

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION

FORTY FOURTH REPORT

2015-2016

(Presented to the Haryana Vidhan Sabha on 31st March 2016)



HARYANA VIDHAN SABHA SECRETARIAT
CHANDIGARH

2016

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COMPOSITION OF THE COMMITTEE

(2015 2016)

COMMITTEE ON SUBORDINATE LEGISLATION

Chairperson

Shri Manish Kumar Grover M L A

Members

Shri Karan Singh Dalal M L A

Shri Mool Chand Sharma M L A

* Shri Nayab Singh Saini M L A

Shri Ravinder Machhrouli M L A

Shri Tek Chand Sharma M L A

Prof Ravinder Baliata M L A

** Shri Umesh Aggarwal M L A

Advocate General Haryana

Special Invitees

*** Smt Latika Sharma M L A

**** Shri Kuldip Sharma M L A

*** Shri Anoop Dhanak M L A

Secretariat

Shri Rajender Kumar Nandal Secretary

Shri Vishnu Dev Under Secretary

The Committee was constituted w e f 28th April 2015 vide Haryana Vidhan Sabha Secretariat Notification No HVS SLC 1/ 2015 16/32 dated 28th April 2015

* Being appointed as Minister of State Haryana Shri Nayab Singh M L A resigned from the Membership of the Committee w e f 23rd July 2015 and notified vide Notification No HVS SLC 1/2015 16/55 dated 27th July 2015

Shri Umesh Aggarwal M L A nominated as member of the Committee on dated 4th August 2015 vide Notification No HVS SLC 1/2015 16/59 dated 4th August 2015

** Smt Latika Sharma M L A nominated as Special Invitee of the Committee on dated 11th May 2015 vide Notification No HVS SLC 1/2015 16/ 33 dated 11th May 2015

** Shri Kuldip Sharma M L A nominated as Special Invitee of the Committee on dated 11th May 2015 vide Notification No HVS-SLC 1/2015 16/ 36 dated 11th May 2015

** Shri Anoop Dhanak M L A nominated as Special Invitee of the Committee on dated 9th December 2015 vide Notification No HVS SLC- 1/2015 16/94 dated 9th December 2015

(v)

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 fourth Report to the House

2 The matters covered by this Report were finally considered by the Committee at their sitting held on 9th March 2016 and adopted this Report

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

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

Chandigarh
The 9th March 2016

MANISH KUMAR GROVER
CHAIRPERSON
Committee on Subordinate Legislation

REPORT

1 The Committee on Subordinate Legislation for the year 2015 2016 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 28th April 2015 and was notified in the Official Gazette *vide* notification No HVS SLC-1/2015 16/32 dated the 28th April 2015

2 Shri Manish Kumar Grover M L A was appointed as the Chairperson of the Committee by the Speaker

3 The Committee held 60 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 Sugarcane (Regulation of Purchase and Supply) Rules 1992 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act 1953
- 2 The Punjab Slum Areas (Improvement and Clearance) Rules 1962 framed under the Punjab Slum Areas (Improvement and Clearance) Act 1961
- 3 The Punjab Agricultural Produce Markets (General) Rules 1962 framed under the Punjab Agricultural Produce Markets Act 1961

The Committee also orally examined the 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 with in 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 the 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 rule 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 a 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 of discretionary power vested in it should be laid down in the rules.

(ii) In case where the authority concerned deviates from a norm, it should be required to record in writing the reasons for such deviation.

(iii) Before any adverse action is taken against a party, it should be given a reasonable opportunity of being heard, and after a decision adversely affecting a party has been taken, it should have the right of appeal or representation, as the case may be.

(iv) In order that the persons similarly placed are not treated differently, the powers of exemption/relaxation should be exercisable in respect of categories or class of persons, as contra distinguished from individuals.

(v) In cases where an authority concerned is vested with the power to suspend a license or supplies pending institution of 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 third 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 -43rd Reports

The 43rd Report was sent to the Department concerned vide letter dated 14 2015 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 29 9 2015 12 1 2016 and 9 2 2016 to expedite the action in the matter at an early date. The report was finalized by the Committee on 9th March 2016 in its meeting but the department has intimated vide his letter No CIM/HRA/2016/284 dated 11 3 2016 that the amendment in sub section (d) of section 19 & section 27 has been made vide notification No Leg 10/2014 dated 31 12-2014 but amendment in section 30 could not be made as the same is under consideration with the Government. The said information has been incorporated with the permission of the Committee verbally. Accordingly the report has been drafted.

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 remaining 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**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 43rd Reports

The 43rd Report was sent to the Department concerned vide letter dated 14/4/2015 to implement the outstanding observations/ recommendations made by the Committee in its earlier Reports. In response to the said communication the department vide memo No 1520/PD-4/2015/6031 dated 6/5/2015 has informed that Government of India has enacted The Prevention and Control of Infectious and Contagious Diseases in Animals Act 2009 which has come into force w.e.f. 25/08/2009 throughout the country except the State of Uttar Pradesh. Under section 43 of this Act rules are to be framed by the State Government. In view of the suggestions given by the Government of India vide their letter dated 29/10/2013 revised draft Rules have again been submitted to the Government to get vetted from the Legal Remembrancer Haryana and for further submission to get approved from the Government of India vide this office letter No 816/GDO dated 30/1/2015.

It has also been intimated that on Commencement of the prevention and Control of Infectious and Contagious Diseases in Animals Act 2009 (i) The Glander and Farcy Act 1899 (ii) the Dourine Act 1910 and (iii) any other corresponding law of any State so far as it is inconsistent with the provisions of the Act shall be stand repealed. The Punjab Livestock and Birds Diseases Act 1948 which is inconsistent with the provisions of the Central Act has been repealed and thereafter no further action in this regard is required. However while in the draft rules under the Central Act the rules under section 43 of this Act shall be notified after the approval of Government of India.

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

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

39 TH 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 43rd Reports

The 43rd Report was sent to the Department concerned vide letter dated 7th April 2015 to implement the recommendations/observations made by the Committee at the earliest. In respect to the aforesaid communication the department supplied the reply of recommendations/observations of the Committee vide their memo No SBA 4 2015/28768 dated 1 5 2015 and the same was placed before the Committee in its meeting held on 13 5 2015 in which intimated that the recommended criteria or yardstick and guidelines for allotment of land would be required to be framed only in case the lands are allowed to be transferred to the private persons for industrial use on the recommendation of sponsoring department. Keeping in view the judgment dated 28 01 2011 passed by Hon ble Supreme Court in Civil Appeal No 1132 of 2011 the Gram Panchayats are not being allowed to transfer their lands to the private persons and a proposal for omitting the provision of transferring lands to private person is under consideration.

A reminder was sent to the Department vide letter dated 7 10 2015 to expedite the action in the matter at an early date. In respect to the aforesaid communication the department vide memo No SBA-4 2015 61125 dated 20 10 2015 again intimated that as per the judgment dated 28 1 2011 passed by the Hon ble Supreme Court in Civil Appeal No 1132 of 2011 the Gram Panchayats are not being allowed to transfer their lands to the private persons and yet the final decision has not been taken consequent to the directions given vide this judgment dated 28 01 2011. The matter is under examination and legal opinion is being sought from the Advocate General Haryana as soon as it is finalized necessary action to implement the recommendation would be taken.

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 43rd Reports

The 43rd Report was sent to the Department concerned vide letter dated 7-4 2015 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 1992 STR 1 2015/11808 dated 15 6 2015 and the same was placed before the Committee in its meeting held on 1 7 2015 vide which stated that in Compliance of the order of the Hon ble High Court in CWP No 3688/2010 1507/2010 3665/2010 7046/2010 9207/2010 3692/2010 3689/2010 3690/2010 3691/2010 7593/2010 2229/2011 2187/2012 dated 19 09 2013 a Committee was constituted by the Department under the Chairmanship of Additional Chief Secretary & Financial Commissioner. As per decision of the Committee on dated 2 1 2014 the matter is under consideration. As and when the matter decided the same will be informed accordingly.

Subsequent reminders were also sent to the Department vide letters dated 7 10 2015 and 12 01 2016 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.

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 43rd Reports

The 43rd Report was sent to the Department concerned vide letter dated 7 4 2015 to implement the observations/recommendations at the earliest. Subsequent reminders were also sent to the Department vide letters dated 29 9 2015 and 12 01 2016 to expedite the action in the matter at an early date. The report was finalized by the Committee on 9th March 2016 in its meeting but the department has intimated vide his office No 156 Ft 4-2016/4455 dated 10th March 2016 that the draft of new rules was approved by the Government. The Department has now re submitted the draft Rules by incorporating further changes. This draft rules is under consideration of the Government and as and when the process will be completed copy of the amended wild Life (Protection) Haryana Rules 1974 will be forwarded for taking necessary action. The said information has been incorporated with the permission of the Committee verbally.

In view of the above facts and circumstances the rules have not been amended so far and 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 recommendation/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 43rd Reports

The 43rd Report was sent to the Department concerned vide letter dated 7-4 2015 to implement the recommendations/observations of the Committee at the earliest. The reminder was sent to the Department vide letter dated 29-9-2015. In respect to the aforesaid communication, the Department supply the reply of recommendations/observations vide memo No. FG 1 2015/31064 dated 29-10-2015 and the same was placed before the Committee in its meeting held on 8-11-2015 vide which stated that a Committee has been constituted under the Chairmanship of Deputy Director (PDS) for suggesting amendments in the Haryana Public Distribution System (Licensing & Control) Order 2009 and the final report of the Committee is still awaited. It has been further stated that the paddy procurement season is at peak in Haryana and all officers are busy in this operation and a meeting will be called in the next month and thereafter suitable amendments as suggested by the Hon'ble Committee on Subordinate Legislation of Haryana Vidhan Sabha will be made accordingly.

It has been requested to give three months time for changes/amendments in the said control order please.

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 to 43rd Reports

The Committee observed that 43rd Report was sent to the Department vide letter dated 7 4 2015 to implement the recommendations/observations made by the Committee at the earliest Subsequent reminders were also sent to the Department vide letters dated 29 9 2015 14 1 2016 and 16 2 2016 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 vide memo No 4697/ET-4 2016/3235 dated 26 2 2016 and the same was placed before the Committee in its meeting held on 8 2 2016 as under -

2 The Hon ble Committee on Subordinate Legislation have made the recommendations for amending the provisions of Rule 2(b) Rule 2(j) 3 (3) Rule 3(4) Rule 7(d) Rule 11 Rule 12 Rule 15 Rule 16 Rule 17 Rule 18 Rule 19 Rule 21 Rule 22 Form LT 1 LT 2 LT 3 LT 4 LT-5 LT 6 LT 8 The Hon ble committee has also recommended that instructions may be issued to the effect that inspection shall be made within a reasonable time i e during only business hours

3 The above observations/recommendations were taken up by the Department and found to be incorporate these suggestions This would require amendment in the Haryana Tax on Luxuries Act 2007 as well as in the Haryana Tax Luxuries Rules 2008

4 Meanwhile the process for implementation of computerization in the Department was initiated Further amendments were necessitated for introducing online systems of registration amendment cancellation filing of returns payment of tax etc The Govt has formulated and Enterprises Promotion Policy 2015 which mandated grant of Registration Certificates within 15 days Amendments were required in the provisions of Haryana Tax on Luxuries Act 2007 and Rules 2008 to facilitate the above mentioned computerization initiative the provisions of the Enterprise Promotion Policy as well as for implementation of the ease of doing Business programme of the Government

5 The Departmental has agreed to all the recommendations made by the Hon ble Committee. The comprehensive draft of the proposed amendment also take care of the amendments necessitated due to implementation of online system of governance under the provisions of the Act, amendments required by Enterprise Promotion Policy 2015 and Ease of Doing Business initiative.

6 **A Comprehensive proposal for amending Haryana Tax on Luxuries Act, 2007 and Rules 2008 has been submitted to the Govt for consideration and approval so that** the recommendations of the Hon ble Committee on Subordinate Legislation could be implemented.

7 The draft of the amendments proposed in the Haryana Tax on Luxuries Act 2007 and Rules 2008 is given in the **Annexure** enclosed herewith.

Proposed amendments in the Haryana Tax on Luxuries Act, 2007

EXISTING	PROPOSED
<p align="center">New insertion</p>	<p>Section 2</p> <p>(gg) electronic governance means the use of electronic medium for -</p> <ul style="list-style-type: none"> (i) filing of any form return annexure application declaration certificate memorandum of appeal communication intimation or any other document (ii) creation retention or preservation of records (iii) issue of grant of any form including statutory declaration form order notice communication intimation or certificate and (iv) receipt of tax interest penalty or any other payment or refund of the same through Government treasury or banks authorized by the Government treasury
<p>Section 8</p> <p>[TAX ON OTHER LUXURIES ETC]</p> <p>(1) There shall be levied and collected a tax on the charges collected for luxuries provided in a hotel for residents or others such as health club beauty parlour swimming pool lawn conference hall and the like when such charges are collected separately at the rate of ten percent or such other rate not exceeding fifteen percent as the State Government may by notification in the Official Gazette direct</p> <p align="right">Provided that tax levied under sub section (1) shall be paid</p>	<p>The proviso to sub section (1) of section (8) may be omitted so that taxable quantum may be nil in case of proprietor</p>

<p>only by such proprietor wherein charges for the luxury provided in a room are two thousand rupees or more within the meaning of clause (1) of section 2</p> <p>(2) The tax levied under sub section (1) shall be paid by every proprie or in such manner as may be prescribed</p>	
<p>SECTION 9 [LEVY AND COLLECTION OF TAX ON CHARGES FOR BANQUET HALL]</p> <p>(1) Subject to the provisions of this Act there shall be levied and collected a tax on the charges payable on the luxury provided in a banquet hall at the rate of ten percent or such other rate not exceeding fifteen percent as the State Government may by notification in the Official Gazette direct</p> <p>Provided that tax levied under sub section (1) shall be paid only by such proprietor wherein charges for the luxury provided in a banquet hall are twenty thousand rupees or more with in the meaning of clause (k) of section 2</p> <p>(2) The tax levied under sub section (1) shall be paid by every proprietor in such manner as may be prescribed</p>	<p>The proviso to sub section (1) of section (9) may be omitted so that taxable quantum may be nil in case of proprietor</p>
<p>After section 10, a new section 10A may be inserted to provide for enabling provision for payment of lump sum in lieu of tax</p>	<p>Section 10A Payment of lump sum in lieu of tax—</p> <p>(1) The State Government may in the public interest and subject to such conditions as it may deem fit accept from any class of</p>

	<p>proprietors in lieu of tax payable for any period by way of composition a lump sum linked with the some suitable measure of extent of business or calculated at a flat rate of gross receipts of business or some other suitable measure with or without any deduction therefrom to be determined by the State Government and such lump sum shall be paid at such intervals and in such manner as may be prescribed and the State Government may for the purpose of this Act in respect of such class of dealers prescribe simplified maintenance of account and filing of returns which shall remain in force during the period of such composition</p> <p>(2) A dealer in whose case composition under sub section (1) is made and is in force may subject to such restrictions and conditions as may be prescribed opt out of such composition by making an application containing the prescribed particulars in the prescribed manner to the assessing authority and in case the application is in order such composition shall cease to have effect on the expiry of such period after making the application as may be prescribed</p>
<p>Section 11</p> <p>(7) A proprietor registered under sub section (1) shall be entitled to have his registration cancelled if he is able to prove to the satisfaction of the assessing authority that he has discontinued transferred or otherwise disposed off his business</p>	<p><i>1 Sub Sections (7) (8) and (9) of section 11 of the Haryana Tax on Luxuries Tax Act 2007 may be omitted and after section 11 the following section may be inserted</i></p>

<p>(8) The assessing authority shall have power for good and sufficient reasons to cancel modify or amend any registration certificate issued by it</p> <p>(9) A registration certificate shall be personal to the proprietor to whom it is granted and shall not be transferable</p>	
<p>New insertion</p>	<p>Section 11A Amendment and cancellation of Registration Certificate</p> <p>(1) The assessing authority may on information furnished to him under section 24 from time to time by order amend any certificate of registration and may cancel the same if the business is closed and such amendment in or cancellation of the certificate shall take effect from such date as may be prescribed</p> <p>(2) When— (a) any business in respect of which certificate has been granted has been discontinued or</p> <p>(b) the liability to pay tax of any proprietor ceases under the Act the assessing authority shall after giving a reasonable opportunity of being heard to the effected person cancel the certificate of registration and the cancellation shall come into force after the expiry of such period as may be prescribed</p> <p>(3) A taxing authority not below the rank of Deputy Excise and Taxation Commissioner incharge of the district may in the prescribed manner cancel subject to such restrictions and conditions as may be prescribed the certificate of registration issued to the proprietor-</p> <p>(a) for being held guilty of avoidance to tax under this Act or</p>

