to the requirements mentioned at items (2) and (3) above

(5) The first aid fire fighting equipments shall be so distributed over the entire floor area that a person has to travel not more than 15 m to reach the nearest equipment

(6) Selection of sites for the installation of first aid fire fighting equipment

- (a) While selecting sites for first aid fire fighting equipment due consideration shall be given to the nature of the risk to be covered The equipment shall be placed in conspicuous position and shall be readily accessible for immediate use in all parts of the occupancy It should always be borne in mind while selecting sites that first aid fire fighting equipments are intended only for use in incipient fires and their values may be negligible if the fire is not extinguished or brought under control in the early stages
- (b) Buckets and extinguishers shall be placed at convenient and easily accessible location either on hangers or on stands in such a way that their bottom is 750 mm above the floor level

(7) The operating instructions of the extinguishers shall not be defaced or obliterated In case the operating instructions are obliterated or have become illegible due to passage of time fresh transfers of the same shall be obtained from the manufacturers of the equipment and affixed to the extinguishers

SCHEDULE II**EQUIPMENT TO BE PROVIDED WITH TRAILER PUMP****A For light trailer pump of a capacity of 680 litres/minute**

- 1 Armored suction hose of 9 meters length with wrenches
- 1 Metal suction strainer
- 1 Basket strainer
- 1 Two way suction collecting head
- 1 suction adapter
- 10 Unlined or rubber line 70 mm delivery hose of 25 metres length complete with quick release couplings
- 1 Dividing breaching piece
- 2 Brach piece with 15 mm nozzles
- 1 Diffuser nozzle
- 1 Standpipe with blank cap
- 1 Hydrant key
- 4 Collapsible canvas buckets
- 1 Fire hock (preventor) with cutting edge
- 1 25 mm manila rope of 30 metres length
- 1 Extension ladder of 9 metres length (where necessary)
- 1 Heavy axe
- 1 Spade
- 1 Pick axe
- 1 Crowbar
- 1 Saw
- 1 Hurricane lamp
- 1 Electric torch
- 1 Pair rubber gloves

B For large trailer pump of capacity of 1800 litres/minute

- 1 Armoured suction hose of 9 metres length with wrenches
- 1 Metal strainer
- 1 Basket strainer
- 1 Three way suction collecting head
- 1 Suction adapter
- 14 Unlined or rubber lined 70 mm delivery hose of 25 metres length complete with quick release
- 1 Driving breaching piece
- 1 Collecting breaching piece

- 4 Branch pipes with one 25 mm two 20 mm and one diffuser nozzles
- 2 Standpipe with blank cap
- 2 Hydrant key
- 6 Collapsible canvas buckets
- 1 Ceiling hook (preventor) with cutting edge
- 1 50 mm manila rope of 30 length (where necessary)
- 1 Extension ladder of 9 metres length (where necessary)
- 1 Heavy axe
- 1 Spade
- 1 Pick axe
- 1 Crow bar
- 1 Saw
- 1 Hurricane lamp
- 1 Electric Torch
- 1 pair rubber gloves

Note If it appears to the Chief Inspector of factories that in any factory the provision of breathing apparatus is necessary he may by order in writing require the occupier to provide suitable breathing apparatus in addition to the equipment for light trailer pump or large trailer pump as the case may be

66 SAFETY OFFICER [Section 40(b)]—¹(1) *There shall be one Safety Officer for factories employing between 1000 to 2000 workers. There shall be an additional Safety Officer for every additional 2000 workers or fraction thereof over one thousand.*

(2) **Qualifications —**

- (a) A person shall not be eligible for appointment as a Safety Officer unless he —
- (i) possesses a recognised degree in any branch of engineering or technology and has practical experience of working in a factory in a supervisory capacity for a period of not less than two years or possesses a recognised degree in physics or chemistry and has had practical experience of working in a factory in a supervisory capacity for a period of not less than 5 years or possess a recognised diploma in any branch of engineering or technology and has had practical experience of working in factory in a supervisory capacity for a period of not less than 5 years
 - (ii) possess a degree or diploma in industrial safety recognised by the State Government in this behalf and
 - ²(iii) has adequate knowledge of Hindi
- (b) Notwithstanding the provisions contained in clause (a) any person who—
- Possesses a recognised degree or diploma in engineering or technology and has had experience of not less than 5 years in a department of the Central or State Government which deals with the administration of the factories Act 1948 or the Indian Dock Labourers Act 1934 Or

¹ Ins vide Hr Govt Noti No G S R 117/C A 63/48/S 112/Amd (2)/82 dated 13th October 1982

²Inserted vide Haryana Government Notification No 14/40/87 6 Lab dated 26th June 1995

Possesses recognised degree or diploma in engineering or technology and has had experience of not less than 5 years full time on training education consultancy or research in the field of accident prevention in industry or in any institution shall also be eligible for appointment as a Safety Officer

Note Although Rule 66 containing the provision of Safety Officer in sub rule (4) was substituted yet considering the amendment vide Haryana Government Notification No 14/ 40/87-6 Lab dated 16th January 1995 the sub rule is retained

Provided that the Chief Inspector may subject to such conditions as he may specify grant exemption from the requirements of this sub rule if in his opinion a suitable person possessing the necessary qualifications and experience is not available for appointment

Provided further that in the case of a person who has been working as a Safety Officer for a period not Less than 3 years on the date of commencement of this rule the Chief Inspector may subject to such conditions as he may specify relax all or any of the above said qualifications

(3) Conditions of Service —(a) Where the number of Safety Officers to be appointed in a factory [***] exceeds one one of them shall be designated as the Chief Safety Officer and shall have a status higher than that of the others The Chief Safety Officer shall be in overall charge of the safety functions as envisaged in sub rule (4) the other Safety Officers working under his control

- (b) The Chief Safety Officer or the Safety Officer in the case of factories where only one Safety Officer is required to be appointed shall be given the status of a senior executive and he shall work directly under the control of the Chief Executive of factory All other Safety Officers shall be given appropriate status to enable them to discharge their functions effectively
- (c) The scale of pay and the allowances to be granted to the Safety Officers including the Chief Safety Officer and the other conditions of their service shall be the same as those of the other officers of corresponding status in the factory
- (d) In the case of dismissal or discharge a Safety Officer shall have a right to appeal to the State Government whose decision thereon shall be final

(4) Duties of Safety Officers —The duties of Safety Officers shall be to advise and assist the factory management in the fulfilment of its obligations statutory or otherwise concerning prevention of personal injuries and maintaining a safe working environment These duties shall include the following namely —

¹Omitted vide Haryana Government Notification No 14/40/87 6 Lab dated 26th June 1995

- (i) to advise the concerned departments in planning and organizing measures necessary for the effective control of personal injuries
- (ii) to advise on safety aspect in all job studies and to carry out detailed job safety studies of selected jobs
- (iii) to check and evaluate the effectiveness of the action taken or proposed to be taken to prevent personal injuries
- (iv) to advise the purchase and store departments in ensuring high quality and availability of personal protective equipment
- (v) to provide advice on matters relating to carrying out plant safety inspections in order to observe the physical conditions of work and the work practices and procedure followed by worker and to render advice on measures to be adopted for removing the unsafe physical conditions and preventing unsafe actions by workers
- (vi) to render advice on matters related to reporting and investigation of industrial accident and diseases
- (vii) to investigate [**] accidents
- (viii) to investigate the cases of industrial disease contracted and dangerous occurrence reportable under Rule 103
- (ix) to advise on the maintenance of such records as are necessary relating to accidents dangerous occurrences and industrial diseases
- (x) to promote setting up of safety committees and act as adviser and catalyst to such committees
- (xi) to organise in association with the concerned department campaigns competitions contest and other activities which will develop and maintain the interest of the workers in establishing and maintaining safe conditions of work and procedures and
- (xii) to design and conduct either independently or in collaboration with the training department suitable training and educational programmes for the prevention of personal injuries

(5) Facilities to be provided to Safety Officers —An occupier of the factory shall provide the Safety Officer with such facilities equipment and information as are necessary to enable him to discharge his duties effectively

(6) Prohibition of performance of other duties —No Safety Officer shall be required or permitted to do any work which is inconsistent with or detrimental to the performance of the duties prescribed in sub rule (4)

¹Omitted vide Haryana Government Notification No 14/40/87 6 Lab dated 26th June 1995

Note Although Rule 66 containing the provision of Safety Officer in sub rule (4) was substituted yet considering the amendment vide Haryana Government Notification No 14/ 40/87 6 Lab dated 16th January 1995 the sub rule is retained

¹66 A Building and Structures [Section 41]—No building wa chimney bridge tunnel road gallery stairway ramp floor platform staging or the structure whether of a permanent or temporary ²[nature] shall be constructed situated or maintained in any factory in such a manner as to cause risk of life or of bodily injury

¹66 B MACHINERY AND PLANTS [section 41] —No machinery plant or equipment shall be constructed situated operated or maintained in any factory in such a manner as to cause ³[risk of life or of bodily injury]

¹66 C [METHODS OF WORK [Section 41] —No process or work shall be carried on in any factory in such a manner as to cause ³[risk of life or bodily injury]

¹66 D STACKING AND STORING OF MATERIALS ETC [Section 41] — No materials or requirement shall be stacked or stored in such a manner as to cause ³[risk of life or bodily injury]

⁴[66 E OVENS AND DRIERS [Section 41 and 112]—(1) Application
This rule shall apply to ovens and driers except those used in laboratories or kitchens of any establishment and those which have a capacity below 325 litres

(2) Definition —For the purpose of this rule 'oven or drier' means any enclosed structure receptacle compartment or box which is used for baking drying or otherwise processing of any article or substance at a temperature higher than the ambient temperature of the air in the room or space in which the oven or drier is situated and in which a flammable or explosive substance is likely to be evolved within the enclosed structure receptacle compartment or box or part thereof on account of the article or substance which is baked dried or otherwise processed within it

(3) Separate electrical connection —Electrical power supplied to every oven or drier shall be by means of a separate circuit provided with an isolation switch

(4) Design, construction, examination and testing —(a) Every oven or drier shall be properly designed on sound engineering practice and be of good construction sound materials and adequate strength free from any patent defects and safe if properly used

(b) No oven or drier shall be taken into use in a factory for the first time unless a competent person has thoroughly examined all its parts and carried out the tests as are required to establish that the necessary safe system and controls provided for safety in operation for the processes for which it is to be used and a certificate of such examination and tests signed by that competent person has been obtained and kept available for inspection

¹Ins vide Hr C/Ovt Noti No G S R 31/C A 63/48/S 112/75 dated 26th March 1975

²Ins vide Haryana Government Notification No 14/40/87 6 Lab dated the 26th June 1995

³Subs vide Hr Govt Noti No 14140/87 6 Lab dated the 26th June 1995

⁴Subs vide Hr Govt Noti No G S R 51/C A 63/48/S 112/115/93 dated 27th August 1993

- (c) All parts of an oven or drier which has undergone any alteration or repair which has effect of modifying any of the design characteristics shall not be used unless a thorough examination and tests as have been mentioned in clause (b) has been carried out by a competent person and a certificate of such examination and tests signed by that competent person has been obtained and is kept available for inspection

(5) Safety ventilation

- (a) Every oven or drier shall be provided with a positive and effective safety ventilation system using one or more motor driven centrifugal fans so as to dilute any mixture of air and any flammable substance that may be formed within the oven or drier and maintain the concentration of the flammable substance in the air at a safe level of dilution
- (b) The safe level of dilution referred to in clause (a) shall be so as to achieve a concentration of the concerned flammable substance in air of not more than 25% of its lower explosive limits

Provided that a level of concentration in air up to 50% of the lower explosive limits of the concentrated flammable substance may be permitted to exist subject to installation and maintenance of an automatic device which

- (i) shows continuously the concentration of the flammable substance in air present in the oven or drier at any instant
- (ii) sounds an alarm when the concentration of the flammable substance in the air or any part of the oven or drier reaches a level of 50% its lower explosive limits and
- (iii) shuts down the heating system of the oven or drier automatically when the concentration in air of the flammable substance in any part of the oven or drier reaches a level of 60% of its lower explosive limits is provided to the oven or drier and maintained in efficient working condition
- (c) No oven or drier shall be operated without its safety ventilation system working in an efficient manner
- (d) No oven or drier shall be operated with a level of dilution less than what is referred to in clause (b)
- (e) Exhaust ducts of safety ventilation systems should be so designed and placed that the ducts discharge the mixture of air and flammable substance away from the workrooms and not near windows or doors or other openings from where the mixture could re enter the workroom
- (f) The fresh air admitted into the oven or drier by means of the safety ventilation system shall be circulated adequately by means of circulating fan or fans through all parts of the oven or drier so as to ensure that there are no locations where the flammable substance

can accumulate in the air or become pocketed to any dangerous degree

- (g) Throttling dampers in any safety ventilation system should be so designed by cutting away a portion of the damper or otherwise that the system will handle at least the minimum ventilation rate required for safety when they are set in their maximum throttling position

(6) Explosion panels —(a) Every oven or drier having an internal total space of not less than half cubic meter shall be provided with suitably designed explosion panels so as to allow release of the pressure of any possible explosion within the oven or drier through explosion vents. The area of opening to be provided by means of such vents together with the area of openings of any recess doors which are provided with suitable arrangements for their release in case of an explosion shall be not less than 2200 square centimeter for every one cubic meter of volume of the oven or drier. The design of the explosion panels and doors as above said shall be such as to secure their complete release under an internal pressure of 0.25 kg per square centimetre

(b) The explosion releasing panels shall as far as practicable be situated at the roof of the oven or drier or at those portions of the walls where persons do not remain in connection with operation of the oven or drier

(7) Interlocking arrangements —(a) In each oven or drier different interlocking arrangements shall be provided and maintained to ensure that

- (i) All ventilating fans and circulating fans whose failure would adversely affect the ventilation rate or flow pattern are in operation before any mechanical conveyor that may be provided for feeding the articles or substance to be processed in the oven or drier is put into operation
- (ii) Failure of any of the ventilation or circulating fans will automatically stop any conveyor as referred to in clause (i) as may be provided as well as stop the fuel supply by closing the shut off valve and shut off the ignition in the case of gas or oil fired ovens and in the case of electrically heated ovens switch off the electrical supply to the heaters
- (iii) The above said mechanical conveyor is set in operation before the above said shut off valve can be energised and
- (iv) The failure of the above said conveyor will automatically close the above said shut off valve in the case of ovens and driers heated by gas oil or steam and deactivate the ignition system or cut off the electrical heaters in the case of electrically heated ovens or furnaces

(8) Automatic pre ventilation Every oven or drier heated by oil gas steam or electricity shall be provided with an efficient arrangement for automatic pre ventilation consisting of at least 3 volume changes with fresh air by operation of safety ventilation fans and the circulating fans (if used) so as to effect purging

of the oven or drier of any mixture of air and a flammable substance before the heating system can be achieved and before the conveyor can be placed in position

(9) Temperature control —Every oven or drier shall be provided with an automatic arrangement to ensure that the temperature which does not exceed a safe upper limit to be decided in respect of the particular process being carried on

(10) Multistage processes —Wherever materials are to be processed in oven or driers in successive operations suitable arrangement should be provided to ensure that the operating temperatures necessary for safe operation at each stage are maintained within the design limits

(11) Combustible substance not to drip on electrical heaters or burners flame —Effective arrangements shall be provided in every oven or drier to prevent dripping of combustible substances on electric heaters or burner flame used for heating

(12) Periodical examination testing and maintenance —(a) All parts of every oven and drier shall be properly maintained and thoroughly examined and the various controls as mentioned in this rule and the working of the oven or drier tested at frequent intervals to ensure its safe operation by a responsible person designated by the occupier or manager who by his experience and knowledge of necessary precautions against risks of explosion is fit to undertake such work

(b) A register shall be maintained in which the details of the various tests carried out from time to time under clause (a) shall be entered and every entry made shall be signed by the person making the tests

(13) Training of operators —No person shall be assigned any task connected with operation of any oven or drier unless he has completed 18 years of age and he is properly trained

(14) Polymerising machines —(a) Printed fabric shall be thoroughly dried by passing them over drying cans or through hot flue or other equally effective means before the same is allowed to pass through polymerizing machines

(b) infra red ray heaters of polymerising machines shall be cut off while running the prints

66 F Reaction Vessels and Kettles [Section 41]—(1) This rule applies to reaction vessels and kettles hereinafter referred to as reaction vessels which normally work at a pressure not being above the atmospheric pressure but in which there is likelihood of pressure created above the atmosphere pressure due to reaction getting out of control or any other circumstances

(2) In the event of the vessels being heated by electrical means a suitable thermostatic control device shall be provided to prevent the temperature exceeding the safe limit

¹Inserted vide Haryana Government Notification No G S R I 17/C A 63/48 S 112/Amd (2) dated 3th October 1982

(3) Where steam is used for heating purposes in a reaction vessel it shall be supplied through a suitable pressure reducing valve or any other suitable automatic device to prevent the maximum permissible steam pressure being exceeded unless the pressure of the steam in the supply line itself cannot exceed the said maximum permissible pressure

(4) A suitable safety valve or rupture disc of adequate size and capacity shall be provided to effectively prevent the pressure being built up in the reaction vessel beyond the safe limit. Effective arrangement shall be made to ensure that the released gases, fumes, vapours, liquids or dusts, as the case may be, are led away and disposed of through suitable pipes without causing any hazard. Where flammable gases or vapours are likely to be vented out from the vessel, the discharge shall be provided with a flame arrestor.

(5) Every reaction vessel shall be provided with a pressure gauge having the appropriate range.

(6) In addition to the devices as mentioned in the foregoing provisions, means shall be provided for automatically stopping the feed into the vessels as soon as process conditions deviate from the normal limits to an extent which can be considered as dangerous.

(7) Where necessary, an effective system for cooling, flooding or blanketing shall be provided for the purpose of controlling the reaction and process conditions within the safe limits of temperature and pressure.

(8) An automatic auditory and visual warning device shall be provided for clear warning whenever process condition exceeds the present limit. This device, wherever possible, shall be integrated with automatic process correction systems.

(9) A notice pointing out the possible circumstances in which pressure above atmospheric pressure may be built up in the reaction vessel, the dangers involved and the precautions to be taken by the operators shall be displayed at a conspicuous place near the vessel.

Observation of the Committee

Rule 66 has been shown substituted vide Haryana Government Notification dated 19th September 1988. The Committee would like to discuss Rule 66 in detail at the time of oral examination of the departmental representatives.

The Department in their written reply stated as under —

To be discussed

Rule 67

"67 Ladders [Section 41] —All ladders used in replacing belts shall be specially made and reserved for that work and provided with hooks or an effective non skid device. Ladders provided with hooks must have hooks fitted in such suitable position that they rest on the shaft when the bottom end of the ladder is resting on the floor

¹67 A Safety Belts [Section 32] —When any person is required or allowed to work at a place from which he is liable to fall through height of more than 6 ft he shall be provided with a safety belt fitted with leather shoulder straps of not less than 2 in width with a D ring at the back and a rope fastened thereon. The other end of the rope shall be securely tied or hooked to suitable rigid fixture to ensure the safety of the workers. It shall be the responsibility of the occupier and manager of the factory to ensure that every worker engaged on such operation shall use these belts and other safety equipment. These belts and other equipments shall be examined and declared fit for using every six months by competent person. The record of examination of these belts and other equipment by the said competent person shall be maintained in a bound register which shall be produced on demand by an Inspector

¹[67 B Safety Committee [Section 41 G (2) and 112] — In every factory

- (a) Wherein 250 or more workers are ordinarily employed or
- (b) which carries on any process of operation declared to be dangerous under Section 87 of the Act or
- (c) which carries on hazardous process as defined under Section 2(cb) of the Act there shall be a Safety Committee
- (1) The Safety Committee shall consist of—
 - (a) a senior official who by his position in the organisation can contribute effectively to the functioning of the committee and shall be the Chairman
 - (b) a Safety officer and a factory Medical Officer wherever available and the Safety officer in such a case shall be the secretary of the Committee
 - (c) a representative each from the production maintenance and purchase departments
- (2) The workers representatives of this Committee shall be elected by the workers
- (3) The tenure of the committee shall be two years

(4) Safety committee shall meet as often as necessary but at least once in every quarter. The minutes of the meeting shall be recorded and produced to the Inspector on demand.

(5) Safety committee shall have the right to be adequately and suitably informed of—

- (a) potential safety and health hazards to which the workers may be exposed at work place
- (b) date of accidents as well as date resulting from surveillance of the working environment and of the health of workers exposed to hazardous substances so far as the factory is concerned

Provided that the Committee undertakes to use the data on a confidential basis and solely to provide guidance and advice on measures to improve the working environment and the health and safety of the workers

6 Function and duties of the Safety Committee shall include

- (a) assisting and co operating with the management in achieving the aims and objects outlined in the Health and Safety Policy of the occupier
 - (b) dealing with all matters concerning health safety and environment and to arrive at practicable solutions to problems encountered
 - (c) creating safety awareness amongst all workers
 - (d) undertaking educational training and promotional activities
 - (e) discussing reports on safety environmental and occupational health surveys safety audits risk assessment emergency and disaster management plans and implementation of the recommendation made in the report
 - (f) carrying out health and safety surveys and identifying causes of accidents
 - (g) looking into any complaint made on the likelihood of an imminent danger to the safety and health of the workers and suggesting corrective measures and
 - (h) reviewing the implementation of the recommendations made by it
- (7) Where owing to the size of the factory or any other reason the functions referred to in sub rule (6) cannot be effectively carried out by the safety committee it may establish sub committee as may be required to assist it

Observation of the Committee

The Committee would like to discuss at the time of oral examination about the new/ latest technologies for safety measures like hydraulic ladders safety belts etc those can be added/ substituted in the present rules

The Department in their written reply stated as under

Yes may be added with the certain conditions regarding safety norms

Rule 69

²69 FIRST AID APPLIANCE [Sub Section (1) of Section 45] —*The first aid boxes or cup boards shall be distinctively marked with a red cross on white background and shall contain the following equipment—*

A For factories in which the number of persons employed does not exceed ten or (in the case of factories in which mechanical power is not used) does not exceed fifty persons Each first aid box or cupboard shall contain the following equipment

- (i) Six small size sterilised dressings
- (ii) Three medium size sterilised dressings
- (iii) Three large size sterilised dressings
- (iv) Three Large size sterilised burn dressings
- (v) One (60 ml) bottle of cetrinide solution (1 per cent) or a suitable antiseptic solution
- (vi) One (60 ml) bottle of mercurochrome solution (2 per cent) in water
- (vii) One (30 ml) bottle containing salvolatile having the dose and mode of administration indicated on the label
- (viii) One pair scissors
- (ix) One roll of adhesive plaster (2 cms x 1 meter)
- (x) Six pieces of sterilised eye pads in separate sealed packets
- (xi) A bottle containing 100 tablets (each of 5 grams) of Aspirin or any other analgesic
- (xii) Polythene wash bottle (1/2 Litre i e 500 cc) for washing eyes
- (xiii) A snakebite lancet
- (xiv) One (30 ml) bottle containing potassium permanganate crystals
- (xv) One copy of First Aid Leaflet issued by the Directorate General of Factory Advice Service and Labour Institutes Government of India Bombay
- (xvi) One set of Resuscitator (for artificial respiration)
- (xvii) ¹[(xvii) 6 sterilised cotton rolls of 5 gm each
- (xviii) Band aid strips 12 nos
- (xix) Magnet for removing foreign body from eyes

- (xx) 100 tablets of Aspirin Paracetamol Paroxyn Toxiwin
- (xxi) Two kits pain aid sprays
- (xxii) Soda bicarbonate solution
- (xxiii) Six packs electoral powder
- (xxiv) One roll of elasto plast adhesive plaster]

B For factories in which mechanical power is used and in which the number of persons employed exceeds 10 but does not exceed 50 Each first aid box or cupboard shall contain the following equipment

- (i) Twelve small size sterilized dressings
- (ii) Six medium size sterilised dressings
- (iii) Six large size sterilised dressings
- (iv) Six large size sterilised burn dressings
- (v) Six (15 gm) packets of sterilised cotton wool
- (vi) One (120 ml) bottle of cetrimide solution (1 per cent) or a suitable antiseptic solution
- (vii) One (120 ml) bottle of mercurochrome solution (2 per cent) in water
- (viii) One (60 ml) bottle containing salvolatile having the dose and mode of administration indicated on the label
- (ix) One pair scissors
- (x) Two rolls of adhesive plaster (2 cms x 1 meter)
- (xi) Eight pieces of sterilised eye pads in separate sealed packets
- (xii) One tourniquet
- (xiii) One dozen safety pins
- (xiv) A bottle containing 100 tablets each (of 5 grams) Aspirin or any other analgesic
- (xv) One polythene wash bottle (1/2 litre i.e 500 cc) for washing eyes
- (xvi) A snakebite lancet
- (xvii) One (30 ml) bottle containing potassium permanganate crystals
- (xviii) One copy of First Aid Leaflet by the Directorate General of Factory Advice Service and Labour Institutes Bombay
- (xix) One set of Resuscitator (for artificial respiration)

- ¹[(xx) Band Aid strips 12 nos
 (xx) Magnet for removing foreign body from eyes
 (xxi) 100 tablets of Aspirin Paracetamol Paroxyn Toxiwin
 (xxii) Soda Bicarbonate solution
 (xxiii) Six packs electrol powder
 (xxiv) One roll of elastoplasts adhesive plaster]

C For factories employing more than 50 persims each First aid box or cupboard shall contain the following equipment --