	<p>(b) for misusing the certificate of registration or</p> <p>(c) for any other sufficient cause</p> <p>Provided that no order affecting any proprietor adversely shall be made under this sub section without affording him a reasonable opportunity of being heard</p>
<p>Section 13</p> <p>(1) Notwithstanding anything contained in section 14 every proprietor liable to pay tax under this Act shall furnish to the assessing authority within a period of sixty days of the expiry of the year a return in such form as may be prescribed</p>	<p>Section 13</p> <p>(1) Notwithstanding anything contained in section 14 every proprietor liable to pay tax under this Act or such proprietor as may be required so to do by the Assessing Authority by notice in the prescribed manner, shall furnish to the assessing authority within a period of sixty days of the expiry of the year a return in such form as may be prescribed</p>
<p>Payment of tax in advance Section 14</p> <p>(1) Every proprietor liable to pay tax under this Act shall furnish to the assessing authority within a period of fifteen days of the expiry of a month a statement in such form as may be prescribed showing therein the whole amount of tax due from him according to such statement</p>	<p>Payment of tax Section 14</p> <p>(1) Every proprietor liable to pay tax under this Act or such proprietor as may be required so to do by the Assessing Authority by notice in the prescribed manner shall furnish to the assessing authority within a period of fifteen days of the expiry of a month a statement in such form as may be prescribed showing therein the whole amount of tax due from him according to such statement</p>
<p>Appeal</p> <p>Section 31 (1) Any proprietor considering himself aggrieved by any order of assessing authority may prefer an appeal to such authority as may be prescribed by the State Government by notification in the Official Gazette (hereinafter referred to as appellate authority) if preferred within a period of sixty days from the date of receipt of the order appealed against</p>	<p>Appeal</p> <p>Section 31 (1) Any assessee considering himself aggrieved by an original order may prefer an appeal and the said appeal shall lie</p> <p>(a) if the order is made by any authority or officer who is lower in rank to Joint Excise and Taxation Commissioner to the Joint Excise and Taxation Commissioner or such other officer as the State Government may by notification in the Official Gazette appoint</p>

<p>Provided that the appellate authority may admit an appeal preferred after the period of sixty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within that period</p> <p>(2) After admitting an appeal under sub section (1) the appellate authority shall after giving the appellant an opportunity of being heard</p> <ul style="list-style-type: none"> (a) confirm reduce enhance annual or modify the assessment interest or penalty or (b) set aside the order of assessment interest or order imposing penalty and direct the assessing authority to pass a fresh order after such enquiry as may be directed or (c) pass such orders as it may think fit <p>(3) The appellate authority shall not for the first time received in evidence in any appeal any account register record or document unless for reasons to be recorded in writing it considers that such account register record or document is genuine and that the failure to produce the same become the authority below or bring the same on record was for reasons beyond the control of the party which is producing the same</p> <p>(4) Every order made under sub section (2) shall be communicated to</p>	<p>(b) if the order is made by any authority or officer who is not lower in rank to Joint Excise and Taxation Commissioner to the Commissioner or such other officer as the State Government may by notification in the Official Gazette appoint</p> <p>(c) if the order is made by the Commissioner to the Tribunal</p> <p>Note — An original order means an order passed under this Act except an order passed on appeal or on revision</p> <p>(2) Any order passed by a revising authority or an appellate authority other than the Tribunal shall be further appealable to the Tribunal by either side</p> <p>(3) The appellate authority shall not for the first time receive in evidence on behalf of either side in any appeal any account register record or document unless for reasons to be recorded in writing it considers that such account register record or document is genuine and that the failure to produce the same be ore the authority below or bring the same on record was for reasons beyond the control of the party which is producing the same</p>
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<p>the proprietor and the assessing authority whose order was subject matter of appeal and also to the Commissioner</p>	<p>(4) Every order passed by the Tribunal on appeal shall subject to the provisions of section 32 A be final</p> <p>(5) No appeal preferred by an assessee to an appellate authority shall be entertained unless it is filed within sixty days from the date of the order appealed against and the amount of tax and interest admitted by the appellant to be due as a result of the said order has been paid by him</p> <p>(6) No appeal preferred to the Tribunal by any authority under the Act shall be entertained unless filed under sub section (2) within a period of one hundred eighty days from the date of the order appealed against</p> <p>(7) The period specified in sub section (5) or (6) for filing an appeal shall in the case of an appeal from any order copy of which has to be supplied by the appropriate authority to the appellant commence from the date of the supply of the copy of the order to the appellant or his authorised agent and in the case of an appeal from any other order passed under this Act or the rules made thereunder the time spent in obtaining the certified copy of the order - shall be excluded in computing the said period</p>
<p>Section 32 Revision</p> <p>(1) The Commissioner or any person appointed by the State Government in this behalf not below the rank of Additional Commissioner shall have the power to revise at any time an order passed by the assessing authority Joint Commissioner or the Additional Commissioner either suo motu or on an application of the proprietor submitted to him within a</p>	<p>Section 32 Revision</p> <p>(1) The Commissioner may on his own motion call for the record of any case pending before or disposed of by any assessing authority or an appellate authority other than the Tribunal for the purposes of satisfying himself as to the legality or to the propriety of any proceeding or of any order made therein which is prejudicial to the interests of the State and may</p>

period of sixty days from the date of the communication of order of the Joint Commissioner or the Additional Commissioner as the case may be

Provided that the State Government may admit an application of the proprietor submitted after the period of sixty days aforesaid but within a further period of sixty days if he is satisfied that the appellant had sufficient cause for not preferring the appeal within that period

(2) The State Government may after giving the appellant an opportunity of being heard pass such orders as it may deem fit

(3) Every order made under sub section (1) shall be communicated to the proprietor and the authority or officer whose order was subject matter of revision

after giving the persons concerned a reasonable opportunity of being heard pass such order in relation thereto as he may think fit

Provided that no order passed by assessing authority or an appellate authority other than the Tribunal shall be revised on an issue which on appeal or in any other proceeding from such order is pending before or has been settled by the Tribunal or the High Court or the Supreme Court as the case may be

Provided further that no order shall be revised after the expiry of a period of six years from the date of the supply of the copy of such order to the assessee except where the order is revised as a result of retrospective change in law or on the basis of a decision of the Tribunal in a similar case or on the basis of law declared by the High Court or the Supreme Court

(2) The State Government may by notification in the Official Gazette confer on any officer not below the rank of Deputy Excise and Taxation Commissioner the powers of the Commissioner under sub section (1) to be exercised subject to such exceptions conditions and restrictions as may be specified in the notification and where an officer on whom such powers have been conferred passes an order under this section such order shall be deemed to have been passed by the Commissioner under sub section (1)

New insertion

Section 32A REVIEW

(1) Any person including an authority under this Act who was a party before Tribunal considering himself aggrieved by an order of the Tribunal and who from the discovery of any new and important matter or evidence

	<p>which after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when such order was made or on account of some mistake or error of law or facts desires to obtain a review of the order may apply for a review of such order to the Tribunal</p> <p>(2) The application for review shall be preferred within one year from the date of the order sought to be reviewed in the manner prescribed and where the application is preferred by an assessee it shall be accompanied by such fee not exceeding five hundred rupees as may be prescribed</p> <p>(3) The Tribunal of its own accord after giving notice to the parties concerned review on account of some mistake or error of law or facts any order made by it before the expiry of two years from the date of order</p> <p>(4)</p>
<p>Section 33 [Rectification of mistakes]</p> <p>(1) With a view to rectify any mistake apparent from the record the assessing authority the appellate authority or the revising authority as the case may be at any time within two years from the date of an order passed by it amend such order</p> <p>Provided that amendment which has the effect of enhancing an assessment or otherwise increasing the liability of the proprietor shall not be made unless the assessing authority the appellate authority or the revising authority as the case may be has given notice to the proprietor of its intention and has given the proprietor an opportunity of being heard</p>	<p>Section 33 [Rectification of clerical Mistakes]</p> <p>(1) Any assessing authority or appellate authority may at any time within a period of two years from the date of supply of copy of the order passed by it in any case rectify any clerical or arithmetical mistake apparent from the record of the case</p> <p>Provided that no order shall be passed under this section without giving the person adversely affected thereby a reasonable opportunity of being heard</p>
<p>Section 34 Payment of interest</p> <p>(1) Where any amount refundable to any person under an order made</p>	<p>Refund of Excess Tax Penalty and Interest</p> <p>(1) The Assessing Authority shall</p>

under any provision of this Act is not refunded to him within a period of ninety days of the date of such order the Assessing Authority shall pay simple interest at the rate of twelve percent per annum on the said amount from the date immediately following the expiry of the said ninety days to the day of the refund

Provided that the interest shall be calculated on the balance of the amount remaining after adjusting out of refundable amount any tax penalty or other amount due under this Act for any year by the person on the date from which such interest is calculable

Explanation If the delay in granting the refund within the aforesaid period of ninety days is attributable to the person to whom the refund is payable, the period of such delay shall be excluded for the purpose of calculation of interest

refund to a Proprietor the amount of tax including the amount of penalty and interest paid by him in excess of the amount due from him under this Act and such refund may be made by way of refund order or by way of adjustment order provided that refund can be claimed only by the person who has actually suffered the incidence of tax and the burden of proving the incidence of tax so suffered shall be on him

(2) Where any amount refundable to any person under an order made under any provision of this Act is not refunded to him within a period of ninety days of the date of such order the Assessing Authority shall pay simple interest at the rate of twelve percent per annum on the said amount from the date immediately following the expiry of the said ninety days to the day of the refund

Provided that the interest shall be calculated on the balance of the amount remaining after adjusting out of refundable amount any tax penalty or other amount due under this Act for any year by the person on the date from which such interest is calculable

Explanation If the delay in granting the refund within the aforesaid period of ninety days is attributable to the person to whom the refund is payable, the period of such delay shall be excluded for the purpose of calculation of interest

(3) Notwithstanding anything contained in sub section (1) where an order giving rise to refund is the subject matter of an appeal or any further proceedings and the Assessing Authority is of the opinion that the grant of the refund is likely to adversely affect

	the State revenue the said officer may with the previous approval of the Commissioner withhold the refund till such time as the Commissioner may determine
New sections 40A and 40B may be inserted to provide for implementation of electronic governance and automation	<p>Section-40A IMPLEMENTATION OF ELECTRONIC GOVERNANCE</p> <ol style="list-style-type: none"> 1) Notwithstanding anything contained in this Act or the rules framed thereunder the Commissioner may by an order with the approval of the State Government implement electronic governance for carrying out the various provisions of this Act and the rules framed thereunder 2) Where an order has been passed under sub section (1) the Commissioner may amend or introduce forms for returns applications declarations annexures memorandum of appeal report of audit or any other document which is required to be submitted electronically 3) The Commissioner may for reasons to be recorded in writing extend or reduce the period prescribed under the Act and the Rules framed thereunder for electronic governance <p>Section-40B Automation</p> <ol style="list-style-type: none"> (1) The provisions contained in the Information Technology Act 2000 (21 of 2000) and the rules framed and directions given thereunder including the provisions relating to digital signatures electronic governance attribution acknowledgement and dispatch of electronic records secure

electronic records and secure digital signatures and digital signature certificates shall apply to the procedures under this Act and Rules framed thereunder for electronic governance

- (2) Where any return annexure report of audit document application form including statutory declaration form certificate communication or intimation of a proprietor is received electronically through the official website such return annexure report of audit document application form including statutory declaration form certificate communication or intimation shall be deemed to have been submitted by such proprietor with his consent
- (3) Where a certificate of registration order form including statutory declaration certificate notice and communication is prepared on any automated data processing system and is sent to any proprietor then the said certificate of registration order form including statutory declaration certificate notice or communication shall not be required to be personally signed by the Commissioner or any other officer subordinate to him and the certificate of registration order form including statutory declaration certificate notice or communication shall not be deemed to be invalid only on the ground that it has not been personally signed by the Commissioner or any other officer subordinate to him

Amendments proposed in the Haryana Tax on Luxuries Rules 2008

EXISTING RULES	PROPOSED RULES
2 (b) agent means a person authorized in writing by a proprietor to appear on his behalf before any office empowered under the Act to carry out the purposes of the Act being	2 (b) agent means a person authorized in writing by a proprietor to appear on his behalf before any officer empowered under the Act to carry out the purposes of the Act being
2 (j) Inspector means a Taxation Inspector posted under the control of Deputy Excise and Taxation Commissioner Sales Tax	2(j) Inspector means the Taxation Inspector appointed under section 3 to assist the Commissioner,
<p>3(1) Every proprietor liable to pay tax under the Act shall for the purpose of registration under sub section (1) of section II make an application within a period of thirty days of the publication of the rules or his becoming liable for payment of tax under the Act to the Assessing Authority in Form LT 1 It shall be signed by the proprietor or in the case of a firm by a partner or in the case of a Hindu Undivided Family business by the Manager or Karta of the Hindu Undivided Family or in the case of a company incorporated under the Companies Act 1956 (Act I of 1956) or under any other law but the principal officer managing the business or in the case of Government department or a public sector undertaking by the head of the Department or by Head of Public Sector Undertaking as the case may be or any other officer duly authorized by such Head of the Department or the Undertaking</p> <p>(2) An application referred to in sub rule (1) shall be affixed with court fee stamp or or accompanied by a treasury challans vide which a sum of five hundred rupees has been deposited in the appropriate Government treasury as registration fee under the Head 0040 102 (State Sales tax) sub minor head 96 (other</p>	<p>3 In the second line of sub rule (1) of rule 3 after the words make an and before the word application the word online may be inserted</p> <p>3(1) Every proprietor liable to pay tax under the Act shall for the purpose of registration under sub section (1) of section II make an online application within a period of thirty days of the publication of the rules or his becoming liable for payment of tax under the Act to the Assessing Authority in Form LT 1 It shall be signed digitally or manually by the proprietor or in the case of a firm by a partner or in the case of a Hindu Undivided Family business by the Manager or Karta of the Hindu Undivided Family or in the case of a company incorporated under the Companies Act 1956 (Act 1 of 1956) or under any other law but the principal officer managing the business or in the case of Government department or a public sector undertaking by the head of the Department or by Head of Public Sector Undertaking as the case may be or any other officer duly authorized by such Head of the Department or the Undertaking</p> <p>(2) An application referred to in sub rule (1) shall be accompanied by a treasury challans vide which a sum of five hundred rupees has been</p>

Receipts)

(3) When the assessing authority after making any enquiry that it may think necessary is satisfied that the applicant is a bona fide proprietor and has correctly given all the requisite information that he has deposited the required registration fee into the appropriate Government treasury and that the application is in order it shall register the proprietor and shall issue a certificate of registration in Form LT 2

(4) The appropriate assessing authority shall give to the proprietor an attested copy of the registration certificate free of cost for every additional hotel/banquet hall enumerated therein

(5) When any proprietor who is registered under sub section (1) of section 11 desires to apply for cancellation under sub section (7) of section 11 he shall send his application to the appropriate assessing authority not less than two months before the date from which

deposited in the appropriate Government treasury as registration fee under the Head 0040 102 (State Sales tax) sub minor head 96 (other Receipts) the amount of five hundred rupees on account of registration fee may be deposited in the appropriate Government treasury through e payment

(3) When the assessing authority after making any enquiry that it may think necessary is satisfied that the applicant is a bona fide proprietor and has correctly given all the requisite information that he has deposited the required registration fee into the appropriate Government treasury and that the application is in order it shall register the proprietor and shall issue a certificate of registration in Form LT-2

Provided that the Assessing Authority shall dispose of the application for registration within fifteen days of the date of receipt of the said application in the office concerned Further, in case any deficiency is noticed by the Assessing Authority, a notice will be issued within five days from the receipt of application to remove the deficiency within a further period of five days In case the applicant fails to remove the deficiency within the stipulated period the application would be liable to be rejected

(3A) Every certificate of registration shall bear a unique number to be known as LTIN (Luxury Tax Payer s Identification Number)

(4) The appropriate assessing authority shall give to the proprietor an attested copy of the registration certificate free of cost for every additional

<p>the cancellation is sought together with a statement of the reasons due to which the cancellation of registration certificate is necessitated</p> <p>(6) If the assessing authority is satisfied that the proprietor has actually discontinued transferred or other wise disposed off the business the assessing authority shall cancel modify or amend the registration certificate issued by it under sub section (8) of section 11</p>	<p>hotel/banquet hall enumerated therein</p> <p><i>(5) The name of every proprietor to whom a registration certificate has been granted under this rule shall be entered alongwith other particulars of his business in a register inform LT 2A</i></p> <p><i>(6) Sub rule 6 may be omitted</i></p>
<p>New insertion</p>	<p>3A Amendment in Registration Certificate (Section 11 A)</p> <p><i>The information required to be furnished under section 24 by a proprietor or by legal heir of a proprietor on his death shall be submitted online in Form LT 1A to the appropriate assessing authority within thirty days of the arising of the contingency necessitating the furnishing of the information and shall be accompanied with the certificate of registration required to be amended On receipt of the information the assessing authority shall if so required amend the certificate of registration and other relevant records after making such enquiry as he may consider necessary The amendment made shall unless ordered otherwise by the assessing authority take affect from the date of receipt of the information</i></p> <p>Provided that the Assessing Authority shall dispose of the application for amendment within fifteen days of the date of receipt of the said application in the office concerned Further, in case any deficiency is noticed by the Assessing Authority, a notice will be issued within five days from the receipt of application to remove the</p>

	<p>deficiency within a further period of five days In case the applicant fails to remove the deficiency within the stipulated period, the application would be liable to be rejected</p>
New insertion	<p>3B Cancellation of Registration Certificate (Section 11 A)</p> <p><i>(1) Where a proprietor who has closed down his business makes an online application in form LT JC to the appropriate assessing authority for cancellation of his certificate of registration and surrenders the same the assessing authority shall if satisfied after making such enquiry as he may consider necessary that the information furnished to him is correct he shall cancel the certificate of registration and such cancellation shall take effect in case of closure of the business from the date of closure otherwise from the date of the receipt of the application for cancellation by the assessing authority</i></p> <p>Provided that the Assessing Authority shall dispose of the application for cancellation of registration certificate within fifteen days of the date of receipt of the said application in the office concerned Further, in case any deficiency is noticed by the Assessing Authority, a notice will be issued within five days from the receipt of application to remove the deficiency within a further period of five days In case the applicant fails to remove the deficiency within the stipulated period the application would be liable to be rejected</p> <p><i>(2) Where a proprietor who has closed down his business fails to make an application to the appropriate assessing authority for cancellation of his certificate of registration or fails to surrender his certificate of registration the assessing authority shall after</i></p>