- (i) Twenty-four small sterilised dressings
- (ii) Twelve medium size sterilized dressings
- (iii) Twelve large size sterilised dressings
- (iv) Twelve large size sterilized burn dressings
- (v) Twelve (15 gin) packets of sterilised cotton wool
- (vi) 200 ml) bottle of cetrimide solution (1 per cent) a suitable antiseptic solution
- (vii) One (200 ml) bottle of mercurochrome (2 per cent) solution in water
- (viii) One (120 ml) bottle of salvolatile having the dose and mode of administration indicated on the label
- (ix) One pair scissors
- (x) One roll of adhesive plaster (6 cms x 1 meter)
- (xi) Two rolls of adhesive plaster (2 cms x 1 meter)
- (xii) Twelve pieces of sterilised eye pads in separate sealed packets
- (xiii) A bottle containing 100 tablets (each 5 grams) of Aspirin or any other analgesic
- (xiv) One polythene wash bottle (500 cc) for washing eyes
- (xv) Twelve roller bandages 10 cms wide
- (xvi) Twelve roller bandages 5 cms wide
- (xvii) Six triangular bandages
- (xviii) One tourniquet
- (xix) A supply of suitable splints
- (xx) Two packets of safety pins
- (xxi) Kidney tray
- (xxii) A snakebite lancet

- (xxiii) One (30 ml) bottle contain_ing potassium permanganate crystals
- (xxiv) First aid leaflet issued by the Directorate General of Factory Advice Service and Labour Institute Bombay
- (xxv) One set of Resuscitator (for artificial respiration)
- [(xxvi) Band Aid strips 12 nos
- (xxvii) Magnet for removing foreign body from eyes
- (xxviii) 100 tablets of Aspirin Paracetamol Paroxyn Toxiwin
- (xxix) Two kits pain aid sprays
- (xxx) Six packs electrol powder
- (xxxi) One roll of elastoplasts adhesive plaster]

Provided that items (xiv) to (xxi) inclusive need not to be included in the standard first-aid box or cupboard (a) where there is a properly equipped ambulance room or (b) if at least one box containing such items and placed and maintained in accordance with the requirements of Section 45 is separately provided

Provided further that where the Chief Inspector is satisfied he may reduce the number of resuscitator in the first aid boxes where Ambulance Room with Resuscitator apparatus is maintained

D In lieu of the dressings required under items (i) and (ii) there may be substituted adhesive wound dressing approved by the Chief Inspector of Factories and other equipment or medicine that may be considered essential and recommended by the Chief Inspector of Factories from time to time

¹69 A Notice regarding First Aid [Section 45]—A notice containing the names of the persons working within the precincts of the factory who are trained in first-aid treatment and who are in charge of the first aid boxes or cup boards shall be pasted in every factory at a conspicuous place and near each such box or cupboard The notice shall also indicate workroom where the said person shall be available The name of the nearest hospital and its telephone number shall also be mentioned prominently in the said notice

²(69 B First Aid Treatment to injured person [Section 45]—First aid treatment to injured person working within the precincts of the factory sustaining injury shall be given first aid treatment by any person trained in first aid

Observation of the Committee

The Committee would like to know at the time of oral examination about the new equipments and medicines used in the first-aid treatment given to the injured person

The Department in their written reply stated as under —

Yes in consultation with the Health Experts

Rule 70

³70 Ambulance Room [Section 45]—(1) The Ambulance room or dispensary shall be in the charge of a qualified medical practitioner assisted by at least one qualified nurse and such subordinate staff as the Chief Inspector may direct

(2) There shall be displayed in the ambulance room or dispensary a notice giving the name address and telephone number of the medical practitioner in charge. The name of nearest hospital and its telephone number shall also be mentioned prominently in the said notice

(3) The ambulance room or dispensary shall be separate from the rest of the factory and shall be used only for the purpose of first-aid treatment and rest. It shall have a floor area of at least 24 sq metres and smooth hard and impervious walls and floors shall be adequately ventilated and lighted by both natural and artificial means. An adequate supply of wholesome drinking water shall be made and the room shall contain at least

- (i) A glazed sink with hot and cold water always available
- (ii) A table with a smooth top at least 180cms x 105 cms
- (iii) Means for sterilising instruments
- (iv) A couch
- (v) Two stretchers
- (vi) Two buckets or containers with close fitting lids
- (vii) A kettle spirit stove or other suitable means of boiling water
- (viii) Two rubber hot water bags
- (ix) Twelve plain wooden splints 900 mm x 100 mm x 6 mm
- (x) Twelve plain wooden splints 350 mm x 75 mm x 6 mm
- (xi) Six plain wooden splints 250 mm x 50 mm x 12 mm
- (xii) Six woollen blankets
- (xiii) Three pairs artery forceps
- (xiv) One bottle of Spiritus Ammoniae Aromaticus (120 ml)
- (xv) Smelling salts (60 gms)
- (xvi) Two medium size sponges
- (xvii) Six hand towels
- (xviii) Four kidney trays
- (xix) Four cakes of toilet preferably antiseptic soap
- (xx) Two glass tumblers and two wine glasses
- (xxi) Two clinical thermometers

- (xxii) Tea Spoons—two
- (xxiii) Graduated (120 ml) measuring glass—two
- (xxiv) Minimum measuring glasses—two
- (xxv) One wash bottle (1000 cc) for washing eyes
- (xxvi) One bottle (one litre) carbolic lotion 1 in 20
- (xxvii) Three chairs
- (xxviii) One screen
- (xxix) One electric hand torch
- (xxx) Four first aid boxes or cupboards stocked to the standard prescribed under C of Rule 69
- (xxxi) An adequate supply of anti tetanus toxide
- (xxxii) Injections Morphia Pethidine Atropine Adrenaline
Coramine Novocam 6 each
- (xxxiii) Corine Liquid (60 ml)
- (xxxiv) Tablets antihistaminic antispasmodic—(25 each)
- (xxxv) Syringes with needles 2 cc 5 cc 10 cc 50 cc
- (xxxvi) Surgical Scissors—three
- (xxxvii) Needle holder
- (xxxviii) Suturing needles and material
- (xxxix) Dissecting forceps three
- (xl) Dressing forceps three
- (xli) scalpels three
- (xlii) Stethoscope—one
- (xliii) Rubber bandage –Pressure bandage
- (xliv) Oxygen cylinder with necessary attachment
- (xlv) One Blood Pressure Apparatus
- (xlvi) One stethoscope
- (xlvii) One Patellar Hammer
- (xlviii) One peak flow meter for lung function measurement
- (xlix) One stomach wash set
- (l) One E C G machine]

(4) The occupier of every factory to which these Rules apply shall for the purpose of removing serious cases of accident or sickness provide in the premises and maintain in good condition a suitable conveyance unless he has made arrangement for obtaining such a conveyance from a hospital

Explanation—For the purposes of this rule 'qualified medical practitioner' means a person holding a qualification granted by an authority specified in the Schedule to the Indian Medical Degrees Act 1916 or in the Schedule to the Indian Medical Council Act 1956

²[(5) The Chief Inspector of Factories may by an order in writing exempt any factory from the requirements of this rule subject to such conditions as he may specify in that order if a hospital ambulance room or a dispensary is maintained at or within 200 metres of the precincts of the factory such arrangements are made as to ensure the immediate treatment of all injuries sustained by workers within the factory and for providing rest to the workers so injured]

Observation of the Committee

At the time of oral examination the Committee would like to discuss in detail about Rule 70 Ambulance Room

The Department in their written reply stated as under

To be discussed

Rule 72

72 Dining Hall[section 46]—(1) *The dining hall shall normally accommodate at a time 20 per cent of the workers working at a time*

Provided that in any particular factory or in any particular class of factories the Chief Inspector by an order in writing in this behalf alter the percentage of workers to be accommodated

(2) The floor area of the dining hall excluding the area occupied by the service counter and any furniture except tables and chairs shall be not less than 8 square feet per diner to be accommodated as prescribed in sub rule (1)

(3) A portion of the dining hall and service counter shall be partitioned off and reserved for women workers in proportion to their numbers Washing places for women shall be separate and screened to secure privacy

(4) Sufficient tables chairs or benches shall be available for the number of diners to be accommodated as prescribed in sub rule (1)

Observation of the Committee

The Committee observed that in the third line of Rule-72 Sub section (5) the word and wash rooms may be added after the words washing places

The Department in their written reply stated as under

Yes may be added

Rule 74 76

'74 PRICES TO RECHARGED [section 46] (1) Food drink and other items served in the canteen shall be sold on a non profit basis and the price charged shall be subject to the approval of the Canteen Managing Committee

¹[(2) In computing the price referred in sub rule (1) the following items of expenditure shall not be taken into consideration but will be borne by the occupier

- (a) the rent for the land and building
- (b) the depreciation and maintenance charges of the building and equipment provided for the canteen
- (c) the cost of purchase repairs and replacement of equipment including furniture crockery cutlery and utensils
- (d) the water charges and expenses for providing lighting and ventilation
- (e) the interest on the amount spent on the provision and maintenance of the building furniture and equipment provided for the canteen
- (f) the cost of fuel required for cooking or heating foodstuffs or water and
- (g) the wages of the employees serving in the canteen and the cost of uniforms if any provided to them]

²[3 The charges per portion of foodstuff beverages and any other items served in the canteen shall be conspicuously displayed in the canteen

³*[Provided that where the Canteen is managed by Co operative Society of Workers registered under the Punjab Co operative Societies Act 1954 (Punjab Act XIV of 1955) it may be allowed to include in the charges to be made for the foodstuffs served a profit up to 5 per cent on its working capital employed in running the canteen]*

75 ACCOUNTS [section 46]—(1) All books of accounts registers and any other documents used in connection with the running of canteen shall be produced on demand to an Inspector

⁴(2) The accounts pertaining to the canteen shall be audited once every 12 months by registered Accountants and Auditors and shall be submitted to the Canteen Managing Committee not later than two months after the closing of the audited accounts (*provided that* the accounts pertaining to the canteen in a Government Factory having its own accounts department may be audited in such department)

¹*[Provided further that where the canteen is managed by Co operative Society registered under the Punjab Co operative Societies Act 1954 (Punjab Act XIV Of 1955) the accounts pertaining to such canteen may be audited in accordance with the provisions of that Act]*

76 MANAGING COMMITTEE [section 46]—(1) The manager shall appoint a Canteen Managing Committee which shall be consulted from time to time as to

- (a) the quality and quantity of foodstuffs to be served in the canteen
- (b) the arrangements of the menus

- (c) times of meals in the canteen and
- (d) any other matter as may be directed by the Committee

¹[Provided that where the canteen is managed by a Co operative Society registered under the Punjab Co operative Societies Act 1954 (Punjab Act XIV of 1955) it shall not be necessary to appoint a Canteen Managing Committee]

(2) The Canteen Managing Committee shall consist of an equal number of persons nominated by the occupier and elected by the workers. The number of elected workers shall be in the proportion of 1 for every 1 000 workers employed in the factory provided that in no case shall be more than 5 or less than 2 workers on the Committee

(3) The manager shall in consultation with the Works Committee if any determine and supervise the procedure for elections to the Canteen Managing Committee

Observation of the Committee

Rule 74-76

The Committee has observed that in the Rule 74 the department is mentioning about the Punjab Co operative Societies Act 1954 in place of Haryana Co operative Societies Act. The Committee would like to know about the new provisions to fulfill the requirements in the Haryana Co operative Societies Act and also like to know whether all the parameters are available in the Haryana Co operative Societies Act ?

The Department in their written reply stated as under

The provisions for registration of the Cooperative Societies under Punjab Co operative Societies Act 1954 and the Haryana Co operative Societies Act 1984 are almost same except the time limit of registration. But the title of word Punjab Co operative Societies Act 1954 may be replaced as Haryana Co operative Societies Act 1984

Rule 88 93

"88 [deleted] 89 [deleted] 90 [deleted] 91 [deleted]

92 ¹ [***] [deleted]

93 ¹ [***] [deleted]

Observation of the Committee

The Committee recommends at the time of oral examination that some of Rules those have been deleted may be updated accordingly

The Department in their written reply stated as under —

Yes may be updated

Rule 95

‘ 195 LEAVE BOOKS [section 79] -(1) ²[The manager of every factory] except ³[the factories deemed as such] under Section 85 of the Act shall) provide each worker with a book in Form No 15 (hereinafter called the leave book) within one month following the month in which the worker is taken in employment

The leave book shall be the property of the worker and the manager or his agent shall not demand it except to make relevant entries therein whenever necessary and shall not keep it for more than a week at a time

(2) If a worker loses his leave book the manager shall provide him with an other copy on payment of 50 paise duly completed from his record within a week of the payment

Observation of the Committee

The Committee recommends in Rule 95 (2) that in case of loss the leave book by a worker the same should be provided free of cost by the Manager

The Department in their written reply stated as under —

Yes may be substituted

Rule 96

‘96 MEDICAL CERTIFICATE [section 79] —*If any worker is absent from work due to his illness and he wants to avail himself of the leave with wages due to him to cover the whole or part of the period of the illness under the provisions of clause (7) c Section 79 of Chapter VIII of the Act as revised by the Factories (Amendment) Act 1954 he shall if required by the manager produce a medical certificate signed by a Registered Medical Practitioner ⁵[***] stating the cause of the absence and the period for which the worker is in the opinion of such medical practitioner ⁵[***] unable to attend his work or other reliable evidence to prove that he was actually ill during the period for which the leave is to be availed of*

Observation of the Committee

The Committee would like to clarify as to whether the title of Act mentioned in 4th and 5th line of Rule 96 i.e the Factories (Amendment) Act 1954 is Punjab Factories (Amendment) Act 1954 or the Haryana Factories (Amendment) Act 1954

The Department in their written reply stated as under —

The Factories Amendment Act 1954 is Central Act of Government of India

Rule 103

103 NOTIFICATION OF ACCIDENTS AND DANGEROUS OCCURRENCES [sections 88 and 88 A] (1) *When* any accident which results the death of any person or which results in such bodily injury to any person as is likely to cause his death or any dangerous occurrence specified in the schedule takes place in the factory the manager of the factory shall forthwith send a notice thereof by telephone special messenger or telegram to the Inspector and the Chief Inspector

(2) When any accident or any dangerous occurrence specified in the schedule which results in the death of ⁴[any person or which result] in such bodily injury to any person as is likely to cause his death takes place in a factory notice as mentioned in sub rule (1) shall be sent also to

- (a) The District Magistrate or Sub Divisional Officer
- (b) The officer in-charge of the nearest police station and
- (c) The relatives of the injured or deceased person

(3) Any notice given as required under sub rules (1) and (2) shall be confirmed by the manager of the factory to the authorities mentioned in these sub rules within 12 hours of the accident or the dangerous occurrence by sending them a written report in Form 18 in the case of an accident or dangerous occurrence causing death or bodily injury to any person and in Form 18 A in the case of dangerous occurrence which has not resulted in any bodily injury to any person

(4) When any accident or dangerous occurrence specified in the schedule takes place in a factory and it causes such bodily injury to any person as prevents the accident or the dangerous occurrence as the case may be the manager of the factory shall send a report thereof to the Inspector and Chief Inspector in Form 18 within 24 hours after the expiry of 48 hours from the time of the accident or the dangerous occurrence

Provided that if in the case of an accident or dangerous occurrence death occurs to any person injured by such accident or dangerous occurrence after the notices and reports referred to in the foregoing sub rules have been sent the manager of the factory shall forthwith send a notice thereof by telephone special messenger or telegram to the authorities and persons mentioned in sub rules (1) and (2) and shall also confirm the same in writing within 12 hours of the death

Provided further that if the period of disability of 48 hours or more does not occur immediately following the accident or the dangerous occurrence but occurs later or occurs in more than one spell the report referred to in sub rules (1) and (2) shall be sent to the Inspector and Chief Inspector in the prescribed Form 18 within 24 hours immediately following the hour when the actual total period of disability ¹[from working resulting from the accident or the dangerous occurrence become 48 hours

SCHEDULE

*DANGEROUS OCCURRENCE

The following classes of dangerous occurrence whether or not they are attended by personal injury or disablement —

- (a) Bursting of a plant used for containing or supplying steam under pressure greater than atmospheric pressure
- (b) Collapse or failure of crane derrick winch hoist or other appliances used in raising or lowering persons or goods or any part thereof or the over turning of a crane
- (c) Explosion fire bursting out leakage or escape of any molten metal or hot liquor or gas causing bodily injury to any person or damage to any room or place in which persons are employed or fire in rooms of cotton pressing factories when a cotton opener is in use
- (b) Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure or any gas or gases (including air) or any liquid or solid resulting from the compression of gas
- (e) Collapse or subsidence of any floor gallery roof bridge tunnel chimney wall building or any other structure

Observation of the Committee

The Committee recommends that in Rule 103 section-4 the word Telegram may be substituted with the words email/ fax because the telegram facility has been withdrawn by the Government

The Department in their written reply stated as under —

Yes may be substituted

Rule 105

"105 PROCEDURE IN APPEALS *[section 107] (1)* An appeal presented under Section 107 shall lie to the Chief Inspector or in cases where the order appealed against is an order passed by that officer to the 2[State Government] and shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and bearing court fees stamp in accordance with Article II of Schedule II to the Court Fees Act 1870 and shall be accompanied by a copy of the order appealed against

(2) **Appointment of assessors** On receipt of the memorandum or appeal the appellate authority may if it thinks fit or if the appellant has requested that the appeal should be heard with the aid of assessors call upon the body specified in sub rule (4) being the representative of the industry concerned to appoint an assessor within a period of 14 days If an assessor is nominated by such body the appellate authority shall appoint a second assessor itself It shall then fix a date for the hearing of the appeal and shall give due notice of such date to the appellant and to the Inspector whose order is appealed against and shall call upon the two assessors to appear upon such date to assist him in the hearing of the appeal

1[(3) The appellant shall state in the memorandum presented under sub rule (1) whether he is a member of one or more of the following bodies

- (a) Punjab Haryana Delhi Chamber of Commerce and Industry
9 A Cannought Place New Delhi
 - (b) Faridabad Industries Association Faridabad
 - (c) Haryana Chamber of Commerce and Industry Yamunanagar
 - (d) Manufacturers Association Faridabad
 - (e) Manu facturers Association Industrial Area Sonapat]
- (4) The body empowered to appoint the assessor shall
- (a) if the appellant is a member of one of such bodies be that body
 - (b) if he is a member of two such bodies be the body which the appellate desires should appoint such assessor and
 - (c) if the appellant is not a member of any of the aforesaid bodies or if he does not state in the memorandum which of such bodies he desires should appoint the assessors the body which the appellate authority considers as the best fitted to represent the industry concerned

(5) Remuneration of assessors An assessor appointed in accordance with the provisions of sub rules (2) and (3) shall receive for the hearing of the appeal a fee to be fixed by the appellate authority subject to a maximum of 15 rupees per diem He shall also receive the actual travelling expenses The fees and travelling expenses shall be paid to the assessor by Government but where assessors have been appointed at the request of the appellant and the appeal has been decided wholly or partly against him the appellate authority may direct that the fees and travelling expenses of the assessor shall be paid in whole or in part by the appellant

Observations of the Committee

(i) The Committee observed that in Sub Rule (3) of Rule 105 after the column (e) the Industrial Area Associations of Gurgaon Panipat and others may also be added

(ii) The Committee would like to know whether the industries run by the NRIs (Foreign Industries) are also a part of these associations or not ?

The Department in their written reply stated as under —

- (i) Yes may be added
- (ii) Yes these industries may be the part of any of these associations

Rule 108

' 108 SERVICE OF NOTICES [section 109] –The dispatch by post under registered cover of any notice or order shall be deemed sufficient service on the occupier owner or manager of a factory of such notice or order

Observation of the Committee

The Committee observed that in Rule 108 the word e mail may also be added after the word post

The Department in their written reply stated as under —

Yes may be added

Rule 110

110 **MUSTER ROLL** [section 112] (1) ²The manager of every factory except [the factories deemed as such] under Section 85 of the Act shall maintain a muster roll of all the workers employed in the factory in Form No 25 showing (a) the name of each worker (b) the nature of his work and (c) the daily attendance of the worker which in case of factories employing more than 200 workmen shall be marked within two hours and in other cases within one hour of the start of the duty

Provided that if the daily attendance is noted in the Register of Adult Workers in Form No 12 or the particulars required under this Rule are noted in any other register a separate muster roll required under this Rule need not be maintained

⁴[(2) The manager of the factory shall be responsible to keep the muster roll available for inspection by an Inspector during the periods of work in the factory

Observation of the Committee

The Committee observed that the provision of digital attendance also be inserted in Rule 110

The Department in their written reply stated as under —

Yes may be added

SCRUTINY OF THE HARYANA MINOR MINERAL CONCESSION STOCKING, TRANSPORTATION OF MINERALS AND PREVENTION OF ILLEGAL MINING RULES, 2012 FRAMED UNDER THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957

The Committee scrutinized the Haryana Minor Mineral Concession Stocking Transportation of Minerals and Prevention of Illegal Mining Rules 2012 framed under the Mines and Minerals (Development and Regulation) Act 1957 and made following observations/ recommendations thereon —

Rule 3

3 (1) No royalty or permit-fee shall be charged or transit permit required for —

- (i) extraction of ordinary clay or ordinary sand by hereditary potter(s)/ kumhar(s) for use in manufacturing of earthen pots/ artefacts on a cottage industry basis and whose turnover during a year does not exceed one lakh rupees
- (ii) excavation of the limestone or kankar from the areas which do not form part of any lease or contract or permit area by the members of scheduled castes scheduled tribes and backward classes agriculturists whose monthly income does not exceed Rs 7500/ or as specified by the Government from time to time
- (iii) mining transportation or storage of clay or sand by hereditary Kumhars or a co operative society of Kumhars or such other people for making tiles pots or bricks by traditional means but not by the process of manufacture in kilns or by way of any mechanical device
- (iv) levelling of any agricultural fields by a landowner within his own land where no disposal of ordinary earth outside the area is involved

(2) No royalty shall be charged for removal of any ordinary earth by a person from his own land for meeting personal land-fill requirements either in another agricultural field or for meeting his personal bona fide requirements for which he shall obtain a permit from the competent authority

(3) The rates of royalty or permit fee in the case of a person maintaining his residence in the adjoining rural areas for excavation of masonry stone and/or ordinary clay and required for bona fide personal use for the construction of a house hutment *dharamshala* *piao* or other building for charitable or philanthropic purposes in such rural area shall be charged at the rates specified in Schedule III

Provided that the quantity of mineral excavation shall be permissible only to the extent of bona fide personal use under a permit issued by the Director or an officer authorised by him in this behalf on payment of Rs 200/

Such permit shall be valid for a period not exceeding three months at anyone time

Provided further that no permit shall be issued for excavation of mineral(s) in any area for which mining lease or contract or permit or any other mineral concession has already been granted

(4) The relaxations granted under this rule shall not be available for excavation of mineral in any area where use of explosives is inevitable

Observations of the Committee

Rule 3 (1) (i)

(i) The Committee would like to know in respect of rule 3 (1) (i) as to whether the limitation for issuance of transit permit without royalty or permit fee charged to the hereditary potter/ kumhar for use in manufacturing earthen pots / artefacts on cottage industries may be exceed from one lac rupees

The committee also observed that if any ordinary clay or sand required to the farmers for the domestic purpose he may be permitted accordingly

Rule 3 (1) (ii)

(ii) The Committee observed that the limitation of monthly income of SC/ST/BC and agriculturists specified by the government for which no royalty or permit fee charged for issuance of transit permit may be exceed from rupees 7 500/-

The Committee observed that the competent authority shall be specified for issuance of transit permit under this rule

Rule 3 (2) & (3)

(iii) The Committee would like to discuss on said rule at the time of oral examination. The Committee also observed that the bus stand in rural area may also be added with the construction of house hutment dharmshala etc for charitable purpose

The Department in their written reply stated as under –

(i) The provision of this benefit has been made in the State Rules 2012 specifically to help poor artisans. The department has not received any request so far for increasing this limit

The provision in State Rule 3(2) already in place takes care of this observation

(ii) The provision of this benefit has been made in the State Rules 2012 specifically to help SC/ST /BC and local agriculturists. The department has not received any request so far for increasing this limit

The rules provide grant of permit by the Director or officer authorised by him. Director Mines & Geology has already delegated powers for issuance of such permits to the AME/MO of the district concerned

(iii) Sub rule (2) explained above

The sub rule (3) of the Rule 3 provides grant of permit of an area not already granted on mineral concession to the local residents for bonafide

personal use (construction of house hutment Dharamshala Piao or other building for charitable or philanthropic purposes in rural area on payment rates prescribed under Schedule (III) of royalty for certain minerals like building stone/ Lime stone/Lime Kankar/ Bajri/slab used for building material

As regards the inclusion of bus stand is concerned the same being a commercial activity should not be included for such relaxation

Rule (4)

4 (1) An application for the grant of permit for quarrying of any minor mineral by any government department or any of its agencies from the land belonging to the government for the construction of any work by it shall be made by an officer authorised by the concerned department to the Director or any other officer authorised by him in this behalf

(2) The Department or the organisation granted a permit under sub rule (1) above shall be liable to pay royalty or dead rent or fee etc and shall abide by the terms and conditions of such grant and other laws as applicable to the lessee or any other concession holder(s) unless specifically relaxed

Observation of the Committee

Rule 4(1) (2)

The Committee would like to discuss the said rules during the oral examination

The Department in their written reply stated as under –

To be discussed in the meeting

Rule 5

"5 (1) No person shall undertake any reconnaissance prospecting or mining operation activity in respect of any mineral(s) in any part of the state except under and in accordance with the terms and conditions of a reconnaissance permit or a prospecting licence or a mining lease or a mining contract or a permit or a concession in any other form as the case may be granted

Provided that nothing in this sub rule shall apply to any prospecting operations undertaken by the Geological Survey of India the Indian Bureau of Mines the Director Atomic Minerals Directorate for Exploration and Research of the Central Government the Department or a Government Company within the meaning of section 617 of the Companies Act 1956

Observations of the Committee

The Committee would like to know that how many person and to whom the concessions have been granted

The Committee would also like to know that the criteria for grant of concession person authority on the recommendation the concession has been granted to whom's favour the concession has been granted where the concession has been granted ground on which the concession has been granted etc

The Department in their written reply stated as under –

The State Rule 2012 were notified on 20.06.2012 repealing the old Rules namely Punjab Minor Mineral Concession Rules 1964

After notifying the Rules 2012 mineral concessions mining leases /mining contracts were granted through open auction held in December 2013. In the said auctions a total of 42 mining areas were granted on mining leases/mining contracts. The details thereof are given in **Annexure-A**

Out of the said 42 Units auctioned 2 Units were cancelled due to revocation of bids by the bidders. Auction of 11 other Units was set aside by the Hon'ble High Court. Bidders of 3 Units have gone to Hon'ble High Court and the matter is pending. Presently only 26 Units are surviving.