	<p><i>giving such proprietor a reasonable opportunity of being heard cancel the certificate of registration issued to him from the date he is issued with a notice for cancellation of the same or where he intimates the date of closure of his business from such date</i></p> <p><i>(3) An order of cancellation of certificate of registration of a proprietor under sub section (3) of section 11A shall be passed by a Deputy Excise & Taxation Commissioner who is incharge of a district and the cancellation shall take effect from the date of the order of the cancellation</i></p> <p><i>(4) Every certificate of registration cancelled under sub rule (2) or sub rule (3) shall be surrendered by the proprietor to the assessing authority immediately on receipt of the order of the cancellation</i></p> <p><i>(5) The assessing authority shall make necessary entries in the register in Form LT-2A in respect of a proprietor whose registration certificate has been cancelled under the Act</i></p>
<p>5 The amount of luxury tax falling due under the Act shall be paid into appropriate Government Treasury by means of a challans in from LT 3/demand draft and the proprietor shall furnish a copy of the challans to the appropriate assessing authority along with the declaration/return to which the payment relates</p> <p>7 Every proprietor for the purpose of section 26(1) shall maintain</p> <p>(a) Information of accommodation and tariff thereof in his hotel</p> <p>(b) daily account of occupation of accommodation in his Hotel or lodging house and collection of luxury tax therefore</p> <p>(c) information of banquet hall and tariff thereof</p>	<p>5 The amount of luxury tax falling due under the Act shall be paid into appropriate Government Treasury by means of e payment/challan in Form LT 3 or manual payment through e challan and the proprietor shall furnish a copy of the challans to the appropriate assessing authority along with the declaration/return to which the payment relates</p> <p>7 Every proprietor for the purpose of section 26(1) shall maintain</p> <p>(a) Information of accommodation and tariff thereof in his hotel</p> <p>(b) daily account of occupation of accommodation in his Hotel or lodging house and collection of luxury tax therefore</p> <p>(c) information of banquet hall and tariff thereof</p>

<p>(d) daily account of occupation of a banquet hall and collection of luxury tax therefore</p> <p>(e) monthly abstract of remittance of luxury tax</p>	<p>(d) daily account of occupation of a banquet hall and collection of luxury tax therefore</p> <p>(e) monthly abstract of remittance of luxury tax</p>
<p>9 (1) Every proprietor liable to pay tax under the Act shall furnish a statement in respect of a month in Form LT-S latest by 15th day of the subsequent month showing clearly the receipts from the guest (s) and the amount of luxury tax due therein</p>	<p>9 (1) Every proprietor liable to pay tax under the Act or such proprietor as may be required so to do by the Assessing Authority by notice shall furnish an online statement in respect of a month in Form LT S or in Form LT SU as the case may be latest by 15th day of the subsequent month showing clearly the receipts from the guest (s) and the amount of luxury tax due therein</p>
<p>10 (1) Every registered proprietor and every proprietor whose application for registration is pending with the assessing authority shall submit a complete and correct return for the year in Form LT 4 latest by 31st May to the appropriate assessing authority</p> <p>(2) Every proprietor who submits a return under sub rule (1) shall submit along with the return receipt from the appropriate government treasury or cross demand draft or pay order in favour of the assessing authority for the full amount of tax due according to the return</p>	<p>10 (1) Every proprietor required to file return under sub section(1) of section 13 shall submit a complete and correct return for the year in Form LT 4 or in Form LT-4U, as the case may be latest by 31st May to the appropriate assessing authority</p> <p>(2) Every proprietor who submits a return under sub rule (1) shall submit along with the return receipt from the appropriate government treasury for the full amount of payable under the Act</p>
<p>11 (1) When the appropriate assessing authority considers necessary to make an assessment under section 15 or section 17 or re assessment under section 16 in respect of proprietor it shall serve a notice in Form LT 5</p> <p>(a) calling upon him to produce or cause to be produced the bound registers maintained under rule 8 and such other documents as may be specified in the notice which such authority wishes to</p>	<p>11 (1) When the appropriate assessing authority considers necessary to make an assessment under section 15 or section 17 or re assessment under section 16 in respect of proprietor it shall serve a notice in Form LT 5</p> <p>(a) calling upon him to produce or cause to be produced the bound registers maintained under rule 8 and documents as may be specified in the notice which such authority wishes to examine together with any other evidence on</p>

<p>examine together with any other evidence on which such proprietor may wish to rely in support of its claim</p>	<p>which such proprietor may wish to rely in support of its claim</p> <p>(b) stating the period or the return period or periods in respect of which assessment or re assessment is proposed and he shall fix a date ordinarily not less than 10 days after the date of the service of the notice for producing such documents and evidence and for considering any objection which the proprietor may prefer</p> <p>(2) A proprietor who has been served with a notice under sub rule (1) may prefer an objection in writing personally or through an agent No fee shall be payable in respect of any such objection</p> <p>(3) The assessing authority may make such enquiries in respect of the objection preferred under sub rule(2) as it may deem fit and record a finding thereon</p> <p>(4) After the tax has been assessed under sections 15 17 or 16 together with interest and/or penalty if any the assessing authority shall issue an assessment order which shall be in writing and where the assessing authority determines the tax at figure different from that shown in the return submitted under the provisions of these rules the order shall state briefly the reasons thereof but failure to state the reasons shall not effect the validity of the assessment order</p>
<p>13 Every assessing authority shall maintain a register called disposal register where he shall enter the details of each case of the assessment penalty etc</p>	<p>13 Every assessing authority shall maintain a register called disposal register in form LT 6A where he shall enter the details of each case of the assessment penalty etc</p>

New insertion**14A Refund (Section 34)**

(1) Where a refund of any amount actually paid by any proprietor or other person becomes payable as a result of the order of an assessing authority or appellate authority or revising authority or any court and the same is not the subject matter of any further proceeding such proprietor or person shall make an online application in Form LT 10 to the appropriate assessing authority along with original copy of the order which constitutes the bases for refund

(2) The Assessing Authority shall on receiving an application under sub rule (1) examine the same and pass an order either to allow the refund in full or in part or to disallow the same for reasons to be communicated in writing and where the refund is allowed it shall issue refund payment order in Form STR 34 prescribed under the Punjab Subsidiary/Treasury or refund adjustment order in Form LT 11

(3) The following authorities shall be competent to allow refund arising from a single order of the amount mentioned against each

1	Committee comprising of three senior most Additional Excise and Taxation Commissioners from department side posted at the Head Quarter and an officer to be nominated by the Commissioner as its Member Secretary The senior most amongst these	Above ten lakh rupees
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		Additional Excise and Taxation Commissioners shall be the Chairman	
	2	Committee comprising of the concerned Joint Excise & Taxation Commissioner (Range) as the Chairman the other two members being one the senior most Deputy Excise and Taxation Commissioner posted in any district falling in the range (DETC may be from either wing i.e. Sales Tax or Excise or Inspection or Passenger and Goods Tax etc from any of the districts falling in the range) second the Deputy Excise and Taxation Commissioner (Sales Tax) of the district concerned The Excise and Taxation Officer working as Nodal Officer (Refund) in the district concerned shall work as Member Secretary	Above five lakh and upto ten lakh rupees
	3	Committee comprising of the Deputy Excise and Taxation Commissioner (Sales Tax) of the	Upto Five lakh rupees

district concerned as the Chairman other two members being two senior most Excise and Taxation Officers posted in the district (the ETOs may be from either wing i.e. Sales Tax or Excise or Inspection or Passenger Goods Tax etc) The Excise and Taxation Officer working as Nodal Officer (Refund) in the district shall work as Member Secretary	
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The lower authority/authorities shall submit the record of the case along with his/her/their recommendation(s) to the competent authority at the appropriate level at least thirty days before the time prescribed for issuing refund without interest lapses and the competent authority shall intimate its decision to the lower authority/authorities well in time. It may by order in writing increase or decrease the amount of refund or may order that no refund is due but no adverse order shall be passed without giving the affected person a reasonable opportunity of being heard.

The Committees constituted for the purpose of sanction of refund shall meet at least once in a fortnight to decide the cases of refund sent to them for approval.

The Commissioner shall be competent to decide the eligibility of an officer with regard to his/her seniority about membership of any committee.

	and to issue instructions for smooth functioning of the committees
<p>Appeal, revision review and rectification, sections 31, 32 & 33</p> <p>Rule 16 (1) Every memorandum of appeal under section 31(1) shall</p> <p>(a) be written on the standard water marked judicial paper along with a court fee of five hundred rupees duly affixed thereon</p> <p>(b) be filed in triplicate</p> <p>(c) specify all the particulars required to be stated in such a memorandum</p> <p>(d) contain a clear statement of facts and grounds of appeal briefly but clearly set out</p> <p>(e) state precisely the relief prayed for</p> <p>(f) be accompanied by</p> <p>(i) the order in original against which it is made or duly authenticated copy thereof unless the omission to do so or to produce such order or copy is explained at the time of presentation of memorandum of appeal to the satisfaction of the appellate authority</p> <p>(ii) proof of payment of tax (including interest payable) or of penalty or of both or</p> <p>(iii) written prayer (in triplicate) substantiating the plea of inability to make payment of tax assessed (including interest payable) or penalty imposed or both as the case may be and</p> <p>(g) be verified and signed by appellant or by an agent duly authorized by him in that behalf</p> <p>(2) Every memorandum of appeal referred to in sub rule (1) shall be presented by the appellant or his agent to the appellate authority or be sent to the said authority by register of post (acknowledgement due)</p>	<p>Appeal (section 31)</p> <p>Rule 16 (1) Every memorandum of appeal under section 31(1) shall</p> <p>(a) be written on the standard water marked judicial paper along with proof of payment of fee of five hundred rupees into the government treasury,</p> <p>(b) be filed in triplicate</p> <p>(c) specify all the particulars required to be stated in such a memorandum</p> <p>(d) contain a clear statement of facts and grounds of appeal briefly but clearly set out</p> <p>(e) state precisely the relief prayed for</p> <p>(f) be accompanied by</p> <p>(i) the order in original against which it is made or duly authenticated copy thereof unless the omission to do so or to produce such order or copy is explained at the time of presentation of memorandum of appeal to the satisfaction of the appellate authority</p> <p>(ii) proof of payment of tax (including interest payable) or of penalty or of both or</p> <p>(iii) written prayer (in triplicate) substantiating the plea of inability to make payment of tax assessed (including interest payable) or penalty imposed or both as the case may be and</p> <p>(g) be verified and signed by appellant or by an agent duly authorized by him in that behalf</p> <p>(2) Every memorandum of appeal referred to in sub rule (1) made to first appellant authority shall be in Form LT MA and shall be submitted online by the appellant or his agent or be presented personally to the said authority The memorandum of appeal referred to in sub rule (1) and made to</p>

	the Tribunal shall also be in Form LT MA and shall be presented by the appellant or his agent to the Tribunal or be sent to the said authority by registered post
<p>17 (1) If the memorandum of appeal omits to state any of the particulars required under rule 16 or is not accompanied by the order in original or duly authenticated copy of the order against which it is made or any other grounds considered sufficient the appeal may be rejected summarily after providing he reasons therefore</p> <p>Provided that no appeal shall be rejected summarily under this sub rule unless the appellant is given a reasonable opportunity to amend the memorandum of appeal</p>	<p>17 (SUMMARY REJECTION) The appeal may be summarily rejected if the appellant fails to comply with any requirements of rule 16 or any other ground which the appellate authority may consider sufficient and which shall be reduced into writing by the appellate authority</p> <p>Provided that no appeal shall be summarily rejected under this rule unless the appellant or his agent has been given reasonable opportunity of amending the memorandum of appeal or of being heard</p>
<p>Rule 18 Rejection of appeal for want of sufficient particulars (Section 31)</p> <p>(1) if the appellate authority does not reject the appeal under rule 17 it shall fix a date for admission of the appeal and it shall also give a notice of the same to the assessing authority or officer against whose order the appeal has been preferred Such notice may be delivered personally or may be sent by registered post</p>	<p>Rule 18 Hearing and disposal of appeal (Section 31)</p> <p>(1) If the appellate authority does not reject the appeal under rule 17 it shall fix a date for admission of the appeal and it shall also give a notice of the same to the assessing authority or officer against whose order the appeal has be preferred such notice may be delivered personally or may be sent by registered post or through e mail</p>
<p>20 The information as envisaged under section 24 shall be furnished by the proprietor to the appropriate assessing authority within a period of thirty days of any change having come about in regard to the business</p>	<p>20 Application for Review (Section 32 A)</p> <p>(1) Every application for review under section 32A to the Tribunal shall be written on standard water marked judicial paper in form LT 9 affixed with court fee stamps of the value as specified in rule 24</p> <p>(2) It shall be accompanied by certified or authenticated copy of the order which is sought to be reviewed and a treasury receipt showing the payment of fee</p>
<p>21 (1) The Deputy Excise and Taxation Commissioner (Sales Tax)</p>	<p>21 (1) The Deputy Excise and Taxation Commissioner (Sales Tax) incharge of</p>

<p>incharge of the district may suo — motu or an application made to him in this behalf by order in writing transfer any case or proceedings or class of proceedings to any other assessing authority working under his control and may likewise transfer any such case (including a case already transferred) from one such officer to another</p> <p>(2) Jt Excise and Taxation Commissioner (Range) may suo — motu or an application made to him in this behalf transfer any case from the one district to another district in the area of his jurisdiction</p>	<p>the district may suo — motu or an application made to him in this behalf by an order in writing transfer any case or proceedings or class of proceedings to any other assessing authority working under his control and may likewise transfer any such case (including a case already transferred) from one such officer to another</p> <p>(2) Jt Excise and Taxation Commissioner (Range) may suo — motu or an application made to him in this behalf transfer any case by an order in writing from the one district to another district in the area of his jurisdiction</p>
<p>22 (1) The Commissioner may under section 37(1) delegate in writing any of his powers to any officer not below the rank of an assessing authority concerned</p> <p>(2) Any assessing authority may be an order in writing authorize generally or in any particular case any officials subordinate to and working under it administrative control to exercise the powers conferred upon such authority under these rules to prepare and sign receipts notices challans and other documents and registers required to be drawn up maintained or issued under the Act or the rules</p>	<p>22 The Commissioner may under section 37 delegate in writing any of his powers to any officer not below the rank of a Deputy Excise & Taxation Commissioner</p> <p>(2) The Deputy Excise and Taxation Commissioner or any assessing authority may be an order in writing authorize generally or in any particular case any officials subordinate to and working under it administrative control to exercise the powers conferred upon such authority under these rules to prepare and sign receipts notices challans and other documents and registers required to be drawn up maintained or issued under the Act or the rules</p>
<p>New insertion</p>	<p>23 Method of service of notice and supply of copy of order [Sections 15,16 17,21 and 22]</p> <p>Notice under the Act or these rules shall be served by one of the following methods -</p> <p>(a) by delivery by hand a copy of the notice to the addressee or to his agent or to a person regularly employed by him in connection with the business in respect of which he is registered as a proprietor or to any adult member of his</p>

family residing with the proprietor
 (b) by registered post or
 (c) by speed post or by an other means of transmission of documents including fax message or electronic mail service or by such courier services as are approved by the Commissioner

Provided that if upon an attempt having been made to serve any such notice by either of the above said methods the authority concerned has reasonable grounds to believe that the addressee is evading service of notice or that for any other reason which in the opinion of such authority is sufficient that notice can not be served by any of the above mentioned methods the said authority shall after recording the reasons thereof cause the notice to be served by affixing a copy thereof —

(i) if the addressee is a registered proprietor of the business on some conspicuous parts of his office or the building in which his office is located or upon some conspicuous part of the place of his business last intimated to the said authority by him or the place where he is known to have last carried on business or

(ii) if the addressee is not a sole owner of the business on some conspicuous part of his residence or office or the building in which his residence or office is located and such service shall be deemed to be as effectual as if it has been made on the addressee personally

Provided further that where the officer at whose instance the notice is to be served is on enquiry satisfied that the said office business place or residence is known not to exist or is not traceable such officer may by order in writing dispense with the requirement of service of the notice under the last

preceding proviso

(2) When the officer serving a notice delivers or tenders a copy of the notice to the proprietor or addressee personally or to his agent or to any of the persons referred to in clause (a) of sub rule (1) he shall require the signatures of the person to whom the copy is so delivered or tendered in token of an acknowledgement of service endorsed on the original notice. When the notice is served by affixing a copy thereof in accordance with the first proviso to sub rule (1) the officer serving it shall return the original to the authority which issued the notice with a report endorsed thereon or annexed thereto stating that he so affixed the copy the circumstances under which he did so and the name and address of the person if any by whom the addressee's office or residence or the building in which his office or residence is located or his place of business was identified and in whose presence the copy was affixed. The said officer shall also obtain the signature or thumb impression of the person identifying the addressee's residence or office or building or place of business to his report.

(3) When service is made by post the service shall be deemed to be effected by properly addressing or preparing the notice and posting by registered post or by speed post or by courier and unless the contrary is proved the service shall be deemed to have been effected at the time which the notice would be delivered in ordinary course of post. In case of service by fax or electronic mail the service shall be deemed to be effected when transmission report is generated automatically by the appropriate mode.

(4) The provisions of the foregoing

	sub rules shall be followed in respect of supply of notice of demand or copy of an order passed under the Act or these rules		
New insertion	24 Fee (Section 31,32 and 32 A)		
	The following fee shall be payable in the form of court fee stamps or through e payment or payment through e challan namely —		
	(i)	On a memorandum of appeal	Five hundred rupees
	(ii)	On an application for review to the Tribunal	Five hundred rupees
	(iii)	On an application for obtaining copies of record	Twenty Five rupees
	(iv)	On any other application including application for adjournment	Twenty Five rupees

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 & 43rd Reports

The 43rd Report was sent to the Department vide letter dated 7 4 2015 to implement the observations/recommendations at the earliest. Subsequent reminders were also sent to the Department vide letter dated 29 9 2015, 14 01 2016 and 16 2 2016 to expedite the action in the matter at an early date. In response to the aforesaid communications the Department supply the reply of recommendations/observations vide letter No 8/11/2015 2Env dated 3 3 2016 and the same was placed before the Committee in its meeting held on 9 3 2016 informed that file has already been put up to Hon ble Chief Minister on 11 2 2016.

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 & 43rd Reports

The 43rd Report was sent to the Department concerned vide letter dated 8 4 2015 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 5 10-2015 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 JE (VA) 2015/22200 dated 10 11 2015 and the same was placed before the Committee in its meeting held on 18 11 2015 in which informed that file has already submitted to the Government for approval with improvements in Rules 1965 as suggested by the Subordinate Legislation 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**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 & 43rd Reports

The Committee observed that 43rd Report was sent to the Department vide letter dated 8-4 2015 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 2/2 Rules-2015/9191 dated 21-9-2015 and informed that the necessary amendments have been made in the Haryana Registration of Births and Deaths Rules 2002 vide Notifications No 7/31/2014 3AR and 7/8/2011 3AR dated 7-6-2011 and 1-12-2011

After perusing the said Notification dated 7-5-2015 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 is required to be taken in the matter

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

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 to 43rd Reports

The Committee observed that 43rd Report was sent to the Department vide letter dated 8 4 2015 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 5 10 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 Committee vide their letter No 3224 ARS 4 2015/14051 dated 15 10 2015 and the same was placed before the Committee in its meeting held on 23 10 2015 in which 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 word jointly may be substituted with the word jointly to make the sub rule grammatically correct	The department is agree with the recommendation. Correction 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. action is required	
3	4(4)	The Committee recommends that in the 10th line of the sub	The word remarks already exist there. Require no action	

		rule the word emarks may be substituted with the word remakrs to make the sub rule grammatically 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 agree with the recommendation Therefore in the fourth line of the rule 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 Correciton slip will be made	
6	10(3)	The committee is of the view that in this Sub rule often damage of loss of the Kisan Pass Book 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 precautions 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	

			<p>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</p> <p>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 distruction and loss because in the event of its 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>	
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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 & 43rd Reports

The Committee observed that 43rd Report was sent to the Department vide letter dated 8 4 2015 to implement the recommendations/observations made by the Committee at the earliest. A reminder was also sent to the Department vide letter dated 5 10 2015 to expedite the action in the matter at an early date. In respect of the aforesaid communication the department sent a letter No 1274 75/2R & CR dated 24 12 2015 addressed to the Additional Chief Secretary to Govt Haryana and copy of the same was endorsed to this Secretariat. The same was placed before the Committee in its meeting held on 6 1 2016 and stated that the office has already submitted a proposal for amendment of Haryana Canal and Drainage Rules 1976 vide letter No 144/2R&CR dated 11 2 2015 along with memorandum followed by reminder No 822/2R&CR dated 1 9 2015.

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 —

43rd REPORT 2014 2015

(LABOUR DEPARTMENT)

(i) The Punjab Factory Rules, 1952 framed under the Factories Act, 1948

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Factory Rules 1952 framed under the Factories Act 1948 as contained in its 43rd Report

The Committee observed that 43rd Report was sent to the Department vide letter dated 8 4 2015 to implement the recommendations/observations made by the Committee at the earliest

Subsequent reminders were also sent to the Department vide letter dated 5 10 2015 & 14 1 2016 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 FS/2014/779 dated 5 2 2016. The same reply was placed before the Committee in its meeting held on 10 2 2016 vide which stated that the file regarding amendment in Punjab Factory Rules 1952 which incorporates the recommendations/observations of the Committee on Subordinate Legislation has been approved by the Hon ble Chief Minister Haryana and is now under process for vetting the same from Legal Remembrancer Haryana.

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 —

43RD REPORT 2014 2015

(MINES & GEOLOGY DEPARTMENT)

- (ii) **The Haryana Minor Mineral Concession Stocking, Transportation Minerals and Prevention of Illegal Mining Rules 2012 framed under the Mines and Minerals (Development and Regulation) Act 1957**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Minor Mineral Concession Stocking Transportation Minerals and Prevention of Illegal Mining Rules 2012 framed under the Mines and Minerals (Development and Regulation) Act 1957 as contained in its 43rd Report

The Committee observed that 43rd Report was sent to the Department vide letter dated 8 4 2015 to implement the recommendations/observations made by the Committee at the earliest. Subsequent reminders were also sent to the Department vide letter dated 5 10 2015 & 14 1 2016 to expedite the action in the matter at an early date. In respect of the aforesaid communications the department sent the reply vide Memo No DMG/HY/HVS SLC/979 dated 15 2 2016 and the same was placed before the Committee in its meeting held on 16 2 2016 which is stated as under

Sr No	Provisions of the Rule qua which action on observations of the Committee was required	Gist of observation of the Committee	Remarks
1	<p>3 Relaxations in certain cases</p> <p>(1) No royalty or permit fee shall be - charged or transit permit required for</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(iv) levelling of any agricultural fields by a landowner within his own land where no disposal of ordinary earth outside the area is involved</p> <p>(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</p> <p>(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</p> <p>Provided that the quantity of mineral excavation shall be permissible only to the</p>	<p>The Committee observed that procedure for grant of permission be simplified</p>	<p>No specific permission under this rule is required by the persons exempted under rule 3(1) As no permission is required for the same in the name of further Simplification in case any fresh guidelines are decided to be issued it may on the other hand create requirement of some permission</p> <p>However all officers have been directed that no person entitled to relaxation under this rule be harassed</p> <p>As regards transportation of ordinary earth under rule 3(2) to meet personal land fill requirements either in another agricultural field or for meeting personal bonafide requirement though no royalty is payable but permit is required to be obtained from Mining Officer concerned</p> <p>Directions have been issued on 18.3.2015 to all field officers to dispose of any such application without any delay and in no case beyond 15 days from the date of receipt of such application</p> <p>However it may be worth pointing out that department had neither received any application under this rule for grant of permit nor has received any complaint of harassment of any local person</p>

	<p>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 any one time</p> <p>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</p> <p>(4) The relaxations granted under this rule shall not be available for excavation of mineral in any area where use of explosives is inevitable</p>		
2	<p>6 Exemptions in certain cases</p> <p>(1) In the case of Irrigation Department of the Government</p> <p>(i) channelization of any river system for containing any incidence of inundation of 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</p> <p>(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 of embankments and is not disposed off outside such area</p> <p>(iii) regular operation and maintenance of the scheduled canals and drainage system as notified by the Irrigation Department</p> <p>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</p> <p>Provided further that while no royalty shall be payable in respect of the mineral extracted from its canal & drainage</p>	<p>The Committee made observations with regard to illegal cutting of hillocks for constructions of houses/developmental projects and excavation of stone without permission</p>	<p>The perusal of the rule 6(2) would show that no permission of the department is required in case of cutting of hilly area for construction of any house/ developmental projects. The permission from the department of Mines and Geology is required only for use/disposal of mineral encountered in the process of execution of developmental activities</p> <p>As such construction in hilly areas is not covered under the provisions of Mines and Minerals (D&R) Act 1957 and rules framed there</p> <p>The illegal construction if any in hilly area or any plain areas is to be looked after by the concerned departments i.e Urban Local Bodies Department/ Town and County Planning or HUDA</p> <p>Regarding construction of Surajkund to Badkhal road short term permits were granted to the</p>

	<p>system and used by the Irrigation Department for its own requirements it shall pay the royalty in respect of the mineral extracted and disposed off outside the area as prescribed under rule 33</p> <p>(2) In other cases</p> <p>(1) 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</p> <p>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</p> <p>(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</p> <p>(iii) breaking of land only for laying the foundations of individual houses or small establishment over plots upto five hundred square yards</p> <p>(iv) Excavation of brick earth or ordinary clay up to a depth of one and half meters from the adjoining ground level</p> <p>Provided that the brick earth or ordinary clay so excavated shall be disposed off or consumed only after obtaining a permit from the Director or any officer authorized by him and on payment of the royalty as per First Schedule and application fee as mentioned in rule 35</p> <p>(3) Notwithstanding anything contained in these rules the excavations or operations as mentioned in sub rules (1) and (2) above shall not be treated as mining operations</p>	<p>contractor for disposal of stone/ ordinary clay encountered during construction of of the road An amount of Rs 1 53 84 000/ on account of royalty for stone excavated and Rs 7 84 896/ on account of royalty for ordinary clay excavated in the process have been recovered by the department</p>
3	<p>7 Restrictions on grant of mining lease/contract/permit</p>	<p>The Committee while deliberating upon the provisions relating to</p> <p>The department is invariably stipulating the condition of</p>

	<p>(1) No mining lease/contract/ permit shall be granted in respect of any land within distance of</p> <p>(i) fifty meters 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</p> <p>(i) two hundred fifty meters 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</p>	<p>restrictions on mining also reiterated the concerns regarding impact of mining in case of seismic zones</p>	<p>seeking prior environmental clearance before commencement of mining operations A specific condition to this effect has been incorporated in the lease deed/contract agreement to be signed by the lessee/contractor</p> <p>Further the project proponents are required to give specific details relating to area susceptible to earthquake subsidence landslides erosion flooding or extreme or adverse climatic conditions while submitting their applications in prescribed form as per EIA notification dated 14 09 2006 of Ministry of Environment and Forests Govt of India</p>
4	<p>18 Acknowledgement of application</p> <p>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 with in seven days of the receipt there of</p>	<p>The Committee with regards requirement to issue acknowledgement for grant/renewal of lease desired that the receipt be issued through registered post to the applicant where the applications are received through post</p>	<p>The amendment to insert words through registered post after the word there of in the last line of rule 18 would be made along with some major amendment(s) as per policy of the State Government</p>
5	<p>23 Renewal of a mining contract</p> <p>(4) The Director or an officer authorised by him shall communicate the discrepancies in the application if any or requirement of any additional information within thirty days from the date of receipt of application requiring the applicant(s) to make up the deficiencies and/ or provide such additional information is not submitted within such specified period the application shall be decided on the basis of information already submitted</p>	<p>The Committee while considering rule relating to disposal of application for renewal of mining contract observed that at least some time limit be fixed to dispose of the same</p>	<p>The renewal application(s) of any mineral concessions granted under this rule would not arise before 2019 20 as the contracts were granted only in the year 2014 15 and the minimum period of the contract is 7 years</p> <p>However the department is considering the</p>

			optimum period for deciding the renewal application so that in all cases such applications get disposed of preferably before one year prior to the expiry of the period of contract
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During the course of oral examination held on 9 3 2016 the departmental representatives had stated before the Committee that the observations/recommendations made by the previous Committee had been taken into consideration by the Government/Department. The same was under consideration of the Chief Minister. The Previous Committee was of the view that necessary action in the matter would be taken by the department at an early date and the Committee might be informed accordingly.

In view of above position the Committee expects that necessary action in the matter will be taken by the department on priority basis and final notification after amendment of the relevant rules implementing the observations/recommendations of the Committee may be sent to the Committee at an early date.

SCRUTINY OF THE PUNJAB SUGARCANE (REGULATION OF PURCHASE AND SUPPLY) RULES, 1992 FRAMED UNDER THE PUNJAB SUGARCANE (REGULATION OF PURCHASE AND SUPPLY) ACT, 1953

The Committee scrutinized the Punjab Sugarcane (Regulation of Purchase and Supply) Rules 1992 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act 1953 and made the following observations/recommendations thereon

Observations of the Committee

The Committee would like to know whether the department has changed the name of these Rules to the effect that the word Punjab has been substituted by the word Haryana or not and the department has adopted these Rules or not if so when?

The Committee would like to know the reasons for the inordinate delay in framing the Rules and in absence of which how the department was regulating the purchase and supply of sugarcane

The Department in their written reply stated as under

- (i) The Haryana Sugarcane (Regulation of Purchase and Supply) Rules 1992 have been made *vide* notification dated 14/05/1993 repealing the existing Punjab Sugarcane (Regulation of Purchase and Supply) Rules 1958
- (ii) The Punjab Sugarcane (Regulation of Purchase and Supply) Rules 1958 were already in place and the purchase and Supply of Sugarcane was regulated accordingly

Rule 3

- 3 (1) The Board shall consist of fifteen members Including the Chairman
- (2) The Government shall by notification nominate even official and seven non official members which shall include representatives of the grower of sugar factory
- (3) The Minister for Agriculture shall be the ex officio Chairman of the Board
- (4) The Cane Commissiner shall be the Secretary of the Board
- (5) The Board shall in addition to the powers and duties offered or imposed upon it by the provisions of the Act advise the Government on matters referred to it
- (6) The Board shall meet at least twice a year Notice in writing of all meetings shall be circulated by the Secretary to all members not less than one week before the date fixed for the meeting except in urgent cases in which case a meeting may be held on three days notice which may be sent by letter to all members residing at the headquarters and by telegram to members not so residing

- (7) The term of office of the nominated members shall be three years from the date of notification of the Board
- (8) When the place of a member nominated to the Board becomes vacant by resignation death removal or otherwise of such member the Government shall nominate within three months a new member to fill the vacancy in accordance with the provision fo Sub rule (2) and such new member shall hold office for the unexpired period of the term of office of the member in whose place he has been nominated
- (9) The procedure in from I to these rules shall be followed at the meetings of the Board

Observations of the Committee

Rule 3

The Committee would like to know the date on which the present Sugarcane Control Board was constituted and the names of the members of the present Sugarcane Control Board If the Board has not been constituted so far the reasons for the same may also be intimated to the Committee

Rule 3(5)

The Committee would like to know the matters which were referred to the Sugarcane Control Board and also the advice given by the Board on these matters during the last five years

Rule 3(6)

The Committee observed that the word telegram may be substituted by the latest technological method i e fax email etc

Form 1(3)

[Under Rule 3(9)]

The Committee would like to discuss the period of seven days for giving a Notice of resolution of a motion to be moved at a meeting of the Board as mentioned in para 3 of Form I

Form-I (10)

[Under Rule 3(9)]

The Committee observed that the minutes of each meeting of the Board must also be sent to all the members of the Board and the same provision may be added at the end of para 10 of Form-I

The Department in their written reply stated as under -

Rule 3

The present Sugarcane Control Board has been constituted by the State Government *vide* Notification No 4099 Agri II(3)-2015/17472 dated 9 10 2015 The names of the members of the present Sugarcane Control Board are as under

Agriculture Minister, Haryana**Chairman****Ex officio official Members**

- | | | |
|---|---|------------------|
| 1 | Minister of State for Cooperation Haryana
(Independent Charge) | Member |
| 2 | Additional Chief Secretary to Government of
Haryana Agriculture Department | Member |
| 3 | Additional Chief Secretary to Government of
Haryana Finance Department | Member |
| 4 | Principal Secretary to Government of Haryana
Cooperation Department | Member |
| 5 | Registrar Cooperative Societies Haryana
Panchkula | Member |
| 6 | Managing Director The Haryana State
Federation of Cooperative Sugar Mills
Panchkula | Member |
| 7 | Cane Commissioner Haryana Panchkula | Member Secretary |

Non Official Member

- | | | |
|---|--|--------|
| 1 | Sh Ghanshyam Dass MLA House No 120 A- R
Model Town Yarnunanagar | Member |
| 2 | Managing Director Cooperative Sugar Mill
Shahabad(Kurukshetra) | Member |
| 3 | Sh Hawa Singh Chahal Advocate
House No 171 Narsi Village Sector 32 Karnal | Member |
| 4 | Sh Rambir Singh S/o Sh Jagdish Singh
Village Unheri (Yarnunanagar) | Member |
| 5 | Sh Jogender Boora S/o Sh Chandgi Ram
Village & P O Khokhri (Jind) | Member |
| 6 | Sh Dharmpal Jaglan S/o Sh Zile Singh
VPO Israna (Panipat) | Member |
| 7 | Sh Virender S/o Sh Basheshar VPO Chhaut
(Kaithal) | Member |

Rule 3 (5)

The Haryana Sugarcane Control Board deliberates upon on the following matters every year before the commencement of crushing operations of sugar mills in the State

- 1 Recommendation of State Advised Price of Sugarcane to be paid by the sugar mills to the cane growers during the crushing season
- 2 Announcement of date of start of crushing operation by the sugar mills
- 3 Allotment of sugarcane to the sugar mills for crushing during the season
- 4 Issuance/Renewal of licences to new/old units of Gur and Khandsari units
- 5 Allotment/Transfer of villages from the assigned area of a sugar mill to the other sugar mills
- 6 Inclusion of a sugarcane variety in a particular group etc

The matters regarding allotment of sugarcane for crushing to different sugar mills and issuance/renewal of licences to the Gur & Khandsari units are decided by the Board keeping in view the production and availability of sugarcane in the assigned area of sugar mills

The State Advised Price of sugarcane recommended by the Sugarcane Control Board during the five years are as under

Sr No	Year	State Advice price (Rs per Qtls)		
		Early Variety	Mid Variety	Late Variety
1	2011 12	231/	226/	221/
2	2012 13	276/	271/	266/
3	2013 14	301/	295/	290/
4	2014 15	310/	305/	300/
5	2015 16	310/	305/	300/

Rule 3 (6)

Agreed

Form I (10)

The office of the Cane Commissioner/Member Secretary of the Board is in practice to circulate the minutes of each meeting of the Board to all the members of the Haryana Sugarcane Control Board. However the provision can be added in point No 10 of Form I

Rule 4 (v)

When the place of a member of the committee or body becomes vacant by the resignation death removal or otherwise of such member the Government may appoint a new member to fill the vacancy within three months and such new member shall held office for the unexpired period of the term of office of the member in whose place he has been appointed

Observations of the Committee

The Committee would like to know the details of the committee constituted under Rule 4 and whether these committees are in existence or not if not the reasons thereof

The Committee would further like to know that in case of any irregularity whether any accountability or responsibility of any officer of the department is fixed or not ?