Out of the 2 cancelled Units of district Sonapat the department converted area of those Units into 14 smaller blocks out of which 13 have attracted bids in the fresh auction. The details of which are also attached as **Annexure 'B'**

Mining leases/contracts are being granted as per the provision of Rule 9 and Rule 22 through competitive bidding process.

Rule 6

'6.1 In the case of Irrigation Department of the Government

(i) channelisation of any river system for containing any incidence of inundation or flooding provided the mineral extracted in the process is used along side at the same place for creation of safety embankments and is not disposed off outside such area.

(ii) regular operation and maintenance of the non-scheduled canal distribution network and drainage system as notified by the Irrigation Department where any mineral extracted in the process is used along side at the same place for strengthening and is not disposed off outside such area.

(iii) regular operation and maintenance of the scheduled canals and drainage system as notified by the Irrigation Department.

Provided that the Irrigation Department shall obtain a permit from the Director or an Officer authorised by him for undertaking any works covered under sub clauses (ii) and (iii) above indicating the estimated quantity of silt proposed to be removed from the system and the usage thereof giving sectional plans and estimates.

Provided further that while no royalty shall be payable in respect of the mineral extracted from its canal & drainage system and used by the Irrigation Department for own requirements it shall pay the royalty in respect of the mineral extracted and disposed off outside the area as prescribed under rule 33.

(2) In other cases

(i) Construction of any building by the public or private sector or road or any other development project under the authority of any government

department or its agencies involving any digging or excavation for a purpose other than winning a mineral

Provided that where any minor mineral comprising construction sand and stone is excavated and extracted in the process of execution of such projects the same shall be disposed off or consumed only after obtaining a permit from the Mines and Geology Department and payment of the applicable royalty and other fees as prescribed under rule 32

(ii) breaking of land for laying the foundations or basements of individual houses and other establishments over plots up to five hundred square yards involving excavation of the ordinary earth only

(iii) breaking of land only for laying the foundation of individual houses or small establishments over plots up to five hundred square yards

Observations of the Committee

Rule 6 (2)(i)

- i The Committee would also like to know if roads are under constructions then what is the procedure of major mining in the State to provide the material for the road constructions
The Committee would also like to know that how many roads are under construction for which the major mining are required

Rule 6 (2) (ii)

- ii The Committee has given strong observation of this rule in respect of concession and also want to discussion during the oral examination

Rule 6 (2)(iii)

- iii The Committee would like to know the depth and level for laying the foundation of individual houses or small establishment over plots up to five hundred squares yards The committee would also like to know the provision against any violation of norms of rules
The committee observed that there shall be accountable Officers of the construction department in this regard

The Department in their written reply stated as under

- i The Sub Rule 2(i) of Rule 6 provides not treating the activities like construction of roads and other developmental works as mining operations The material is arranged by the contractor/agencies construction roads
The information regarding number of roads under construction can be provided by the PW (B&R) department
- ii The Provisions of Rule 6(2)(ii) are applicable only to the plots up to 500 square yards i.e. the same will be exempted for payment of royalty for excavation of ordinary earth excavated in the process of digging foundation or basement

- iii The depth of laying foundation is not decided by this department and the same is a function of Urban Local Bodies/HUDA etc

The field officers of this department take care of the violation of the Rules 2012 if any

The responsibility in the construction department does not relates to this department

Rule 7

7 (1) No mining lease/contract/permit shall be granted in respect of any land within a distance of

(i) fifty metres from the outer periphery of the defined limits of any village abadi National Highway State Highway Major District Roads (MDR) and Other District Roads (ODRs) where such excavation does not require use of explosives

(ii) two hundred fifty metres from the outer periphery of the defined limits of any village abadi National Highway State Highway Major District Roads (MDR) and Other District Roads (ODRs) where use of explosives is required

(iii) ten metres from any other public roads

Provided that the Government may relax the above distance parameters wherever required in the interest of workings mineral conservation or for any unforeseen reasons subject to such conditions as may be imposed under the said relaxation

(2) No mining lease/contract/permit or other mineral concession shall be granted in respect of any such minor mineral or in respect of any specific or general area which the government may notify

(3) No fresh concession shall be granted in an area which has been declared/notified as urban area under the Haryana Development and Regulation of Urban Areas Act 1975 except with prior consultation and approval of the Town and Country Planning Department and the renewal of any concession granted earlier in such area shall be considered only in consultation with the Town and Country Planning Department

Provided further that no such restriction shall be applicable or consultation required if the concession area falls within the notified agricultural zone

(4) Wherever any area situated outside the urban area notified under the Haryana Development and Regulation of Urban Areas Act 1975 has either been used for mining in the past or which may be used for grant of any mining lease or contract in future such area will not be allowed to be used by any authority for any other purpose (except the purpose for which it is being used traditionally without prior consultation with the Department

(5) Where any controlled area situated outside the urban area is under any mineral concession in the past and it has been proposed to allow the said area to be used for a development project other than mining the Town and

Country Planning Department shall consult the Director before granting change of land use for any such project

Observations of the Committee

Rule 7(1) (i) & (ii)

I The Committee would like to discuss rule 7(i) & (ii) at the time of oral examination from the department representatives at the appropriate time

Rule 7(1) (iii)

II The Committee would like to discuss and want to increase the 10 Metres distance to 60 Metres

Rule 7(3)

III The Committee would like to discuss rule 7(3) at the time of oral examination from the department representatives at the appropriate time

Rule 7(4)

IV The Committee would like to know the provisions of Aravalli notifications be added or implemented in Faridabad and also demands the copy of Aravalli notifications. The Committee would also want to discuss with the department about the parameters of mining at the time of oral examination

Rule 7(5)

V The Committee would like to discuss the criteria of Controlled Area at the time of oral examination

The Department in their written reply stated as under

(i) Rules 7(1) (i) & (ii) will be discussed at the time of oral examination

(ii) Rules 7(1) (iii) will be discussed at the time of oral examination

III Rules 7(3) will be discussed at the time of oral examination

IV The Aravalli notification is a notification dated 07.05.1992 issued by the Ministry of Environment and Forests, Government of India under the provisions of the Environment Protection Act, 1986. The provisions of said notification are in force only over certain specified areas of the district Gurgaon of Haryana and district Alwar of Rajasthan. This department has no jurisdiction to make the same applicable for district Faridabad.

Copy of the Aravalli notification is annexed as Annexure C

Mining operations are undertaken as per the provisions of the Mines Act, 1952 and Rules framed there under. The same are notified/implemented by the Directorate of Mines Safety, a department under the Ministry of Labour, Government of India.

V This matter relates to department of Town and Country Planning

Rule 8

8 (1) No person shall stock, sell or offer for sale any mineral or mineral products either in raw or processed form for commercial purposes or

trade in the State without holding a valid Mineral Dealer License under these rules

(2) Subject to the conditions prescribed in chapter 13 of these rules a mineral concession holder shall not be required to obtain a Mineral Dealer License for sale of the excavated mineral stock from the concession area

(3) Subject to the conditions prescribed in chapter 13 of these rules a licensee of a Stone Crusher granted under the provisions of Haryana Regulation and Control of Stone Crusher Act 1991 and rules framed thereunder is exempted from obtaining a Mineral Dealer License for selling crushed aggregate/stone dust from the premises of the licensed stone crusher

(4) The Government may from time to time notify or specify to use or restrict the roads through which the mineral imported from other states or generated within the state in raw or processed form be transported from the source of raising the mineral to the stone crushers or the screening plants or the premises of a mineral dealer

Observations of the Committee

Rule 8(1)

I The Committee would like to know whether the above said rule has been implemented with letter and spirit?

Rule 8(4)

II The Committee would like to know whether the approval of permit is required from the Central Government or not?

The Department in their written reply stated as under -

I Yes

II For notifying/restricting certain specific roads within the State for mineral transportation no approval from the Central Government is required

Rule 9

9 (3) The highest bid received shall become the annual dead rent amount payable by the lessee. The rate of annual dead rent initially determined on the basis of competitive bids/auctions shall be increased @ 25% on completion of each block of three years

Explanation If the initially determined amount of annual dead rent is Rs 100/- it shall be increased to Rs 125/- with the commencement of the fourth year and to Rs 156.25 with the commencement of the 7th year and so on and so forth for the next each block of three years

Observation of the Committee

The Committee would like to discuss rule 9(3) and also would like to know whether any tribunal court or competent authority can be fixed to settle the matters in regard to the provision of this rule and also discuss it at the time of oral examination

The Department in their written reply stated as under

The provisions of Rule 9(3) will be discussed at the time of oral examination

Rule 10

10 (1) Where a mining lease has been granted for major mineral under the Act and the Mineral Concession Rules 1960 and where it is considered expedient by the Government to grant mining lease of the minor mineral available in the same area to the lessee of major mineral in the interest of harmonious and systematic mining of minerals it may grant such lease on application submitted by such major mineral lessee

(2) The major mineral lessee shall submit an application for grant of mining lease for the associated minor mineral(s) in Form ML 2

(3) Any minor mineral concession granted on an application under sub rule (1) above shall entail payment of royalty/dead rent for such minor mineral at the rates specified in the 1st Schedule and the 2nd Schedule respectively

(4) Each application under sub rule (2) above shall be accompanied with a non refundable fee of Rs 1 000/ per hectare of lease area or part thereof subject to a minimum of Rs 1 00 000/ and shall be accompanied with the following documents namely

- (i) a valid certificate of clearance of mining dues in respect of such major mineral lease or any other mineral concession held by the applicant and the firm or company in which such applicant may be a partner or director in the State from the Director or any other Officer authorised by him in this behalf
- (ii) in case of a firm or a company or association of persons a valid clearance certificate shall have to be submitted in respect of the firm or association of persons or company as well as other firms in which partners in the applicant firm are partners or directors
 Provided that the grant of a clearance certificate shall not discharge the holder(s) of such certificate from the liability to pay the mining dues which may subsequently be found to be payable by such applicant under the Act or rules made thereunder
- (iii) where any injunction has been issued by a court of law or any other competent authority staying the recovery of any such outstanding mining dues or income tax non payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the said mining lease
- (iv) an affidavit stating that the applicant has filed up to date income tax returns paid the income tax assessed or on self assessment as provided in the Income Tax Act 1961

(5) The Director or an officer authorised by him shall issue notice within thirty days from the date of submission of application to remove the deficiencies if any in the application or for furnishing any additional information as may be required by the Director or the officer authorised by him requiring the applicant(s) to supply the requisite information within a period of thirty days from the date of issue of such notice. In case the said information is not submitted within specified period the application shall be decided on the basis of information already submitted along with application.

(6) The period of mining lease granted for the associated minor mineral(s) shall be co terminus with the period of lease of major mineral(s) but shall not exceed a period of 10 years if the mining lease for major mineral(s) still subsists at the time of expiry of period of the associated minor mineral lease the government may consider the renewal of mining lease of associated minor mineral(s) from time to time so that it co-terminates with the lease of major mineral(s).

Observations of the Committee

Rule 10(1)

I The Committee would like to discuss rule 10(1) at the time of oral examination

Rule 10(2)

II The Committee would like to know that how many lease licence were distributed in last 15 years & the list of persons to whom licence were granted and whether the requirements are fulfilled by those persons?