The Department in their written reply stated as under –

- (i) No such committee as provided under Rule 4 has been constituted so far because no necessity has been felt for the same in the presence of Haryana Sugarcane Control Board
- (ii) Not applicable in view of above

Rule 5

5 (i) The Financial Commissioner the Secretary Agriculture the Director of Agriculture and the Cane Commissioner shall be the ex officio Inspectors for the whole of the State The Commissioners Deputy Commissioners and the Sub Divisional Officers (Civil) shall be ex officio Inspectors within the respective jurisdiction

(ii) The Government may appoint when required such other Government servants as it may think it to be Additional Cane Inspectors within such limits as may be assigned to them

(iii) Every Inspector may within the local limits of his jurisdiction and within such assistance as he thinks necessary

- (a) enter any place which is or which he has reasons to believe to be used as a factory or purchasing centre or any place where sugarcane intended for use in a factory is weighed or payment is made therefor and make examination of the weight bridge and of any records registers and accounts maintained in connection with the purchase of sugarcane provided that he shall not enter any portion of such factory other than the weigh bridge the cane carriers premises and the office of the factory
- (b) cause carts carrying sugarcane of consignments of sugarcane to be weighed or re weighed in his own presence provided that sugarcane loaded in wagons may not be required to be unloaded for the purposes of re weighing
- (c) record the statement of any person whom he may deem necessary to examine for the proper discharge of his duties

- (d) examine such records as are maintained at a factory showing the amount of cane purchased the amount of cane crushed the sucrose content thereof the quantity of sugar manufactured the percentage of extraction of sugar from cane the quantity of sugar produced issued and in stock
- (e) examine the weigh bridges or weights used kept or possessed for the weighment or purchase of cane
- (f) check weighment purchase and payments made
- (g) inspect factory roads cattle sheds cattle throughs and lighting arrangements made for weighment of cane
- (h) examine the records showing the accounts of cane purchased and crushed
- (i) call for from the occupier of the factory any information relating to the purchase supply and crushing of cane
- (j) issue from time to time such instructions as may be necessary to ensure equitable purchase of Cane
- (k) examine any record register accounts or documents or cane growers co operative societies
- (l) examine any records register or documents or call for any information relating to the payment of cess commission and price of cane and
- (m) Exercise such other powers as may be necessary including suspension of cancellation of bond for carrying out the proposes of the Act or of the rules made the reunder

Observations of the Committee

Rule 5 (i)

The Committee recommends that in Rule 5(i) in the first line the sign after the word Secretary may be deleted being superfluous

Rule 5(iii)

The Committee would like to know the number of Inspections conducted by the Inspector or other officer of the department in whole of the State during the last five years and also the details of the reports submitted by these inspectors or officers as the case may be

The Department in their written reply stated as under –

Rule 5

- (i) In first line of Rule 5(i) the sign - is not existing However the words Financial Commissioner the Secretary Agriculture may be replaced with the words Principal Secretary Agriculture

Rule 5

(iii) The inspection work of weighment at sugarcane purchasing centers established by different sugar mills in their respective assigned areas is carried out by the inspecting officers of the department to test the correctness of the weigh bridges and weighing measures. The information regarding the number of inspections conducted by the inspecting officers in the State during the last five years is being collected and will be sent in due course of time.

Rule 6

The notice required to be given by the occupier of a factory under section 6 shall be in form III

Observation of the Committee

The Committee recommends that in the heading of Rule 6 the Section 20 (4) may be corrected as Section 20 (2) as there is no Sub section (4) in the Act

The Department in their written reply stated as under

Agreed

Rule 7

7 (i) The agent of every factory or every purchasing agent shall notify to the Cane Commissioner and the Inspector within a fortnight before the commencement of crushing season each year the location of each weigh bridge and the names of the persons responsible for weighment and for payment of cane at each such weigh bridge

(ii) The cane Commissioner may after consulting the committee if any call upon the agent of a factory or purchasing agent to change the location of a weigh bridge under this control or to install a weigh bridge at a particular place for the supply of cane to the factory concerned

(iii) The agent or the purchasing agent as the case may be shall within two days of the installation of a new weigh bridge or the occurrence of a change in the location of any existing weigh bridge or in the list of persons responsible for weighment and payments notify such change to the Cane Commissioner and the Inspector

(iv) The agent or the purchasing agent as the case may be shall cause a list to be put up on a conspicuous place at each weighment and payment centre showing the names of persons responsible for weighment and payments made at that center and shall cause such lists to be maintained upto date

Observations of the Committee

(i) The Committee recommends that the numbering of Sub sections of Rule 7 be replaced from small Roman numbers i.e. (i) (ii) (iii) and (iv) to numerical numbers i.e. (1) (2) (3) and (4)

(ii) The Committee further recommends that in the third line of Sub section (ii) of Rule 7 the word this may be substituted with the word his to make the rule grammatically correct

(iii) The Committee also recommends that word weigh in the third line of the Sub section (iii) is mis spelt and this may be corrected as weigh to make the rule grammatically correct

(iv) The Committee would like to discuss the Sub rule (iii) of Rule 7 at the time of oral examination of the department regarding the provision of Inspector who has been authorized to get the information about the change in the location or installation of new weigh bridge

(v) The Committee would also like to know for its information the intention of getting such information

(vi) The Committee recommends that the word centre in the third line of Sub section (iv) of Rule 7 may be replaced with the word center to make the rule grammatically correct

The Department in their written reply stated as under

(i) Agreed

(ii) Agreed

(iii) Agreed

(v) Such information is necessary to facilitate the work of regulation of purchase and supply of sugarcane and to conduct the inspection to check the correctness of weighbridges

(vi) Agreed

Rule 8

(1) The occupier of a factory shall on receipt of an order from the Cane Commissioner submit before the last day of October each year in form IV an estimate of the quantity of cane required for crushing season next following the ensuring crushing season

(2) The Cane Commissioner shall submit the estimate with such modification as may be considered to be necessary within a month of its receipt to the Sugarcane Control Board for approval and paste the same at the office of the factory and at the Tehsil or Sub Tehsil in which the supply area is situated

FORM IV
(See rule 8)

Form of estimate of normal cane requirements of a factory

- 1 Name of the factory
- 2 Total quantity of cane crushed during any 15 consecutive days in the months of January and February of the last crushing season mentioning the quantity of cane crushed on each date separately
- 3 Total number of hours of actual crushing during the 15 consecutive days recorded in item 2 above mentioning the number of hours of actual crushing on each date separately
- 4 Average quantity of cane crushed per hour and per day of 22 hours on the basis of item 2 above
- 5 The estimate of the normal cane requirement of the factory arrived at by multiplying by 120 the average quantity of cane crushed per day of 22 hours as calculated under item 4
- 6 Any extension of the plant of the factory since the last statement was submitted
- 7 Date of submission
- 8 Specification of area desired to be declared as assigned area

Signature of person empowered
to sign on behalf of the occupier
of the factory

Observations of the Committee

The Committee would like to discuss the Sub rule (i) of Rule 8 with the department representatives at the time of oral examination regarding the fixing of last day of October and in case it is not done by the stipulated date whether any other date in the month of September or so can be fixed?

The Committee would like to know for its information the reasons for any variation of the ensuing crushing season

Form-IV

The Committee would like to discuss with the department at the time of oral examination the provisions made under para 6 of Form IV whether there is any extension of the plant of the factories in the Sugar Mills in the State if so the details thereof and what is the utilization of that product such as Ethanol if any and the quantity thereof also

The Department in their written reply stated as under -

(i) The duration of sugarcane crop is for 10 to 12 months and the assessment of sugarcane production can be well assessed in the month of October when the crop is mature. The assessment of estimate for the availability of sugarcane for crushing to the sugar mill is required well before the commencement of crushing operations of sugar mills and the sugar mills generally start their crushing operations in the first week of November onward

(ii) As explained above

Rule 9

9 (1) The Cane Commissioner may cause a survey of sugarcane in the area proposed to be assigned to any factory in form V by an officer authorized in this behalf (hereinafter called to be authorised officers) within one month of the decision of the Sugarcane Control Board to this effect and report the result to the Board in its next meeting. The officer authorised by the Cane Commissioner conduct the survey of cane area shall be afforded such assistance and facilities by the occupier of a sugar factory of cane growers co operative society as may be necessary

(2) The authorised officer shall prepared a register in form VI to be called the Cane Grower Register which shall be open to inspection by every cane grower for verification of survey figures

(3) Any cane grower or member of the society having or claiming to have grown sugarcane in the assigned area may apply to the authorised officer for the correction of any entry or the addition of any entry in the said register. In the event of a refusal by the authorised officer the decision of the Cane Commissioner shall be final

(4) The said officer shall be give a copy of the entries in the register on an application made before the 15th December in any year to any cane grower or member of the society on receiving payment at the rate of Re one for each cane grower

(5) The register shall be preserved by the authorised officer for a period of three years following the crushing season to which it relates

(6) The amount of salary and travelling allowance etc paid to the staff for the period it is assigned the duty of conducting survey of area by the Cane Commissioner shall be recoverable from the occupier of the factory concerned

(7) The occupier of the factory concerned on receipt of demand notice from the Cane Commissioner in respect of survey charges shall within one month deposit the amount in to the Government Treasury/Sub Treasury under appropriate head of account failing which such amount shall be recoverable from him as arrears of land revenue

Observations of the Committee

(i) The Committee recommends that Sub section 9(2)(e) mentioned in the heading of Rule 9 may be deleted being superfluous as there is no Sub section (e) in the Act

(ii) The Committee recommends that the word on in the fourth line of Sub section (i) of Rule 9 may be replaced with the word one to make the rule grammatically correct

(iii) The Committee would like to discuss with the department at the time of oral examination that the word may in the first line of Sub rule (1) can be substituted by the word shall so that the survey may be conducted atleast annually

(iv) The Committee would like to know for its information who is the authorized officer as mentioned in Sub rule (i) of Rule 9 whether it is M D or any other subordinate officer?

(v) The Committee recommends that the word occuper being misspelt in the Sub rule (6) of Rule 9 may be corrected as 'occupier' to make the rule grammatically correct

The Department in their written reply stated as under –

(i) The Sub section 9(2) (e) may be replaced with Sub-section 20 (2) (e)

(ii) Agreed

(iv) The authorized officer to conduct the survey is Assistant Cane Development Officer who works under the control of Cane Commissioner

(v) Agreed

Rule 10

(2) An order of the Sugarcane Control Board declaring any area to be assigned for any particular factory or altering the boundaries of an area already assigned cancelling any previous orders declaring an area to be assigned shall be communicated to the occupier of the factory concerned as well as the cane growers by the publication of such order at the office of the factory Panchayat Samities falling in the areas and at the tehsil or tehsils in which such area are situated

Observation of the Committee

The Committee recommends that in Sub Rule (2) of Rule 10 in the last line the words tehsil or tohsils may be substituted with the words tehsils or sub tehsils to make the rule more comprehensive

The Department in their written reply stated as under -

Agreed

Rule 11

11 (1) (i) The occupier or agent of a factory or society shall estimate or cause to be estimated by the 30th September each year the quantity of sugarcane with each one grower and shall send a copy of the same to the Cane Commissioner before the 10th of October who after such enquiries and notifications of the estimates as he considers necessary shall order these entries to be pasted in the growers register by the occupier of the factory

(ii) By the 20th October each year a cane grower and by the 31st of October each year a society in an assigned area may offer inform VII to supply during the ensuing crushing season to the occupier or agent of the factory for which the area has been assigned cane not exceeding the quantity approved by the Cane Commissioner Haryana provided that the Cane Commissioner may for reasons to be recorded in writing extend the date for making offer in respect of a particular season

(iii) The agent of a factory which the area is assigned shall enter into an agreement with a cane grower or with a cane growers co operative society as the case may be in form VIII within one month of the offer mentioned in sub rule (ii)

(iv) The occupier or agent of a factory or society shall spread the purchases to be made in the assigned area in an equitable manner and shall make purchase of cane only after issuing requisition slips In order to comply with rule the occupier or agent or society shall cause identification cards to be distributed to all cane growers of the assigned area to whom requisition slips have been issued and shall maintain a record of their issue and return

(v) Cane grown in an assigned area shall not except with the permission of the Cane Commissioner be purchased by any person without the previous issue of requisition slips and identification cards to the cane growers by the society the occupier or agent of the factory for which the area is assigned

(vi) Requisition slips and identification cards to members of the society shall be issued by such society A factory can also purchase cane direct

from the members of the society only if permitted by the Cane Commissioner for special reasons to be recorded in writing

(vii) If the Cane growers or the societies in the assigned area are not willing to enter into agreements to supply or fail to supply the requisite quantity of cane the occupier of the factory may after giving notice in form VII purchase the balance of the cane required by him from outside the assigned area if permitted by the Cane Commissioner

(viii) In case of dispute whether a particular system of purchase adopted by the occupier or agent of factory or his employee of the purchasing agents or the society in the assigned area is equitable or not the dispute may be referred to the Cane Commissioner whose decision shall be final

(ix) The Cane Commissioner shall be the prescribed authority for the purposes of Sub section (4) of Section 14 The communication of the order issued by the Cane Commissioner under the aforesaid sub section to the occupier of the factory and the cane growers or cane growers co operative society as the case may be shall be affected by publication of such order at the office of the factory and at the offices of the Panchayat Samitis of Samities and Tehsil/Tehsils in which the area specified under the aforesaid sub section is situated

FORM VII*[See rule 11(ii)]***Form of application by a Cane Grower or a Cane Growers Co operative Society in an assigned area offering cane to the factory**

- 1 Name of the cane grower with father s _____
name or name of the Cane Growers
Co operative Society
- 2 Village Tehsil/Sub tehsil and District _____
- 3 Name of the factory concerned _____
- 4 Total area of land in his cultivation fit _____
for growing sugarcane (for individual only)
- 5 Total area of land in his/the members _____
Cultivation under cane in 19 _____
- 6 Varieties cultivated with percentage area _____
Under each
- 7 Estimated yield per acre _____
- 8 Quantity of cane estimated for sale _____
(In quintals)

Dated _____

Signature of the cane grower or
authorised representative of a Cane Growers
Co operative Society

FORM VIII*[See Rule 11 (III)]***Form of agreement between a Cane Grower/Cane Growers Co operative Society and the Agent of a factory**

This agreement is made on the _____ day of _____ between _____ the Cane Grower/Cane growers Co operative Society village _____ district _____ (hereinafter referred to as the first party) and _____ the agent of _____ factory (hereinafter referred to as the second party) for the sale and purchase of cane

Whereas the first party agrees to sell during the year of 19 _____ the sugarcane crop standing on _____ acres as detailed below with an approximate yield of _____ quintal to the second party at the minimum price of Rs _____ subject to such deductions if any as may be notified by the Government from time to time

And whereas the party further agrees to supply good cane free from leaves tops and roots at the factory gate or at _____ purchasing centre in such quantities and on such dates as may be specified in the unit wise requisition slip issued by the second party Now this agreement witnessh as under

1 The cane shall be taken by the second party instalments equitably spread over the whold working period of the factory

2 In the case of Cane Growers Co operative Society the second party shall pay to the first part commission at the rate of 50 paise per quintal or at such rate as the Government may from time to time for sufficient reasons fix by notification published in the Official Gazette for any specified period The commission shall ordinarily be paid monthly and the last instalment shall be paid within one month of the close of the crushing season If it is not so paid interest shall accrue at the rate of 15 per centum per annum on all sums left unpaid The first party shall spend at least 50 per centum of the commission so earned on the development of sugarcane of its members in consulation with the second party and in accordance with the directions of the Cane Commissioner

Observations of the Committee**Rule 11.**

The Committee observes that in line first No (1) seems to be superfluous therefore the same may be omitted

Rule 11(i)

The Committee recommends that in line 3rd of Sub rule (1) of Rule 11 the word one may be substituted with the word cane to make the rule correct

Rule 11(ii)

The Committee would like to discuss Sub rule (ii) of Rule 11 at the time of oral examination of the departmental representatives regarding the date of submission of application by a cane grower or a society i.e. 20th October and 31st October respectively

The Committee also observed that the numbering of Sub rule of Rule 11 from (i) to (ix) may be substituted with the numbering (1) to (9) to make the Rule more clear

Rule 11 (ii) Form VII

The Committee recommends that in form VII Sr No 5 line 2 the word 19 may be substituted with the words in the year 20 to make it form clear

Rule 11(iii) Form VIII

The Committee recommends that in Form VIII para 2 line 1st the words 19 may be substituted with the words in the year 20 to make it form clear

The Committee also observes that in Form VIII Sr No 2 line 2nd words rate of 50 paise per quintal have been mentioned whereas in the notification of the Department dated 3 3 2000 the words rupees one per quintal have been mentioned. The Committee would like to know about the exact position

Rule 11 (vii)

The Committee recommends that in 4th line of Sub rule (vii) of this Rule the words Form VII may be substituted with the words Form VIII A to make the rule correct

The Department in their written reply stated as under

Rule 11 Agreed

Rule 11 (i) Agreed

Rule 11 (ii) The sugar mill have to decide the quantity to be taken from each cane grower or cane growers cooperative society well before the starting of crushing operation which usually starts in the month of November in order to make planning