Rule 10(4) (iii)

III The Committee would like to discuss rule 10(4)(iii) that the refundable fee of Rs 1000 is to be increased because it is very less at the time of oral examination

Rule 10(6)

IV The Committee would like to discuss the above said rule at the time of oral examination

The Department in their written reply stated as under

I The provisions of rule 10(1) will be discussed at the time of oral examination

II The Rule 10(2) relates to grant of mining lease of the associated minor minor minerals to the persons holding lease of Major Minerals granted under the provisions of the MMDR Act 1957 and Rules framed there under on the principle of one area one lessee

During last 15 years a total of **05 Major mineral** lease holders have been granted mining lease of associated minor mineral on the principal of one area one lease that fulfilled the requirement of the rule. The list of such lease holders is enclosed as **Annexure D**

III The provisions of rule 10(4) will be discussed at the time of oral examination

iv The provisions of rule 10(6) will be discussed at the time of oral examination

Rule 14

14 No person by himself or with any other person(s) joint in interest with him shall ordinarily hold more than 1 000 hectares of area in aggregate in case of mining lease(s) granted under rule 9 in the state of Haryana. However the area granted under a lease under rule 10 shall not be taken into account for this purpose.

Provided that this limit may be suitably relaxed in case of concession areas linear in nature such as river bed mining.

Provided further that the lessee shall be entitled to surrender any part of the area originally granted at the time of renewal of any lease subject to the conditions prescribed in these rules.

Observation of the Committee

The Committee would like to discuss the above said rule at the time of oral examination.

The Department in their written reply stated as under -

The provisions of rule 14 will be discussed at the time of oral examination.

Rule 17

17 (6) The renewal of a lease shall be considered only in cases where the lease has been granted after the commencement of these rules.

Observation of the Committee

The Committee would like to know that how many licenses have been renewed and at this stage what is the status of original allotment and renewal of licenses.

The Department in their written reply stated as under -

Nil

This Rules 2012 were notified on 20 06 2012 and after publication of the same no lease has reached the stage of renewal.

None of the areas originally granted on lease after publication of the Rules 2012 has started operations for want of Environmental Clearances.

Rule 18

18 An application for grant of a mining lease under rule 10 or an application of renewal of a mining lease under rule 17 is delivered personally its receipt shall be acknowledged forthwith in Form ML 7 and if the application is received by post the same shall be acknowledged within seven days of the receipt thereof.

Observation of the Committee

The Committee observed that the word e mail may be added in the third line after the word post in the said rules

The Department in their written reply stated as under

The same will be discussed at the time of meeting

Rule 19

"19 (1) An application for renewal of a mining lease shall be decided by the Government with in a period of six months of the receipt of complete application in all respects keeping in view the following parameters -

- (i) the lessee has complied with all the terms and conditions of the original lease grant and other permissions for undertaking mining operations
- (ii) the mining operations under the original lease have been carried out in a scientific manner
- (iii) The mine out area has been restored/reclaimed/rehabitated as per the progressive mine closure plan
- (iv) the lessee has not defaulted in submission of all details with regard to the production payment of mining dues in time and not been found wanting in taking adequate measures for the labour safety
- (v) the lessee has not been penalised for non compliance of the environmental safeguards or for any other reason including suspension of the mining operations for whatsoever reason during the original lease period
- (vi) substantial investment has been made by the lessee in the development of mine plant and machinery with a long term perspective and optimal benefit of the same could not have been derived during the original leses period and
- (vii) such other matters as may be considered necessary by the Government

Observation of the Committee

Rule (19) (iii)

The Committee would like to know after the mining the mines area is restored or not? As per the judgement of the Hon ble Supreme Court of India after mining the mines area be restored and levelled accordingly But very deep pits are seen in the mining area where the buildings have been constructed During the rainy season the water is filled which creates panic there Information may be provided to the Committee how many pits are lying and action taken about the responsible people in this regard

The Department in their written reply stated as under

The mines after reaching stage of closure are required to be restored

The provision in this behalf has been inserted the State in its Rules of 2012

- The construction of buildings if any in the areas where mining activities had taken place in the past does not relate to this department

The matter relating to restoration/reclamation/rehabilitation of the mined out area in the districts of Faridabad Gurgaon/Mewat is pending before Hon ble Supreme Court

At present in the district Faridabad 37 number of abandoned/old mining pits are situated in the mining leases hold areas held by various lease holders and action for reclamation of the sme would be initiated after finalisation of the matter pending before the Hon ble Supreme Court The R & R Plans for each of the cases have been examined by the MoEF Gol and the CEC and now are pending for consideration before the Hon ble Supreme Court

Rule 22

"22 (1) The minor mineral deposits where the Government decides to grant the mineral concession in respect of such area in the form of a contract may be granted on mining contract for a period not less than seven years but not exceeding ten years following a competitive bidding process as prescribed under chapter 7 of these rules

(2) No bid shall be regarded as successful unless accepted by the Government The amount of the successful did shall become the annual contract money payable by the contractor The annual contract money determined at the time of initial grant shall be increased at the rate of twenty five percent on completion of each block of three years

(3) The mining contract deed shall be executed by the successful bidder with the Director or an officer authorized in this behalf in the prescribed Form MC-1

Observations of the Committee

Rule 22 (2)

(i) The Committee would like to discuss Rule 22 (2) in respect of the bidding process at the time of oral examination

Rule 22 (3)

(ii) The Committee observed that before the Court of Law there should be a Tribunal to take up the litigation regarding the renewal of mining contract

The Department in their written reply stated as under -

- (i) The provisions of rule 22 (2) will be discussed at the time of oral examination
The provisions given under Chapter 7 relates to the procedure of bidding process
- (ii) The provisions of rule 22 (3) (iii) may be discussed at the time of oral examination

Rule 23

23 (4) The Director or an officer authorised by him shall communicate the discrepancies in the application if nay or requirement of any additional information within thirty days from the date of receipt of application requiring the application (s) to make up the deficiencies and/ or provide such additional information within a period of thirty days from the date of issue of such notice In case the required information is not submitted within such specified period the application shall be decided on the basis of information already submitted

Observation of the Committee

The Committee observed that in Rule 23 (4) in the 5th line after the words specified period the words it shall be presumed that there is no discrepancy in the application form may be added to make the rule more clear

The Department in their written reply stated as under

The rule provided for communicating the discrepancies in the application if any within thirty days from the date of receipt of application

The provisions of rule may be further discussed at the time of oral examination

Rule 24

"24 (1) The application for renewal of a mining contract shall be decided on satisfaction of the competent authority with regard to the following

- (i) The contractor has complied with all the terms and conditions of the contract agreement and other permissions for undertaking mining operations
- (ii) The mining operations under the original contract grant have been carried out in a scientific manner
- (iii) The mined out area has been restored/reclaimed/rehabilitated as per the progressive mine closure plan
- (iv) The contractor has not been in default of submission of any returns with regard to the production payment of contract money in time

and has not been found wanting in taking adequate measures for the labour safety

- (v) The contractor has not been penalised in any manner including suspension of the mining contract for whatsoever reasons during the original contract period
- (vi) Substantial investment has been made by the contractor in the development of mine and plant & machinery with a long term perspective and optimal benefit of the mine and plant & machinery with a long term perspective and optimal benefit of the same could not have been derived during the original contract period and
- (vii) Such other matters as may be considered by the Government
- (2) The Government may reduce the area of contract at the time of renewal for reasons to be recorded in writing
- (3) Where the Government accords its approval to the renewal of a contract the annual contract amount shall be increased by an of 25% over the amount of contract money payable in the last year of the original contract grant Future increase in such contract amount on the expiry of each block of three years shall be regulated on the same terms and conditions as applicable in the case of any contract granted on the first occasion

Observation of the Committee

Rule 24 (1) (iii)

The Committee desired that the detailed data of last 15 years in respect of mining area i.e depth etc and if any violation may be provided to the Committee along with the action taken against the responsible persons The Committee would like to discuss all these things at the time of oral examination

The Department in their written reply stated as under -

To be discussed/explained at the time of meeting

Rule 27

27 (1) Mining or quarrying or mineral disposal permits may be granted by the Director or an officer authorised by him in respect of any area not covered under any mineral concession already granted under these rules in the following cases

- (i) mining in respect of areas less than five hectares
- (ii) removal of salt peter
- (iii) excavation of Brick Earth by the Brick Kiln Owners
- (iv) extraction of ordinary clay/earth

- (v) disposal of mineral encountered in the process of construction of buildings/structures/other development project
- (vi) disposal of mineral extracted in the process of operation and maintenance of the Canal and Drainage system by the Irrigation Department
- (vii) permits for specific Government works under emergency conditions

(2) All mining/quarrying permits in respect of sub clauses (i) mentioned under sub rule (1) shall be granted following a competitive bid process specifically decided otherwise by the Government in any specific case

(3) The mining/quarrying permits in respect of (iii) above shall be granted on the basis of application submitted under rule 30 to 34 respectively

(4) A mining permit under these rule may be granted for a period as considered appropriate by the competent authority but not exceeding two years on such terms and conditions as may be stipulated therein

(5) The Director or any officer authorised in this behalf may refuse the application to grant permits in respect of sub-clauses (iii) to (vii) mentioned under sub rule (1) of this rule for reasons to be recorded in writing

Observation of the Committee

The Committee observed that the farmers who quarry the mines for their own purpose should be exempted from taking approval There should be no need of prior approval for the farmers in this regard

The Department in their written reply stated as under

The issue relating to use of mineral for confide personal use has already been dealt under rule 3 (2)

Rule 28

28 (1) Subject to sub rule (2) of rule 27 permits for mining of minor minerals may be granted by the Director or an officer authorised by him for extraction of minor minerals in respect of area less than five gestures

(2) Permits under this rule shall be ranted only in cases where the Government decides such areas to be operated for short periods under special circumstances and with adequate environmental safeguards precautions and applicable clearances

(3) In case more than one individual/agency shows interest in taking the permit it shall be granted in favour of the individual/gency offering the highest bid

(4) In case of permit granted under this rules the permit holder shall execute an agreement in Form MPS 1 with the Director or the office authorised in this behalf within a period of ninety days from the date of grant and shall be duly registered

(5) The permit holder shall submit monthly production returns in Form MMP1

Observations of the Committee

Rule 28 (1)

(i) The Committee would like to know during the oral examination in respect of condition of seismic zone and also observed that in high level seismic zone area the licence should not be issued

The Committee further observed that all the seismic zone in Haryana with their degree level be identified

Rule 28 (3)

(ii) The Committee would like to know the condition for issuance of licence in respect of seismic zone area

The Department in their written reply stated as under -

(i) Now as per EIA Notification dated 14-9 2006 of the MoEF GoI before undertaking mining operations prior Environmental Clearances are to be sought from the expert Appraisal Committee/MoEF or State Expert Appraisal Committee/State Level Environmental Impact Assessment Authority notified by the Ministry of Environment and Forests GoI All these issues are duly addressed by the competent authorities while according Environmental Clearances

(ii) There is no such condition

Rule 30

(1) A permit for excavation of brick earth may be granted by the Director or an officer authorised by him in favour of the Brick Kiln Owner only for the purposes of manufacturing of bricks

(2) The initial permit shall be granted for a period that co terminates with the close of the next financial year so that the further renewal thereof is allowed on bi annual basis

(3) The excavation of brick earth under this permit shall not be permissible beyond a depth of nine feet measured from the natural ground level of the area

(4) The application for lifting of brick earth shall be made to the Director or an officer authorised by him in this behalf in form PIM1 along with the following supporting documents

- (i) The particulars/details of the land i.e revenue estate rectangle number field numbers etc from where he proposes to extract/remove the brick earth
- (ii) Lay out Plan of the area from where brick earth is to be removed
- (iii) Written consent of the land owner (s) along with certified copy of the agreement signed between the landowner and the applicant after mutual settlement of compensation between the parties
- (iv) A copy of the partnership deed or Articles of Memorandum in case the applicant is a partnership firm or a company as the case may be

Observations of the Committee

Rule 30 (2)

(i) The Committee observed that the period of licence should be at least three years

Rule 30 (4)

(ii) The Committee observed that the power of Director for permit/renewal of licence may be given to the district level officers to make the process simpler

The Department in their written reply stated as under

(i) The period for grant of permit has been increased to five years by making amendment in the rule 27 (4) vide notification dated 23 10 2012 itself

Though the same also covers the grant of permits for Brick Kiln However to remove ambiguity the appropriate changes in rule 30 (2) can be made

(ii) The powers to grant permit and its renewal have already been delegated to AME/MO of the district concerned

Rule 31

(1) Save in the cases covered under sub rule (2) of rule 30 the Director or an officer authorised by him in this behalf may grant may grant permit for lifting of ordinary earth from an area not already granted on any mineral concession to the landowner or the person having consent of the landowner on submission of an application

(2) The permit for extraction of ordinary earth shall be granted only up to a maximum depth of nine feet measured from the natural ground level of said area

(3) The permit for extraction of ordinary earth/clay in respect of any land of which the ownership or management vests in a Gram Panchayat shall be granted only if a resolution is passed to that effect by the Gram Panchayat and approval of the concerned Deputy Commissioner is obtained by the applicant or the Gram Panchayat

Observation of the Committee

Rule 31 (3)

The Committee observe that the farmers should not be required permission for extraction of ordinary earth/clay for their own purpose

The Department in their written reply stated as under

As per provisions of rule 3 (2) already explained in initial paras deals with the issue

Rule 32

32 (1) Where any mineral is encountered in the process of construction of any building or a development project and has to be extracted in the process of execution of such project such person may be granted a permit to either use mineral for self-consumption or for its disposal outside the project area on payment of the applicable royalty and other charges to the government for the quantity so excavated and consumed or disposed off

(2) An application for grant of permit under this rule shall be submitted in Form PIM 5 The authorised officer may either himself visit the site or get the same visited by any official subordinate to him carry out an assessment of the quantity of mineral likely to be excavated from the site vis a vis the quantity stated in the application and grant the permit in Form PIM 6 within a period of 7 days of the receipt of application complete in all respects

(3) In case no permit is granted or refused (for reasons to be recorded in writing) within a period of 15 days of the receipt of complete application the permit would be deemed to have been granted and the applicant may deposit the applicable royalty amount as per his assessment

Observations of the Committee

Rule 32 (1)

(i) The Committee would like to know during the oral examination in respect of mineral areas in the State

Rule 32 (3)

(ii) The Committee observed that the cahnnel/process for grant of permits for disposal of mineral encountered in the process of construction be reduced to make it simple for the applicant

The Department in their written reply stated as under

(i) The provisions of rule 32 (1) will be discussed at the time of oral examination

(ii) The procedure for obtaining permit for disposal of mineral encountered in process construction is otherwise very simple and clear. However the same may be again discussed in the meeting.