Rule 11 (ii) Form VII Agreed

Rule 11 (iii) Form VIII Agreed

Rule 11 (iii) VIII—When the Rules 93 were made the rate of commission to be granted by the sugar mills to the cane cooperative societies on account of supply of sugarcane to the mills was @ 50 paisa per qtl. However vide notification dated 03 03 2000 the rate of commission has been revised from 50 paisa to Re 1 per qtl. The Form VIII may be amended accordingly

Rule 11 (VII) Agreed

Rule 12 (2)

12 (1) An occupier of a factory or agent or purchasing agent of factory or any person employed by him shall not purchase cane for a factory or pay for it at a price below the minimum price

(2) The minimum price payable for cane shall be rupees per quintal

Observation of the Committee

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

The Department did not send the reply in this regard

Rule 13

13 (i) An application for a licence to as purchasing agent or to do any work in connection with any transaction for the purchase of one including survey and preparation of lists of cane growers or allotment and distribution of identify card or requisition slips for cane or to do any of the aforesaid acts as employee of an occupier of a factory or of a purchasing agent shall be made in form ix to the Cane Commissioner

(ii) Such application shall be accompanied by treasury receipt showing that the licence fee of rupees ten has been deposited in any state treasury/sub treasury in Haryana

(iii) The purchasing agent shall deposit as security a sum of rupees ten thousand in cash or Government promissory notes and each of the other applicants shall execute a bond in personal securities for a sum of rupees ten thousand for the period be works

(iv) The Government will have the first charge on such security for the recovery of any fine or compensation due from such persons under these rules

(v) On receipt of such application the Cane Commissioner shall issue a licence in form X if he is satisfied regarding the suitability of the applicant and has in respect of him received a notice of his nomination in form III

Observations of the Committee

Rule 13

The Committee observes that the numbering of the Sub rules of Rule 13 from (i) to (v) may be substituted with (1) to (5) to make the rule more clear

Rule 13 (I)

The Committee recommends that in the first line of Sub rule (i) of Rule 13 the word 'at' may be substituted with the word 'Act' and in the 4th line of this

Sub rule the word identify may be substituted with the word identify respectively to make the rule correct

Rule 13 (ii)

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

The Department in their written reply stated as under

(i) Agreed

(ii) Agreed

(iii) There is no other mode of payment of license fee because by Treasury Challan the amount directly goes in the account of State Government and chances of irregularities/frauds are minimized

Rule 14

14 (i) No person shall transfer or abet the transfer of a requisition slip for the supply of cane of a grower to another person with the object of enabling cane other than the belonging to the grower to whom the requisition slip has been issued to be sold to a factory

(ii) No person shall accept or obtain or agree to accept or attempt to obtain from any person for himself any payment whatever as a motive or reward for weighing or purchasing cane or making payment therefore or for bearing to show in connection with weightment or purchase or supply or payment for cane favour or disfavour to any person

(iii) The occupier or agent of factory or a purchasing agent shall establish a purchasing centre at a particular place for the supply of cane to the factory if so directed by the Cane Commissioner

(iv) An occupier or agent or a purchasing agent who opens a purchasing centre shall sent intimation thereof within 24 hours of the start of operations to the inspector within whose jurisdiction such purchasing center is situated and to the Cane Commissioner

(v) If a purchasing centre has to be closed temporarily owing to a breakdown of a machinery or other causes necessitating an abrupt but temporary suspension of opetations the occupier or the purchasing agent concerned shall

(a) cause to be posted immediately at the purchasing centre concerned notice indicating the probable duration of suspension

(b) cause the suspension of purchase to be otherwise advertised as widely as possible

(c) send intimation thereof immediately to the inspector within whose jurisdiction the purchasing centre is situated and to the Cane Commissioner and

(d) purchase all requisitioned cane brought within 12 hours of pasting of notice under clause (a)

(vi) The occupier or agent or the purchasing agent shall at least seven days before the permanent closure of the factory

(a) affix a notice to that effect at the purchasing centres specifying clearly the date on which each centre is to be closed and

(b) intimate the date of the proposed closure to the Inspector within whose jurisdiction the purchasing centre is situated and to the Cane Commissioner

Provided that the Cane Commissioner has agreed to the closure of the factory after previously satisfying himself that the cane in the assigned area will be finished by the date

(vii) An occupier or purchasing agent shall

(a) cause a list to be put up at each purchasing centre showing the names of the persons employed by him for making weighments purchases and payments

(b) cause such list to be maintained up to date and

(c) send a copy of the names of and full particulars about the persons whose names are entered in these lists within 24 hours of their employment to the Inspector within whose jurisdiction such purchasing centre is situated and to the Cane Commissioner

(viii) No person who is not licensed in accordance with the Act or those rules shall make or supervise weighments purchases or payments at any purchasing centre on behalf of an occupier or agent or purchasing agent

Note — This rule is not intended to prevent responsible officers of a factory above the rank of agent from exercising supervision

(ix) All licensee s shall produce their licence on demand by the Inspector

(x) The occupier of a factory situated outside Haryana or his licensed purchasing agent purchasing cane in Haryana shall also be bound by these rules

Observations of the Committee

Rule 14

The Committee observes that numbering of this Rule from (i) to (x) may be substituted with (1) to (10) to make the rule more clear

The Committee would also like to know for its information as to whether there is any case registered in the last 5 years against the persons who violated the provisions of this Rule?

The Department in their written reply stated as under –

- (i) Agreed
- (ii) - No case has been registered in the last 5 years against any person because no such violation has come in to the notice of the department

Rule 17

17 (i) An agent or a purchasing agent shall prepare or cause to be prepared at each purchasing centre a parchi in triplicate showing correctly

- (a) the serial number of the Parchi
- (b) the date of purchase
- (c) the name of the person from whom the cane is purchased with his percentage and full address together with similar particulars about the person authorised by the vendor to deliver cane on his behalf
- (d) the number of the requisition assigned to the vender if any
- (e) the weight of the cane including the weight of the cart or wagon as the case may be
- (f) the weight of the cart (tare) or wagon as the case may be
- (g) the weight to be deducted under sub rule (v) of rule 16
- (h) the net weight of the cane purchased
- (i) the rate at which the cane is purchased and
- (j) the price that has to be paid for the cane at that rate The entries as regards items (e) and

(f) shall be made announced in the presence of the person who actually delivers the cane while the cart or wagon is still standing on the weigh bridge and in the case of weightment on beam scales immediately on completion of the weightment Entries as regards items (a) to (e) shall be made as soon as weightments take place and entries as regards items (f) to (j) as soon as the empty cart is weighed

(ii) The parchi referred to in sub rule (i) shall be handedover in duplicate to the person from whom cane is purchased or to his authorised agent before the cane grower or his authorised agent leaves the weigh bridge The third copy of counterfoil shall be kept at the purchasing centre concerned

(iii) When payment is made for cane purchased the receipt of the payee shall be taken on one of the counterfoils of the parchi handed over to him in accordance with the provision of sub rule (ii)

Provided that if a number of parchis are presented together for payment the receipt of the payee for the whole amount due to him may be taken only on the latest parchi in such cases the number of or other references to the other parchis covered by the receipt shall be given in the receipt and the other parchis shall be cancelled

(iv) An agent or a purchasing agent shall maintain or cause to be maintained at each purchasing centre a register or record showing correctly the particulars specified in items (a) to (j) given in sub rules (i) and also the following further particulars

- (a) the amount of loan if any advanced to the person from whom the Cane Is Purchased
- (b) the amount of interest upto the date of recovery of the same
- (c) the amount actually paid in cash on account of the cane purchased
- (d) the date of payment

(v) An agent or purchasing agent shall maintain at each purchasing centre an inspection book in triplicate in which Inspector may record their remarks and instructions

(vi) The registers records parchis etc referred to in this rule shall be preserved for one year

(vii) The Cane Commissioner may direct the use of such other registers records and forms as may be considered necessary

(viii) The occupier of a factory shall submit correct returns relating to the production and sale of sugar and purchase of cane and such other information in such form on such date and to such authority as may be directed by the Cane Commissioner

Observations of the Committee

The Committee recommends that the word Entres mentioned in the fifth line of Rule 17 (i) (f) to be corrected as Entries

The Committee would like to discuss the Rule 17 with the departmental representatives at the time of oral examination regarding parchi system

The Committee also recommends that the SMS system on cell phones be also started as acknowledgement of depositing the amount at the purchasing centre

The Department in their written reply stated as under

- (i) Agreed However Sub rule (f) may be renumbered as (k)
- (ii) The Parchi is given to cane suppliers by the sugar mills for delivering the cane in the sugar mill on a particular day and in particular quantity in order to ensure timely and adequate availability of cane for crushing
- (iii) Agreed in principle However it would be appropriate to discuss this issue with sugar mills and other stakeholders before the rule is amended

Rule 18 A

18 A The Government may from time to time fix the uniform price of Sugarcane for the State of Haryana to be paid by producers of sugar or their agents for the Sugarcane purchased by them having regard to

- (i) the cost of production of Sugarcane
- (ii) the return to the grower from alternative crops and general trend of prices of agricultural commodities
- (iii) the price at which sugar and bye products produced from Sugarcane are sold by producers of sugar etc
- (iv) the recovery of sugar from Sugarcane and
- (v) any other relevant factor

Observations of the Committee

The Committee would like to discuss the Rule 18 A with the departmental representatives at the time of oral examination regarding method of fixation of price of cane

The Committee also recommended that the Rule 18A be incorporated after Rule 18 in the Haryana Sugarcane (Regulation of Purchase and Supply) Rules 1992

The Department in their written reply stated as under

- (i) The factors to be taken into account while fixing price of cane are already mentioned in Rule 18 A
- (ii) As above

Rule 20

20 (1) The Cane Commissioner may forfeit the securities or impose a fine upto Rs Five thousand after giving in writing the licensee an opportunity of explaining the charges against him and of producing evidence in his defence

Observation of the Committee

The Committee recommends that numerical small Roman (i) mentioned behind Rule 20 may be deleted being superfluous as no other numerical numberings are mentioned in this Rule

The Department in their written reply stated as under

Agreed

Rule 21

21 (ii) The Cane Commissioner may order compensation to be paid out of the forfeited security to any person who has suffered loss owing to the misconduct of the licensee or his employees as the case may be

Observation of the Committee

The Committee recommends that numerical small Roman (ii) mentioned behind Rule 21 may be deleted being superfluous as no other numerical numberings are mentioned in this Rule

The Department in their written reply stated as under

Agreed

SCRUTINY OF THE PUNJAB SLUM AREAS (IMPROVEMENT AND CLEARANCE) RULES 1962 FRAMED UNDER THE PUNJAB SLUM AREAS (IMPROVEMENT AND CLEARANCE) ACT, 1961

SCRUTINY OF THE PUNJAB SLUM AREAS (IMPROVEMENT AND CLEARANCE) RULES, 1962 FRAMED UNDER THE PUNJAB SLUM AREAS (IMPROVEMENT AND CLEARANCE) ACT, 1961

The Committee scrutinized the Punjab Slum Areas (Improvement and Clearance) Rules 1962 framed under the Punjab Slum Areas ((Improvement and Clearance) Act 1961 and made the following observations/ recommendations thereon —

Title

The Punjab Slum Areas (Improvement and Clearance) Rules 1962

Observation of the Committee

The Committee recommends that the title of the rule i.e The Punjab Slum Areas Improvement and Clearance) Rules 1962 may be substituted with the title of Haryana Slum Areas (Improvement and Clearance) Rules 1962 to make the more clear

The Department in their written reply stated as under —

Agreed

Rule 7 (2)

(2) There shall be paid a fee of rupees ten in respect of every application referred to in Sub rule (1)

Observation of the Committee

The Committee recommends that in rule 7 (2) the word rupees ten may be enhanced to Rs Fifty due to escalation of Prices

The Department in their written reply stated as under

Agreed

FORM "A"
(See rule 3)

Notice under section 4(1) of the Punjab Slum areas
 (Improvement and Clearance) Act 1961

To

Where as I _____ the competent authority am satisfied upon report from _____/other information in my possession that the building (s) _____ in _____ declared to be a slum area under section 3 (1) of the Punjab Slum Areas (Improvement and Clearance) Act 1961 is/are unfit for human habitation in the following respects

- (1)
- (2)
- (3)
- (4)

Now therefore in pursuance of the powers conferred upon me under section 4(1) of the said Act I hereby require you owner(s) of the building to execute the works of improvement mentioned in the schedule below within thirty days of the receipt of this notice as in my opinion these works will render the building (s) fit for human habitation

In case you fail to comply with this notice I shall get these works executed under section 5 of the Act and all expenses so incurred together with interest at the rate of six per cent per annum from the date of demand shall be recovered from you as arrears of land revenue

Competent Authority

Schedule

Not The items not required should be struck out
 (Specify the area)

Observation of the Committee

The Committee observed that in line 3rd of last Para of form A the interest at the rate of six percent may be increased to ten percent

The Department in their written reply stated as under

Agreed

FORM 'C'*(See Rule 3)***Notice under the proviso to section 12(1) of the Punjab Slum Areas
(Improvement and Clearance) Act, 1961**

To

Whereas on representation from the Competent Authority under the Punjab Slum Areas (Improvement and Clearance) Act 1961 it appears to the State Government that in order to enable the authority to execute work(s) of improvement in relation to _____ In 2 _____ declared to be slum area/to redevelop _____ declared to be a Clearance Area it is necessary that the land(s) specified in the schedule below and adjoining/surround by such area should be acquired You _____ as owner/any other person interested in the said land(s) are hereby called upon to show cause within 15 days of the receipt of this notice as to why it should not be acquired

You may address your objections if any to the Secretary to Government Punjab Housing Department Chandigarh

Schedule

Secretary to Government Punjab
Housing Department

Note –The item not required should be struck out

- 1 (Specify building)
- 2 (Specify slum area)
- 3

Observation of the Committee

The Committee observed that in Schedule end of the Form C in the Stamp Secretary to Government Punjab may be substituted as Secretary to Government Haryana to make the rule more clear

The Department in their written reply stated as under —

Agreed

SCRUTINY OF THE PUNJAB AGRICULTURAL PRODUCE MARKET (GENERAL) RULES, 1962 FRAMED UNDER THE PUNJAB AGRICULTURAL PRODUCE MARKETS ACT 1961

The committee Scrutinized the Punjab Agricultural Produce Markets (General) Rules 1962 framed under the Punjab Agricultural Produce Markets Act 1961 and made the following observations/recommendations thereon

Rule 3(2)

(2) The panels of names received under Sub rule (1) shall not be binding upon the State Government

Observation of the Committee

The Committee wants to know the procedure is being followed to nominate the members of Board at present

The Department in their written reply stated as under

The nomination of the Chairman and members of the Board and market committee is made by the Government as per provisions in Section 3 & Section 12 of the HAPM Act 1961 by selecting the name of suitable persons from the State

Rule 5 (D)

(d) the maintenance and regulation of rest houses staff quarters and other buildings of the Board

Observation of the Committee

The Committee observed that the maintenance and regulation of rest houses staff quarters and other buildings of the Board not satisfactory and require to maintain properly as per by laws

The Department in their written reply stated as under

The maintenance of Rest houses staff quarters and other buildings of the Board are ensured For this special instructions have also been issued to the concerned quarter time to time

Rule 7

(1) Copies of notification issued under section 6 shall be published under the orders at the discretion of the Chief Administrator of the Board in one or more of the modes specified below

- (a) by publication in Hindi Language or in such other language and in such news papers as in the opinion of the Chief Administrator of the Board will give due publicity among persons likely to be affected thereby

- (b) by affixing a copy of the notification in Hindi language or in such other language as may be considered necessary by the Chief Administrator of the Board in the office of every Municipal Committee Notified Area Committee Panchayat Samiti ; if any within whose jurisdiction the notified market area of any part thereof is situated and at some conspicuous place in the existing market if any
- (c) by affixing a copy of the notification in Hindi language or in such other language as may be considered necessary by the Chief Administrator of the Board in the Principal common meeting place if any or every village within the notified market area
- (d) by beat of drum in the villages within the notified market area

(2) The time of publication under clause (a) to (c) and the time and frequency of the drum beating under clause (d) shall be determined by the Chief Administrator of the Board

(3) The expenses of publication under sub rule (1) for the copies of the notification issued under section 6 shall be met out of the Marketing Development Fund

Observation of the Committee

The Committee observed that generally information of notification in respect of notified market area not being given which is negligence at the part of the concerned Officers/officials. Therefore the responsibility of such Officers/officials may be fixed in this regard

The Department in their written reply stated as under

Every care is being taken regarding the notification and its information to the concerned. However the matter will be taken care of and necessary action as per recommendation of the committee will be taken

Rule 15 & 15A

²(1) For journeys undertaken by the members of the Board for attending meetings or for any other work of the Board for which they are specially deputed by it they shall be paid daily allowance and travelling allowance at the rates to be fixed by the Government from time to time

³Provided that in the case of members of the State Legislature they shall be paid travelling and daily allowance according to the rates fixed for such members under the rules governing their allowances

⁴(2) For journeys undertaken by the members of the committee including Chairman and Vice chairman of the committee (other than the official members) for attending its meeting or for any other work of the committee for which they

as specially deputed by it they shall be paid travelling and daily allowance at the rate fixed by the Registrar Co operative Societies for the members of G oup B Co operative Societies

¹Provided that in the case of members of the State Legislature they shall be paid travelling and daily allowances according to the rates fixed for such members under the rules governing their allowances

(3) For attending the meeting of the Board/Committee the members of the State Legislature shall be paid travelling and daily allowance according to the rules governing their allowances