Rule 36

36 (1) Any mining operations in the case of mining of brick earth or ordinary clay or alluvial deposits below a depth of 1.5 meters shall necessarily require formation of benches for safe mining. The benches would be formed in a manner that the width of the bench is not lesser than height of the bench or as permitted by the Director, Mines Safety.

(2) Any quarrying permit granted under these rules shall contain information with regard to the following:

- (i) manner, mode and place of payment of rent, royalties, permit money, Rehabilitation & Restoration Fund amount and interest on delayed payments or any other dues as admissible under these rules
- (ii) particulars of the receipt heads of the Government to which the payments are to be credited
- (iii) rent, water charges, compensation of damage to the landowners for the land covered by the permit
- (iv) felling of trees, pumping of ground water
- (v) restriction of surface operations in any area prohibited by any authority
- (vi) entering and working in any reserved or protected forest
- (vii) reporting all accidents, use of explosives
- (viii) indemnity to the Government against claim of third parties
- (ix) mineral to be stacked, weighed and dispatched
- (x) applicability of the provisions of all other statutes/rules framed by the Central and State Government
- (xi) reclamation or restoration of the mining areas and security thereof
- (xii) development and conservation of minerals and environment and ecology of the area
- (xiii) extent of the area or land (khasra numbers and other relevant details) from where the minor mineral (s) shall be extracted

- (xiv) period within which the minor mineral shall be extracted and removed and delivery of possession of land on the expiry of such period or on removal of the quantity of the minor mineral (s) for which the permit is valid/granted
- (xv) release of security by the authority issuing permit after having satisfied that the permit holder has fulfilled all the conditions of the permit satisfactorily
- (xvi) any other condition as may be found expedient by the Director or an officer authorized by him to grant the permit may be imposed in the interest of scientific mining mineral conservation and mineral development

(4) In case the permit holder is not able to remove the whole or any part of the mineral for which he obtained the permit within the permissible time for any reasons whatsoever he shall not be entitled to claim the refund of permit amount/royalty or any part thereof

(5) The permit holders for the brick kilns shall furnish a solvent surety within fifteen days of the issue of the permit by submitting an undertaking of such surety that he would be responsible for deposit of all dues in case the permit holder fails to deposit the same

Observation of the Committee

The Committee observed that the numbers of Sub rule 4 & 5 may be rectified by Sub rule 3 & 4

The Department in their written reply stated as under

Necessary rectification has already been made

Rule 37

37 In case of breach of any of the conditions of the grant of permit the Director or an officer authorised by him may cancel the permit by passing orders after giving thirty days notice to the permit holder and for reasons to be recorded in writing On cancellation of the permit unless specifically ordered otherwise the quarried mineral lying on the land from which the same was extracted shall be allowed to be removed by the permit holder within a period of seven days after which any residual mineral will become the absolute property of the Government

Observation of the Committee

The Committee would like to discuss during the time of oral examination in respect of pollution level

The Department in their written reply stated as under —

The provisions of rule 37 will be discussed at the time of oral examination

Annexue "A"

Status of 42 Mining Units/sites which attracted bids in the auctions held during 23 12 2013 to 30 12 2013 and one mine given to HSIIDC

Sr No	Mining Unit	Area (in hect)	Reserve price in crores	Period in yrs	Highest bid (in crores)	Name of highest bidder	Remarks/Actual Status of EIA Process
1	2	3	4	5	6	7	8
1	Panchkula Unit 1	395.44	16.50	7	52	M/s Haryana Royalty Company 105 New Shivalik Vihar Patiala Road Zirakpur	However contracts stands terminated as per orders dated 15.01.2015 of High Court.
2	Panchkula Unit 3	476.91	25.85	10	115	M/s AVJ Infrastructure Pvt. Ltd. 897 Main Barana Road Poodh Khurd Delhi	contracts stands terminated as per orders dated 15.01.2015 of High Court
3	Panchkula Unit-4	182.91	7.15	8	43.66	M/s Yamuna Infrastructure Developer Pvt. Ltd. Shop No. 40 G.T. Road Siraspur Delhi	05.1.2015 However contracts stands terminated as per orders dated 15.01.2015 of High Court
4	Ambala Unit 1	533.14	4.40	8	82	M/s Antheia Prop. Pvt. Ltd. 60 Basant Marg Basant Vihar IIInd Floor New Delhi	The matter is yet to be taken up by the EAC/MOEF for grant of environmental clearance
5	Ambala Unit 2	595.19	1.65	10	13.26	Astin Excavation & Mining Pvt. Ltd. Flat No 621A 6th Floor Devika Towers-6 Nehru Palace New Delhi	The matter is yet to be taken up by the EAC/MOEF for grant of environmental clearance

6	Ambala Unit 3		4 95	8	51 01	M/s Planet Steels Pvt Ltd 210 Sector 11 Chandigarh	The Contractor has filed writ petition in High Court
7	Kurukshetra Unit 1	331 69	4 50	10	13 01	M/s Markandeshwar Construction Co Village Ajrana Kalan Kurukshetra	The matter is yet to be taken up by the EAC/MOEF for grant of environmental clearance
8	Yamuna Nagar Unit 1	48 97	4 25	10	61 55	M/s AVJ Infrastructure Pvt Ltd 897 Main Barana Road Poodh Khurd Delhi	
9	Yamuna Nagar Unit 2	554 13	14 80	8	24 16	Astin Excavation & Mining Pvt Ltd Flat No 621A 6 th Floor Devika Towers-6 Nehru Palace New Delhi	The Contractor has submitted papers in the MoEF GoI Hearing in the EAC yet to be held
10	Yamuna Nagar Unit 3	407 86	13 48	10	60	M/s Jaipur infrastructure Pvt Ltd Tonk Road Jaipur	Contract stands terminated as per orders dated 15 01 2015 of High Court.
11	Yamuna Nagar Unit-4	378 94	11 56	9	58	M/s B D Mines H No 1442 Sector 34 C Chandigarh	Contract stands terminated as per orders dated 15 01.2015 of High Court
12	Yamuna Nagar Unit 5	1070 04	17 93	8	80	M/s Millennium Infra engineers Pvt Ltd 13 Shiv Nagar Near Kamala Nehru Nagar Jaipur	Contract stands terminated as per orders dated 15 01.2015 of High Court
13	Yamuna Nagar Unit-6	1141 68	15 10	10	45 11	M/s Lotus infrastructure No 849 Sector 15 Fandabad	Contract stands terminated as per orders dated 15 01 2015 of High Court

14	Kamal Unit 1 Total	941 00	6 62	8	60 05	Sh Vipin Gupta s/o G P Gupta Prop Tnput Infrastructure & Housing	The contractor has filed its papers before EAC and case is listed for grant of Environmental clearance in the MoEF on 15 1 2015
15	Kamal Unit 2 Kamal	974 10	5 39	10	52 01	Sh Devender Nagpal St. Ram Dass/b 253 Noida	The contractor has submitted papers in the EAC/MoEF for grant of environmental clearance The case is yet to be listed for hearing
16	Kamal Unit 3	780 32	4 66	10	70 01	Sh Rajbir Chauhan S/o Sh Ranjit Chauhan 706 Sector 13 Kamal	The contractor has filed its papers before EAC and case is listed for grant of environmental clearance in the MoEF on 15 1 2015
17	Kamal Unit-4	1199 00	5 32	8	56 65	M/s Jar Jamuna Jr Developers Sector 32 Kamal	The EAC sought certain clarification and now the case is again fix for re consideration of EC proposal in the MoEF on 15 01 2015 EAC has recommended grant EC
18	Panipat Unit 1	724 80	4 76	8	40 05	M/s Eco Tech Coal Industries Pvt Ltd Rampur U P	The case pending before High Court
19	Panipat Unit 2	1775 02	16 40	10	60 05	Sh Sanjay Jaglan S/o Sh Raj Singh Arya 839 Sector 23 A Gurgaon	

20	Panipat Unit-3	780 80	4 84	9	47 00	Jai Karan S/o Om Prakash Bajpur Saboli Sonipat	
21	Sonipat Unit 1	263 60	5 78	8	71 00	Ranjeet Goel S/o Trashem Lal DDA Plot Madipur Delhi	The Lol s in respect of Sonipat Unit 1 and 2 were revoked and these areas have been auctioned on 30 12 2014 by carving out 14 mining units 08 Mining units attracted bid on 30 12 2014 and rest of the 6 mines have been notified for auction on 19 1 2015
22	Sonipat Unit 2	565 10	15 12	10	120 13	M/s Eco Tech Coal Industries Pvt Ltd Rampur U P	
23	Sonipat Unit 3	993 10	13 10	9	51 04	M/s VNS Infrastructure Plot 87 3 rd Floor Green Hill	
24	Fandabad Sand Unit 1	273 50	2 56	8	62 50	Dr Krish Builders Pvt Ltd 6 th Floor DLF Towers Delhi Centre Jasola New Delhi	
25	Fandabad Sand Unit 2	655 63	2 93	10	50 00	NCR Real Tech Pvt. Ltd Plot No A 101 Sharma Market PWL Pahaldadpur New Delhi	
26	Palwal Sand Unit 1	314 36	1 50	9	27 56	SRS Natural Resources Ltd SRS Multiplex City Centre Sector 12 Fandabad	
27	Palwal Sand Unit 2	221 47	1 80	8	29 50	SRS Natural Resources Ltd SRS Multiplex City Centre Sector 12 Fandabad	

28	Mahendergarh Unit 1 (Sand)	43 36	0 14	7	3 06	M/s Om Minerals H No 1 Sector 15 Sonipat	
29	Mahendergarh Unit 2 (Sand)	719 46	2 00	10	14 00	M/s Esteem Steel Infrastructure Pvt. Ltd P-4 Lal Bahadur Nagar Jaipur	Contract stands terminated as per orders dated 15.01.2015 of High Court
30	Mahendergarh Unit 3(Sand)	364 54	1 16	9	11 51	M/s Om Minerals H No 1 Sector 15 Sonipat	
31	Kalali & Kalyana	64 40	19 05	18	32 45	M/s Associated Soapstone Dist Co Pvt Ltd 24 Akashwant Marg P B No 3 M I A Udaipur 313 001 (Raj)	
32	Kalyana 2	29 50	8 74	12	36 00	M/s Shiva Corporation(India) Limited 312 3 rd Floor Ganpati Plaza M I Road Jaipur 302 001 (Raj) India	The lessee has filed court case seeking revocation of bid on the plea that a lease has been granted in favour of HSIIDC State PSU without auction
33	Khenbatter & Mehra	70 30	18 82	18	87 00	M/s Som Parkash Sethi 30 Ishwar Nagar New Delhi	The case pending before Hon ble High Court. The lessee is seeking cancellation of bid
34	Atelakalan	54 00	11 77	12	16 07	M/s MSK (JV) S 571 Greater Kailash Part II New Delhi 110 048	
35	Pichopa Kalan 1	15 90	3 39	10	26 00	M/s Sanik Mining and Allied Service Ltd 7 th Floor Corporate Tower Ambience Mall NH-8 Gurgaon 122001 Haryana India	

36	Pichopa Kalan 2	22 40	4 76	12	23 50	M/s Raman Sethi S 312 Panchshil Park New Delhi	Lease stands Terminated as per orders dated 15 01.2015 of High Court.
37	Dadam	55 50	6 25	10	115 00	M/s KJSL SUNDER(JV) 702 D T Pearls Business Park Netaji Subhash Place Pitampura Delhi 34	The lessee has filed court case seeking cancellation of lease granted in favour of HSIIDC or to cancel all auctions including that of bid offered by them and conduct fresh auction
38	Namaul	19 89	4 63	12	5 01	M/s A N E Industries Pvt Ltd Chandigarh Road Nawanshahar 144 514	
39	Bakhnja	138 60	16 38	15	130 00	M/s Pradip Kumar Sethi A 189 New Friends Colony New Delhi	The lease stands terminated as per orders dated 15 01 2015 of High Court.
40	Amarpur Jorasi	10 72	2 31	10	9 01	M/s Muneer Enterpsnes Muneer Campus Sankalapur Bellary Road Hospet Distt Bellary Karnataka 583 201 India	
41	Ushmapur	42 70	9 22	15	78 00	M/s Fandabad Gurgaon Minerals S 542 Greater kailash Part II New Delhi – 110 -044	The lease stands cancelled by orders of Hon ble High Court.