(4) The Chairman of the Committee shall be paid an honorarium of one thousand rupees per month. The Vice chairman who performs the functions and duties of the Chairman continuously for a period of not less than fifteen days shall also be paid the said honorarium of one thousand rupees

Provided that the total amount of honorarium drawn by the Vice chairman in any financial year shall not exceed three thousand rupees

²(5) Notwithstanding anything contained to the contrary in Sub rules (1) and (2) the members of the committee who may come to attend the meetings within a radius of 8 kilometers of the place of meetings shall be paid sitting allowance equal to daily allowance fixed under sub rule (2)

(6) If in the opinion of the Board the financial position of a committee does not warrant the payment of the travelling and daily allowances according to the scale prescribed above he may fix such scale of daily and travelling allowances in the case of that Committee as he may think proper

15 A Other allowance of Chairman of Board — (1) There shall be paid to the Chairman of the Board a monthly allowance not exceeding one thousand⁴ rupees as the State Government may fix

(2) The Chairman of the Board other than a serving or retired Government employee shall be provided with residential accommodation or in lieu thereof given a lodging allowance fixed by the State Government from time to time

(3) The Chairman of the Board other than a serving or retired Government employee shall be provided with a staff car or in lieu thereof conveyance allowance fixed by the State Government from time to time

¹(4) The Chairman if at the time of his appointment as such is a retired Government employee shall be paid a monthly allowance not exceeding the pay drawn by him at the time of his retirement minus gross amount of pension (including the monthly equivalent of his death cum retirement gratuity) he shall be entitled to dearness House rent allowance and Chandigarh compensatory allowance ²as admissible to other reemployed Government employees from time to time. Further he shall be entitled to medical facilities admissible to him in accordance with the rules applicable at the time of his retirement³

(5) In case a serving officer is appointed as Chairman of the Board in addition to his own duties he shall continue to draw the same emoluments which he would have drawn in Government service

(6) In case a serving officer is appointed as a whole time Chairman of the Board he shall be treated to be on deputation and shall get such emolument and other allowance as are admissible to him under normal Government rules

Observations of the Committee

The Committee wants that the travelling and daily allowance be paid to the Members of the State Legislature at par with the Chief Secretary to the Government Haryana

The Committee wants to discuss with the departmental representatives of Board at the time of oral examination in respect of honorarium allowances etc are being paid to the Chairman Vice Chairman and Members of the Board

The Department in their written reply stated as under

- (i) In the case of members of the State Legislature they shall be paid travelling and daily allowances according to the rates fixed for such members under the rules governing their allowances (Rule 15(1))
- (ii) The honorarium daily allowance and travelling allowance to the Chairman and Members of the Board are paid as per terms & conditions of the appointment letter and other instructions issued by Government from time to time The photocopies of the appointment letters/orders issued *vide* Memo dated 10 8 2006 20 9 2013 & 14 7 2015 enclosed

Rule 15 B

(1) In case an officer of the Government is appointed as the Chief Administrator of the Board in addition to his own duties he shall continue to draw the same emoluments which he would have drawn in Government service

(2) In case an officer of the Government is appointed as a whole time Chief Administrator of the Board he shall be treated to be on deputation and shall receive such emoluments and other allowances as are admissible to him under normal Government rules

Observation of the Committee

The Committee also wants to discuss with the departmental representatives of Board at the time of oral examination in respect of emoluments and allowances being paid to the Chief Administrator of the Board

The Department in their written reply stated as under

Chief Administrator Board who is an officer of the rank of Head of the Department (Section 3(i)) is entitled for the same emoluments which he would

have drawn in Government service/admissible to him under normal Government Rules

Rule 16A (1 to 4)

- (1) Any Contract farming sponsor intending to register himself under section 8A of the Act shall apply in Form A I to the Secretary of the concerned Market Committee. In case the contract farming sponsor wants registration for more than one Market Committee he may apply to the Secretary of the Board.
- (2) Every such application shall be accompanied with a registration fee of Rs 5 000/. The amount shall be refundable only if the registration is denied for any reason. The period of registration shall be three years.
- (3) The period of registration may be got renewed by applying to the Secretary of the concerned Market Committee or the Secretary of the Board as the case may be in Form A II accompanied with a renewal fee of Rs 2 000/. The amount shall be refundable only if the renewal of registration is denied for any reason.
- 4) Every application for registration/renewal shall also be accompanied with—
 - (a) a detailed project report of the business intended
 - (b) a statement showing the financial status of the applicant with the support of income tax returns for the previous two assessment years or permanent assets with valuation assessed by a Chartered Accountant
 - (c) balance sheet of last two years
 - (d) proof of registration under the Companies Act 1956 (1 of 1956) the Indian Partnership Act 1932 (9 of 1932) the Haryana Cooperative Societies Act 1984 (22 of 1984) or a Government agency as the case may be

Observation of the Committee

The Committee wants to know for its information that the number of registered Contract farming existing at this stage in Haryana and also discuss about the latest/new/amended the Company Act

The Department in their written reply stated as under

Six firms/companies have got registered with the HSAM Board as contract farming sponsor (list attached). But presently only two companies are working as contract farming sponsor in Haryana.

Firms registered for Contract Farming with HSAM Board in Haryana

Sr No	Name of the companies registered for contract farming	Name of Districts	Crops	Volume of trade/ capacity of intake	Kind of processing unit
1	The Haryana State Cooperative Supply and Marketing Federation Limited Sector 5 Panchkula (HAFED) Ph 0172 2590520	Gurgaon Rewan Bhiwani Sirsa Fatehabad Karnal Kurukshetra and Kaithal	Barely and Basmati Paddy	—	Haryana State Organizations/ Cooperation
2	M/s Skol Breweries limited Mahal Industries Estate Mahakall Road Andhen (East) Mumbai Ph 0124-4012680 82 83	Gurgaon Rewan Rohtak Hisar Sirsa Kurukshetra and Karnal	Wheat Barley and Basmati Paddy	---	Not Working since 2010
3	M/s United Breweries Limited C/o Maltex Malsters Limited Post Box No 45 Malt Division V P O Rauni Nabha Road Patiala (Punjab) Ph 0175 2215792	Bhiwani Hisar and Sirsa	Barley	---	Indian Company
4	M/s Technico Agri Sciences Limited 25 Community Centre Basant Lok Vasant Vihar New Delhi Ph 011-46015209	Kurukshetra and Karnal	Potato	---	Not Working since 2009 10
5	M/s The Malt Company (India) Pvt. Limited Khandas Road Gurgaon Ph 0124 2373701	Rewan Gurgaon and Bhiwani	Barley	---	Not Working commercial as intimated vide their letter dated 22 11 2012
6	M/s Pepsico India holding India Pvt. Limited Gurgaon works at Village Channo Tehsil Bhawanigarh District Sangrur (Punjab) (M) 09815995468	Karnal Kurukshetra	Potato	---	Multinational
7	M/s Boortmalt India Holdings Pvt. Limited B 92 9 th Floor Himalayan House 23 Kasturba Gandhi Marg New Delhi-01 (Mr Thakur) (M)9958268776 e mail ktmadhaw@gmail.com	Gurgaon	Barley	---	Multinational

Rule 16(5)

- (5) The Secretary of Market Committee or the Secretary of the Board as the case may be shall evaluate the application for registration or renewal submitted by the applicant and after evaluation shall issue the registration certificate to the applicant in Form B I or renew the registration as the case may be. In case contract farming sponsor violates the provisions of Act Rule & Bye Laws or conditions of contract agreement the Secretary of the Market Committee or the Secretary of the Board as the case may be shall have the power to cancel his registration.

Observation of the Committee

The Committee wants to know for its information as to whether the sponsor have a right to appeal regarding the Contract Farming in case of cancel their Registration of Contract farming by the Secretary of Market Committee or the Secretary of the Board.

The Department in their written reply stated as under

Yes the provision lies in the rules. However no such case has come forward till now.

Rule 16(6)

- (6) The contract farming agreement between the contract farming sponsor and contract farming producer shall be in Form C I and it shall be got registered with the District Marketing Enforcement Officer concerned in the presence of both the parties. The agreed rate contract rate shall not be less than minimum support price of the preceding Year. The buyer shall deposit an amount up to 15% of the total price of the agricultural produce as per agreed rate or minimum support price (if the rate is not agreed upon) or bank guarantee for the sum with the committee in which the land is situated as security. Where there is no minimum support price and no agreed rate the amount of security shall be calculated at the rate of 15% of the prevailing market rate at the time of agreement. The security shall be released within a period of thirty days after the date of satisfactory performance of the agreement.

Observation of the Committee

The Committee wants to know for its information that the numbers of dispute of Contract Farming and also to know the effect if the buyer not deposited amount up to 15% of the total price of the agricultural produce as per agreed rate of minimum support price (if the rate is not agreed upon) or bank guarantee.

The Department in their written reply stated as under

No such dispute/default has been noticed till now.

Rule 17(2)

(2) The licence fee and the security for licences issued under this rule shall be as under

Category of licences	Licence fee		Security
	per annum	per quarter of the year or part thereof	
	Rupees	Rupees	Rupees
(i) Factory including ginning factory sheller flour mill oil expeller Dal Mill or cold storage for sale purchase storage or processing of agricultural produce	100 00	25 00	500 00
ii) Commission agent Kacha Arhtiya or other wholesale dealer for sale purchase or storage of agricultural produce	60 00	15 00	300 00
iii) Other dealers whose annual turn over of agricultural produce exceeds rupees sixty thousand but does not exceeds rupees one lac	20 00	5 00	100 00

Provided that in case of licences issued before coming into force of the Punjab Agricultural Produce Market (General) Haryana Second Amendment Rules 1975 the above rates of licence fee and security shall be applicable with effect from the 1st April 1978

Observation of the Committee

The Committee wants to discuss regarding table of licence fee and the security for licences with the representative of the board

The Department in their written reply stated as under

The exiting amount of licence fee/renewal fee are in Rule 17(2) However the revise the amount have been submitted to the Government along with another draft rules for amendments and issue of notification by the Government

Rule 17(4)

(4) A separate licence shall required by a person for setting up establishing or continuing or allowing to be continued more than one place for the purchase sale storage and processing of agricultural produce in the same notified market area

Observation of the Committee

The Committee recommends that in the first line after the word shall the word be and in the second line after the word continued the word at be added to make the rule more clear

The Department in their written reply stated as under

It is a typing error and the same will be got corrected during printing of amended rules Noted for compliance

Rule 17 (5)

(5) The Secretary of the Committee or such other official as may be authorised by him to receive such application shall on receipt of the application and the pass book in respect of security ensure that the necessary licence fee and security have been deposited and shall after verifying the correctness of the acts stated therein forward the same to the Chief Administrator of the Board or any other person authorised by him in writing in this behalf under registered post with acknowledgement due within three days of their receipt in the office of the Committee

Observation of the Committee

The Committee recommends that the process of submission of application and deposit of licence fee and security of licence should be online/through email by using the latest technology to make more easy process in the public interest

The Department in their written reply stated as under

Action will be taken as per the recommendation

Rule 17(8)

(8) The security will be released three months after the date of the closure of the business on production of the clearance certificate issued by the Secretary of the concerned committee

Observation of the Committee

The Committee recommends that in the first line after the word released the word within be added to make the rule more clear

The Department in their written reply stated as under

It is a typing error and the same will be got corrected during printing of amended rules Noted for compliance

Rule 18(1)(C)

- (c) hawkers and petty retail shop keepers who do not engage in any dealing in agricultural produce other than such hawking or retail purchase

Explanation — For the purposes of this clause and clause (b) of sub rule (2) a person whose turnover of sales and purchases of agricultural produce does not exceed sixty thousand rupees during a year

or five thousand rupees during any month shall be treated as a petty retail shopkeeper

Observation of the Committee

The Committee recommended that the limit of turnover for the petty retail shop keeper of sales and purchase of agriculture produce given in the 4th & 5th lines of Explanation of clause (c) of sub rule (1) of Rule 18 of rupees sixty thousand may be increased to one lac during a year and rupees five thousand may be increased to ten thousand during any month

The Department in their written reply stated as under

The amendment in Sub rule 1(C) in this regard are under process which are with the Govt /L R Department wherein the turnover of sale & purchase of Agriculture produce upto 1 lac during a month and not exceeding 12 lacs during a year is proposed for treating as a petty shopkeeper

Rule 18 (2) (a)

(a) scheduled banks when proceeding against any agricultural produce belonging to a producer or a licensee under section 10 of the Act to whom money has been advanced against the security of such agricultural produce

Observation of the Committee

The Committee wants to discuss with the departmental representative of Board at the time of oral examination as to whether the private Banks have been included with the scheduled Bank?

The Department in their written reply stated as under

The bank accounts of Board are also operative in scheduled banks As per RBI Act 1934 the banks included in 2nd schedule are scheduled banks in which nationalized banks private banks & Cooperative Banks exists

Rule 18 (2 A) (a)

(a) Chakkiwal as who do not make any sale or purchase of agricultural produce but have installed their chakk is for grinding agricultura produce

Observation of the Committee

The Committee recommends that in the first line the word Chakkiwal may be substituted with the word Chakkiwala and in second line the word Chakk may be substituted with the word Chakki to correct the typing error

The Department in their written reply stated as under

It is a typing error and the same will be got corrected during printing of amended rules Noted for compliance

Rule 18(2) (d)

(d) Persons licensed under the Agricultural Produce (Development and Warehousing) Corporations Act 1956 and the Punjab Warehousing Act 1957 who carry on exclusively warehousing business when selling out agricultural produce belonging to any person to whom money has been advanced against security of such agricultural produce

Observation of the Committee

The Committee wants to discuss with the departmental representative of Board at the time of oral examination as to whether the Punjab Warehousing Act 1957 has been renamed as Haryana Warehousing Act 1957 or not?

The Department in their written reply stated as under

As inquired from the office of Haryana Warehousing Corporation Punjab Warehousing Act 1957 is in operation

Rule 18(5)

(5) If a question arises whether a person is entitled to exemption under sub rule (1) (c) or (2) (b) the Chief Administrator of the Board shall assess the turnover of the person concerned after giving him an opportunity of being heard. His decision shall be final and conclusive

Observation of the Committee

The Committee recommends that in second line the word 'sub' may be substituted with the word 'sun' to correct the typing error

The Department in their written reply stated as under

It is a typing error and the same will be got corrected during printing of amended rules. Noted for compliance

Rule 19(2) & (3)

(2) On receipt of application the Secretary of the Committee or any other officer duly authorised by the Committee in this behalf may after making such enquiries regarding the conduct and business of the applicant as he may deem necessary grant a license in Form E. The license shall be subject to the conditions mentioned therein

(3) The Committee shall maintain a record of license issued under Sub Section (3) of section 13 in Form C

Observation of the Committee

The Committee wants to discuss with the departmental representative of Board at the time of oral examination in respect of Numbers of license issued in the last five years to the Brokers weighman measurers surveyors godown keepers and palledars

The Department in their written reply stated as under

The information is detailed and lengthy which is to be collected from Market Committees. The same has been called from the Market Committees and will be submitted to the Government in a fortnight.

Rule 19 (4)

(4) The licence fee for licences issued under this rule shall be as follows

Category of licensee	Licence fee ²	
	Per Annum	Per month or part thereof
Weighman or measurer or Surveyor	5 00	1 50
Broker	15 00	4 00
Godown keeper	50 00	13 00
Palledar ³ (deleted)		

Observation of the Committee

The Committee wants to discuss with the departmental representative at the time of oral examination in respect of license fee prescribed for the categories of weighman or measurer or surveyor Broker and Godown keeper as given in the table

The Department in their written reply stated as under

The licence fee is detailed in Rule 19(4)

Rule 19(5)

(5) The committee may on being satisfied that there has been a breach of any of the conditions specified in a licence by an order in writing cancel or suspend such licence and may also direct that such licence shall not be renewed for such period not exceeding five months for the first breach and not exceeding nine month for thee second breach and not exceeding one year for every subsequent breach as may be specified in that order

Observations of the Committee

The Committee wants to know for its information as to whether the remedy of appeal is available to the licensee in case of his license canceled or suspend by the Committee

The Committee further recommends that in fifth line the word thee may be substituted with the word three to correct typing error

The Department in their written reply stated as under

Regarding the word thee it is a typing error which will be got corrected while getting printed the next edition

Rule 20 (1) (a)

20 (1)(a) Where the licences holding a licence under section 10 is a firm any change occurring in the membership of such firm otherwise than through inheritance shall mean the constitution of a new firm and shall necessitate a fresh licence

Observation of the Committee

The Committee recommends that in second line of the first word licenses may be substituted with the word licensee to make the rule correct

The Department in their written reply stated as under

It is a typing error and the same will be got corrected during printing of amended rules Noted for compliance

Rule 20 (1) (b)

(b) Where a change not necessitating a fresh licence under section 10 takes place in the membership of a firm or the firm changes its name without any change in membership thereof and intimation there of shall within two weeks from the date of such change be given to the Chairman of the Board through the Chairman of the Committee The Chairman of the Committee shall after making such enquiry as he may deem necessary forward the application to the Chairman of the Board with his comments The Chairman of the Board on being satisfied about the correctness of the intimation shall order necessary corrections to be made in the licence Intimation of such order shall also be given to the committee concerned and necessary corrections shall be made in the Register in Form C maintained in the office of the Board and the Committee

Observations of the Committee

The Committee recommends that in forth line the word ate may be substituted with the word date to correct typing error

The Committee further recommends that in fifth line the word Chairman of the Committee may be substitute the word Chairman of the Committee/ Administrator of the Committee to facilitated to all the concerned in case of Administrator appointed in lieu of Chairman