42	Rajawas	53 03	11 45	15	51 00	M/s R S Joint Venture 70 1 D T Pearls Business Park Pitampura Delhi – 110 034	
43	Khanak	258 30	Under rule 118 of State Rules	20 years	Dead rent @ of 2 58 crore	HSIIDC	The case for grant of environmental clearance is fixed for hearing
							Before EAC on 15 01 2015 EAC has recommended to grant EC to the HSIIDC However two court case challenging grant of lease in favour of HSIIDC is pending before Hon ble High Court

Annexure B

Details of Mining/Units/sites which attracted bids

Sr No	Name of Sand Mining Unit	Total Area of Unit (in Hect)	Reserve Price (In Years)	Period of Contract (In Years)	Highest Bid (In Crores)	Name of the Highest bidder
1	Bega Sand Unit	54 55	10 76	8	10 92	M/s Jindal Mectec Pvt Ltd Old Manesar Road Narsinghpur Gurgaon
2	Mimarpur	36 85	7 99	9	09 00	M/s Malik Buildcon Pvt Ltd Flat No 222 Sec 9 SFS Dawaraka Delhi Through Sh Naresh Malik S/o Sh Maha Singh Delhi 75
3	Tikola 1	42 50	9 04	9	09 07	M/s DSP Associates H No 1305 Sector 14 Sonipat(HR)
4	Asadpur Sand Unit	56 01	11 02	10	11 04	M/s Zejkova Buildon Pvt Ltd 60 2 nd Floor Vasant Marg Vasant Vihar Delhi 110057
5	Nandnaur Sand Unit	52 30	11 16	10	11 22	M/s Dahiya Traders H No 1507 HBC Sec 14 Sonipat Prop Manik Ram Dahiya S/o Sh Aman Singh B S T Colony Ganaur
6	Barauli 1 Sand Unit	76 31	14 08	10	15 07	M/s Jindal Mectec Exports through Prop Sanjay Singh S/o Sewa Singh H No 941/3 Panchranga Bazar Panipat
7	Barauli 3 Sand Unit	62 25	11 97	10	12 92	M/s Sangam Intra Estates Pvt Ltd Through Sh Dhiraj Bandish S/o Parmod Kumar Bandhlish H No 431 Sector 6 Bahadurgarh (HR)

8	Barault-4 Stand Unit	52 50	10 18	10	13 85	M/s Chanties Real Estates Pvt Ltd 60 2 nd Floor Vasant Marg Vasant Vihar Delhi 110057
9	Bega/Chandauli/Pabnera Sand Unit	45 22	9 49	8	09 52	M/s Aleron Consultants (India) Pvt Ltd 81 First Floor Vaishali Pitampura Delhi 110034
10	Tikola – 2 Sand Unit	40 85	7 37	9	09 20	M/s Anand Singh and Co through Sh Anand Singh S/o Sh Raghbir Singh House No 1010 ITI Road District Sonapat
11	Jainpur 1 Sand Unit	38 10	7 66	9	07 72	M/s Shri Shyam Jaina Ram Earth Movers and Builders Village Dharampur Sector 108 Gurgaon
12	Barauli 2 Sand Unit	68 19	11 86	10	13 64	M/s Tekno Exports Prop Sh Sanjay Singla Sewa Ram Singla 941/3 Pachranga Bazar Panipat
13	Jainpur 2 Sand Unit	44 40	7 035	9	08 60	M/s Yodha Mines & Minerals through Sh Pardeep Ahlawat S/o Sh Anand Singh 19 P Sector 8 Jind (Haryana)

MINISTRY OF ENVIRONMENT & FORESTS
NOTIFICATION

New Delhi the 7th May 1992

(Under Section 3 (1) and 3(2) (v) of the Environment Protection) Act 1986 and rule 5 (3) (d) of the Environment (Protection) Rules 1986 restricting certain activities in specified area of Aravalli Range which are causing Environmental Degradation in the Region

S O 319(E)- Whereas a Notification under section 3 (1) and section 3(2) (v) of the Environment (Protection) Act 1986) inviting objections against restricting certain activities in specified area of Aravalli Range which are causing Environmental Degradation in the Region was published in the Gazette of India Part II Section 3 Sub section (ii) vide S O 25 (E) dated 9th January 1992

And whereas all objections received have been duly considered by the Central Government

Now Therefore in exercise of the powers conferred by sub section (1) and clause (v) of sub section(2) of section 3 of the Environment (Protection) Act 1986 (29 of 1986) read with rule 5 of the Environment (Protection) Rules 1986 the Central Government hereby prohibits the carrying on of the following process and operations except with its prior permission in the areas specified in the Table appended to this Notification

- (i) Location of any new industry including expansion modernisation
- (ii) (a) All new mining operations including renewals of mining leases
- (b) Existing mining leases in sanctuaries/national Park and areas covered under Project Tiger and/or
- (c) Mining is being done without permission of the competent authority
- (iii) Cutting of trees
- (iv) Construction of any clusters of dwelling units farms houses sheds community centres information centres and any other activity connected with such construction (including roads a part of any infrastructure relating thereto)
- (iii) Electrification (laying of new transmission lines)

2 Any person who desires to undertake any of the above mentioned processes or operations in the said areas shall submit an application to the Secretary Ministry of Environment and Forests New Delhi in the attached application form (Annexure) specifying inter alia details of the area and the

proposed process or operation. He shall also furnish an Environment Impact Statement and an Environmental Management Plan along with the application and such other information as may be required by the Central Government for considering the application.

3 The Central Government in the Ministry of Environment and Forests shall, having regard to the guidelines issued by it from time to time for giving effect to the provisions of the said Act, grant permission within a period of three months from the date of receipt of the application or, where further information has been asked for from the applicant, within a period of three months from the date of the receipt of such information, or refuse permission within the said time on the basis of the impact of the proposed process or operation on the environment in the said area.

4 For seeking permission under this Notification, an application in the prescribed form (see Annexure) duly filled in may be submitted to the Secretary, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodi Road, New Delhi.

[No. 17/1/91 PL/IA]

R. RAJAMANI, Secy

TABLE

Areas where carrying on of processes and operations without permission is prohibited

- (i) all reserved forests protected forests or any other area shown as forest in the land records maintained by the State Government as on the date of this notification in relation to Gurgaon District of the State of Haryana and the Alwar District of the State of Rajasthan
- (ii) All areas shown as
 - (a) Gair Mumkin Pahar or
 - (b) Gair Mumkin Rada or
 - (c) Gair Mumkin Behed or
 - (d) Banjad Beed or
 - (e) Rundh

In the land records maintained by the State Government as on the date of this notification in relation to Gurgaon district of the State of Haryana and the Alwar district of the State of Rajasthan

- (iii) all areas covered by notifications issued under section 4 and 5 of the Punjab Land Preservation Act 1900 as applicable to the state of Haryana in the district of Gurgaon up to the date of this Notification
- (iv) all areas of Sariska National Park and Sariska Sanctuary notified under the Wildlife (Protection) Act 1972 (53 of 1972)

ANNEXURE
APPLICATION FORM

- 1
 - (a) Name & address of the project proposed
 - (b) Location of the project

Name of the Place

District Tehsil

Location Map
 - (c) Alternate sites examined and the reasons for the site proposed
- 2 Objectives of the project
- 3
 - (a) Land Requirement

Agriculture land

Other (specify)
 - (b)
 - (i) Topography of the area indicating gradient aspect altitude
 - (ii) Erodability classification of the proposed land
 - (c) Pollution sources existing within 10 km Radius
 - (d) Distance of the nearest National Park/Sanctuary/Biosphere Reserve/Monuments/heritage site/Reserve Forest
 - (e) Rehabilitation plan for Quarries/borrow areas
 - (f) Green belt plan
 - (g) Compensatory afforestation plan
- 4 Climate & Air Quality*
 - (a) Wind rose at site
 - (b) Max/Min /Mean annual temperature
 - (c) Ambient air quality data
 - (d) Nature & concentration of emission of SPM Gases (CO Co2 SO2 NOx etc) from the project

- 5 **(a) Water balance at site surface and ground water availability and demand
 - (b) Lean season water availability
 - (c) Water source to be tapped with details of competing users (Rivers lake Ground Public supply)
 - (d) Water Quality
 - (e) Changes observed in quantity and quality of water in the last 15 years and present charging and extraction details
 - (f)
 - (i) Quantum of waste water to be released with treatment details
 - (ii) Quantum & Quality of water in the receiving water body
 - (iii) Quantum of waste water to be released on land and the type of land
- 6 Solid Wastes
 - (a) Nature & quantity of solid wastes generated
 - (b) Solid waste disposal method
- 7 Noise & vibrations
 - (a) Sources of noise & vibrations
 - (b) Ambient noise level
 - (c) Noise & vibration control measures proposed
 - (d) Subsidence problem if any with control measures
- 8 Power requirement indicating source of supply complete environmental details to be furnished separately if captive power unit proposed
- 9 Total labour force to be deployed with details of
 - Endemic health problems in the area
 - Health care system proposed
- 10 (a) Number of families and population to be displaced
 - (b) Rehabilitation Master Plan

- 11 Risk assessment report
- 12
 - (a) Environmental Impact Assessment Report
 - (b) Environmental Management Plan Prepared as per Guidelines of MEF issued from time to time
 - (c) Detailed Feasibility Report
 - (d) Proposal for diversion of Forestland under Forest (Conservation) Act 1980 including Benefit Cost analysis
- 13 Recommendations of the State Pollution Control Board and/or the State Department of Environment & Forests

Signature of the Applicant
Along with name date and
full Postal address

Data may be obtained from India Meteorological Department and State Pollution Control Board

**Ground water Board and the Irrigation Deptt May be contacted for data

N/B

- A Item Nos 3(C) 4 5 6 8 9 10(b) and 12(c) are not applicable to cutting of trees
- B Item Nos 3(c) 4 7 11 are not applicable to construction of cluster of dwelling units farm sheds community centre and any other activity connected with such construction including roads
- C Item Nos 3(b) 3(c) (3e) 3(f) 4 5 6 7 9 12(a) & 12(b) are not applicable to electrification
- D All items to be furnished in case of mining industry thermal power transport projects
- E Notwithstanding the above any items(s) considered not applicable may be so indicated along with reasons

Annexure 'D'

List of Mining Leases for Major and Associated Minor Minerals in the State

Sr No	Name & Address of the lessee	Location	Area in Hectare	Period (in years)	With effect from	Name of the minerals	Mineral wise date of grant
1	2	3	4	5	6	7	8
1	Sh Shish Pal Singh 493 Sec-15 Fandabad	Pali	44.48	20	16.5.2000	Silica sand a major mineral alongwith associated minor minerals namely Ordinary sand Stone	16.5.2000
1	M/s Lucky Minerals Prop Sh Subhash Chander Plot No 112 Sector 15 II Hope Apartments Gurgaon	Behrampur Plot No 1	138.08	20	11.2.2000	Silica sand a major mineral alongwith associated minor minerals namely Ordinary sand Stone	Date of grant of lease of major mineral was 11.2.2000 and that of associated minor mineral was 26.6.2001
1	Shri Satish Kumar Garg S/o Shri Ajudhya Parshad Garg C/o Royal Marble & Mines 22 A Industrial Estate Namaul	Mukandpur a	3.7275	20	20.7.99	Quartz Stone	Date of grant of lease for major mineral was 20.7.99 whereas mining lease for associated minor mineral was sanction on 31.12.2013
2	M/s XANDY Mines and Minerals having its office at GH 18A Celebnty Homes Palam Vihar Gurgaon	Dhonkhera	4.80	20	29.8.2001	Bantes and Dolomite Stone	Date of grant of lease for major mineral was 29.08.2001 whereas mining lease for associated minor mineral was sanction on 31.12.2013
3	Shri Ashok Sonani VPO Kund Distt Rewari	Majra Manethi & Padla	42.36	20	19.10.83	School Slate Slate Stone	Date of grant of lease for major mineral was 19.10.83 and associated minor mineral were also granted on 31.05.1993 Subsequently lease was renewed for another period of 10 years w e f 24.06.2011

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