The Department in their written reply stated as under -

- (i) It is a typing error and the same will be got corrected while getting printed the next edition It will be taken care in future
- (ii) In case when the Committee is not constituted / removed by the Government then the concerned SDO (Civil) works as the Administrator of the Market Committee and performs all functions of the Market Committee as Chairman so the provision is sufficient

Rule 20 (2)(a)

(2) (a) Where the licence holding a licence under section 13 is a firm any change occurring in the membership of such firm otherwise than through inheritance shall mean the constitution of a new firm and shall necessitate a fresh licence

Observation of the Committee

The Committee recommends that in first line of the word the licence may be substituted with the word licensee to correct the typing error

The Department in their written reply stated as under

It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

Rule 20 (2) (c)

(c) If in a case covered by clause (b) the firm fails to give necessary intimation to the Chief Administrator of the Board within the specified time the change in the membership or the name of the firm as the case may be shall be deemed to result in the constitution of a new firm necessitating the grant of a fresh licence

Observation of the Committee

The Committee recommends that in first line of the last word given may be substituted with the word give to correct the typing error

The Department in their written reply stated as under

It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

Rule 21(3) IInd Proviso

³Provided further that the authority competent to renew a licence may on the applicant's paying a penalty equal to the amount of annual licence fee grant an application for renewal made within thirty days after the date of expiry of the period of the grace. The authority competent to renew a licence may remit the penalty in whole or in part if it is satisfied in whole or in part if it is satisfied that the delay was for reasons beyond the control of the applicant

⁴Provided further that no licence shall be renewed for a part of the year

Observations of the Committee

The Committee recommends that in second line of second proviso after the word on te may be substituted with the word the to correct the typing error

The Committee further recommends that in fifth line after the word in hole may be substituted with the word whole to correct the typing error

The Committee also wants to discuss with the departmental representative at the time of oral examination as to whether the licence could not be renewed in any circumstances then what adverse effect will be put on the licensee

The Department in their written reply stated as under

- (i) It is a typing error and the same will be got corrected during printing of amended rules Noted for compliance
- (ii) –do
- (iii) If the licence is not got renewed within the prescribed time the applicant has to apply for a fresh licence

Rule 21 (5)

(5) Except as provided in sub rule (3) every applicant for renewal of a licence made after the date of expiry thereof shall be treated as an applicant for the grant of a fresh licence

Observation of the Committee

The Committee recommends that in first and third line the word applicant may be substituted with the word application to make the rule grammatical correct

The Department in their written reply stated as under

It is a typing error and the same will be got corrected during printing of amended rules Noted for compliance

Rule 21 (6)

(6) If licence granted under section 10 of 13 of the act or renewed under sub rule(1) above is lost a duplicate may be issued by the authority which issued the original on payment by the licensee of a fee of five¹ rupees

Observations of the Committee

The Committee recommends that in first line after the word 10 of may be substituted with the word or and in the third line after the word the licensee of a the word free may be substituted with the word fee to correct the grammatical error

The Committee further recommends that the licence fee of five rupees for issuance of duplicate licence in case of lost original licence may be increased to fifty rupees

The Department in their written reply stated as under

- (i) It is a typing error and the same will be got corrected during printing of amended rules Noted for compliance
- (ii) Action will be taken as per the recommendation

Rule 22 (2)

(2) Nothing in sub rule (1) shall be deemed to prohibit any person licenced as weighman surveyor or measured to act in all the three afiresad capacities

Observation of the Committee

The Committee recommends that in second line after the word or measured may be substituted with the word measurer and that in after the word three afiresad may be substituted with the word aforesaid to correct the typing error

The Department in their written reply stated as under

It is a typing error and the same will be got corrected during printing of amended rules Noted for compliance

Rule 24

(1) All agricultural produce brought into the market for sale shall be sold by open auction in the principal or sub market yard

(2) Nothing in sub rule(1) shall apply to a retail sale as may be specified in the bye -laws of the committee

(3) A committee may and on being directed by the Chief Administrator of the board shall fix timings for the starting and dosing of the auction in respect of any agricultural produce other than fruit and vegetables

(4) The price of agricultural produce shall not be settled by secrets signs or secret bid and no deduction shall be made from agreed price by the committee

Provided that under special circumstances the Chief Administrator of the board may allow a committee to make or permit any alternative arrangement

Provided further that nothing in this sub rule shall apply to the auction of vegetables and fruits

(6) The highest bid offers by a buyer at an auction and at which the seller of the produce gives his consent to sell his produce shall be the sale price of the produce

(7) The buyer shall be considered to have thoughty inspected the agricultural produce for which he has made a bid and he shall have no right to retract from it

(8) As soon as the auction for a lot is over the auctioneer shall fill in the relevant particulars in a book to be maintained in form H and shall secure the signatures of both the buyer and the seller of their respective representatives whoever may be present at the spot

¹*Provided that the vegetables and fruits dealers shall be allowed to note down the auction in mundi Bahi instead of register in Form H and the mundi Bahi shall be paged properly bounded in book of at least one hundred pages or multiple thereof and the first and last page thereof shall be signed stamped and dated by the Secretary of the committee or any other official authorised by him in this behalf

¹(8 A) A register in Form HH shall be maintained in the office of the committee and heaps of agricultural produce which remain unsold during the course of auction shall be entered in this register it shall be the duty of every Kacha Arhitya to report to the committee as soon as the unsold heaps are disposed of

(9) The buyer shall be responsible to get the agricultural produce weighed immediately after the auction or on the same day the produce is purchased by him and the seller or the buyer shall be liable for any damage to or loss of or deterioration in the produce

(10) A person engaged by a producer to sell agricultural produce on his behalf shall not act as a buyer either for himself or on behalf of another person without the prior consent of the produce ³

⁴ Provided that this sub rule shall not apply to a co operative Society

(11) The Kacha Arhitya shall make payment to the seller immediately after the weighing is over

(12) Every Kacha Arhitya shall on delivery of agricultural produce to a buyer execute a memorandum in Form I and deliver the same to the buyer on the same day or the following day mentioning sale proceeds plus market charges admissible under rules and bye laws The counterfoil shall be retained by the Kacha Arhitya

⁵ Provide that nothing in this sub rule shall apply where agricultural produce being vegetables or fruit not exceeding one quintal in weight is delivered

(13) In the absence of any written agreement to the contrary the sale price of agricultural produce purchased under these rules shall be paid by the buyer to the Kacha Arhitya on delivery of Form 1

(14) Delivery of agricultural produce after sale shall not be made or taken unless and until the Kacha Arhitya or if the seller does not employ a Kacha Arhitya The buyer has given to the seller a sale voucher in form J the counterfoil whereof shall be retained by the Kacha Arhitya or the buyer as the case may be

Observations of the Committee

- (i) The Committee would like to know for its information the detailed names of producers sellers Kacha Arhitya and agency who sold/purchased paddy crop (Parmal and 1509) in the market committee of Kaithal and Pundri last two years
- (ii) The Committee would also like to know the quantity of agricultural produce of paddy (Parmal and 1509) and alongwith the rate of paddy in the market committee of Kaithal and Pundri last two years
- (iii) The Committee recommends that in the third line of sub rule (3) of Rule 24 the word fruit may be substituted with the word fruits to correct the typing error
- (iv) The Committee would like to discuss the sub rule (5) of Rule 24 at the time of oral examination with the departmental representatives as to whether the sub rule 5 was deleted or missing?
- (v) The Committee recommends that in the first line of the proviso of sub rule (8) of Rule 24 the word vegetable may be substituted with the word vegetables to correct the typing error
- (vi) The Committee also recommends that in the fourth line and fifth of the proviso of sub rule (8) of Rule 24 the words there of may be substituted with the word thereof to correct the typing error
- (vii) The Committee also recommends that in the fourth line of the proviso of sub rule (8 A) of Rule 24 the words insold may be substituted with the word unsold to correct the typing error
- (viii) The Committee would like to discuss with the departmental representatives at the time of oral examination with regard to sub rule (8) of Rule 24 relating to mundi Bahi
- (ix) The Committee would like to discuss about the sub rule (9) of Rule 24 with the departmental representatives at the time of oral examination as to whether the seller be liable for any damage to or loss of or deterioration in the produce
- (x) The Committee also recommends that in the third line of the sub rule (10) of Rule 24 the word produce may be substituted with the word producer to correct the typing error
- (xi) The Committee would like discuss at the time of oral examination with the departmental representatives as to whether the quantity (one quintal) mentioned in sub rule(12) can be increased or not?
- (xii) The Committee also recommends that in the third line of the subrule (10) of Rule 24 the word produce may be substituted with the word producer to correct the typing error

(xiii) The Committee also recommends that in the second line of the proviso of sub rule (12) of Rule 24 the word *Id* may be substituted with the word *is* to correct the typing error

(xiv) The Committee also recommends that in the second line of the proviso of sub rule (12) of Rule 24 the words *of* and *fruit* may be substituted with the words *or* and *fruits* respectively to correct the typing error

(xv) The Committee also recommends that in the fourth line of the sub rule (14) of Rule 24 the words *counter foil* and *where of* may be substituted with the word *counterfoil* and *whereof* respectively to correct the typing error

(xvi) The Committee also recommends that in the first line of the proviso of sub rule (12) of Rule 24 the word *provide* may be substituted with the word *provided* to correct the typing error

The Department in their written reply stated as under

(i) The information is detailed and lengthy which is available in the Market Committees. The same is being collected from the Market Committees and will be submitted to the Government in a fortnight

It will be checked in the original notification issued in this regard

(iii) Typing error will be corrected

(iv) Typing error will be corrected

(v) Typing error will be corrected

(vi) Typing error will be corrected

(viii) It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

(ix) –No

(x) It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

(xi) In case of fruits and vegetable it is sufficient

(xiii) It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

(xiv) It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

(xv) It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

- (xvi) It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

Rule 25

(1) The board shall fix standards of net weight of agricultural produce to be filled in a packing unit such as ¹ bag a half bag or a palli within each notified market area

(2) No person shall fill or cause to be filled any agricultural produce except in accordance with the standards fixed under sub rule (1)

(3) All Transactions in a market in terms of packing units shall be deemed to have been entered into in accordance with standards fixed under sub rule(1)

(4) Immediately on the completion of weighment of a lot of agricultural produce with in a notified market area either party to the contract may cause a test weighment of ten per cent of the units of packing in a lot or two packing units whichever is more The test weighment shall be carried out at the site of weighment and if no test weighment is held at the site the produce shall be deemed to have been correctly weighed

(5) Test weighment under sub rule(4) shall be carried out in the presence of both the parties to the contract In case any of the parties refuses or otherwise evades presence the other party may report in writing to the Secretary of the Committee or any employee of the board not lower rank than² that of an inspector who after satisfying himself as to be made in his presence or in the presence of any other official of the Committee authorised by him in this behalf and the result of such test weighment shall be final conclusive and binding on both the parties

(6) Before any agricultural produce weighed in pursuance of a contract of sale or purchase within a notified market area is removed from the place of its weighment the chairman The Secretary of the Committee or any employee engaged in connection with the management of the affairs of the Committee as authorised by him or the inspecting officers of the Board ¹ shall with a view to satisfying himself that such weighment has been correctly made or is filled in accordance with standard fixed under sub rule(1) been titled at any time and without any previous notice to check the weighment by means of weights and instruments kept by the Committee or any other agency in the presence test weighment may be carried out in the presence of any two persons present there

(7) If the weighment checked under sub rule (6) is found to be defective the persons checking the weighment may order the lot be reweighed The reweighment shall be made at the cost of the buyer if it is not filed in accordance with the standards fixed under sub-rule (1) and at the cost of the weighman concerned if the weighment is otherwise defective Such orders shall be final and the buyer or the weighman as the case may be shall

immediately comply with the order. This sub rule shall operate without prejudice to any other punishment that may be awarded under the Act these rules or bye laws made thereunder

Observations of the Committee

The Committee recommends that the word Weighmen of Rule 25 be substituted with the word Weighment to correct the typing error

The Committee would like to discuss at the time of oral examination with the departmental representatives as to whether this rule is being followed in letter and spirit or any violations are thereof ?

The Committee also recommends that in the second line of the proviso of sub rule (4) of Rule 25 the words with in may be substituted with the word within to correct the typing error

The Department in their written reply stated as under

- (i) It is a typing error and it will be got corrected while getting printed the next edition
It will be taken care in future
- (ii) Yes followed if there is any violation by the firm or any firm / licensee the action is taken as per Rule
- (iii) It is a typing error and it will be got corrected while getting printed the next edition
It will be taken care in future

Rule 26

26 (1) Only such weighing instruments as satisfy the requirements of and such weights and measures as are prescribed by the Punjab weights and measures Act 1958 and the rules made there under shall be used for weighing or measuring agricultural produce in a notified market area

Provided that in transaction of sale and purchase of agricultural produce in the principal market yard and sub market yards of the notified market area the beam scale (kanda) or platform scale shall only be used

(2) Every Committee shall keep in the market yard at least one weighing instrument of the capacity of one quintal and two sets of weights and in place where measures are used two sets of measures verified and stamped in accordance with the provisions of the Punjab weights and measures Act 1958 and the rules framed there under

The Committee shall cause such weights and measures to be tested verified once in the course of each calender year through the agency appointed and in accordance with the requirements of the said Act and rules

(3) The chairman of a committee shall allow any person to check free of charge any weight or measure in his possession against the weights and measures maintained under this rule

(4) Weighing instruments weights and measures kept by a committee under this rule may at any time be inspected examined and checked by the Chief Administrator or the Secretary of the board or by any other employee not lower in rank than that of an inspector authorised in this behalf by the Chief Administrator of the Board After inspection this inspecting authority may give such directions as it may deem proper The Committee shall be bound to comply with such directions

(5) The Chief Administrator or the Secretary of the board or of the Committee and any other person authorised in this behalf by the Chief Administrator or Secretary¹ of the board shall be entitled at any weighing instruments or measures used kept or possessed with in a notified market area by a licence under section 10 or 13 of the Act and every such licence in possession of any such weighing instrument weight or measures shall when required be bound to produce the same before entitled to inspect examine and test it

(6) Any person authorised to inspect examine and test any weighing instrument weight or measure under sub rule(5) shall while so acting have all the powers of an inspector weights and measures appointed under section 15 of the Punjab weights and measures Act 1958

Observations of the Committee

The Committee recommends that in the fourth line of the Rule 26 the word 'there under' may be substituted with the word 'thereunder' to correct the typing error

The Committee would like to know for its information as to whether the weighing instruments are digital in every market committee of Haryana If not these can be considered or not ?

The Committee also recommends that in the fifth line of the sub rule (2) of the Rule 26 the word 'there under' may be substituted with the word 'thereunder' to correct the typing error

The Committee recommends that after the word 'Chairman' in sub rule (3) of Rule 26 the word 'Administrator' may be inserted to make the rule more effective

The Committee would also like to know as to whether any farmer can examine and test any weighing instrument (weight and measures) or not ?

The Department did not send the reply in this regard

Rule 27

(2) In places where it is customary for any agricultural produce to be measured instead of being weighed the committee may specify place with in the market for that purpose and make arrangements for the measuring of such produce on payment

A place with in the market for that purpose and make arrangements for the measuring of such produce on payment of suchy fees as may be prescribed by its bye laws

(3) The Committee shall be responsible for maintaining such weigh bridge or measuring yard in proper condition and for issuing free of cost certificates of weighment and measurement as the case may be in such forms as may be prescribed by its by rule

Observations of the Committee

The Committee recommends that in the third line of the sub rule(2) of Rule 27 the words with in may be substituted with the word within to correct the typing error

The Committee also recommends that in the first and second line of the second para of sub rule (2) of Rule 27 the words with in and word suchy may be substituted with the words within and such respectively to correct the typing error

The Committee recommends that the word by rule in sub rule (3) of Rule 27 the word by laws may be substituted to make the rule more effective

The Department did not send the reply in this regard

Rule 28

28 (1) In any notified market area for which tobacco or chillies has been notified as agricultural produce under section 38 the Committee may prescribe he places at which the a fore said commodities may be weighed measured or sold

Observation of the Committee

The Committee also recommends that in the fourth line of the sub rule (1) of Rule 28 the words afore said may be substituted with the word aforesaid to correct the typing error

The Department did not send the reply in this regard

Rule 29

² Provided further that no such fee shall be levied on the wheat imported from a foreign country or wheat or cotton brought for storage processing or distribution from with in the State by the Government or a Corporation in which the Government or a Corporation iii which the Government has the substantial interest ¹

(2) The responsibility of paying the fees prescribed under subrule (1) shall be of the buyer and if he is not a licensee then of the seller who may realise the same from the buyer. Such fees shall be leviable as soon as an agricultural produce is bought or sold by a licensee.

³ (3) The fees shall be paid to the Committee or paid to officer or paid to an agency duly authorised to receive such payment within seven ⁴ days of the day of the transaction.

⁴ (3) The collection of market fee may be leased or auctioned to an agency by the Market Committee with the prior approval of the Chief Administrator for any period not exceeding one year at a time on such terms and conditions as laid down by the Market Committee. However, it shall be applicable only in case of fruits and vegetables in notified market area.

Explanation — In computing the period of seven ⁴ days specified in sub rule (3) of rule 29 and sub rule (1) of rule 31 the day of the transaction shall be included.

5*Note I The payment of fees exceeding Rs. 2000.00 shall be made either in cash or through cheque drawn on the local scheduled bank where the office of the concerned committee is situated subject to the condition that collection charges, if any, shall be borne by the licensee.

Note II In cases where unaccounted agricultural produce is detected by the officers of the Board or the Committee, as the case may be, the fees shall have to be paid immediately and the provisions of payment within seven days shall not apply in such cases.

(4) A receipt in Form K shall be granted forthwith to the person making payment in respect of any fees paid under these rules.

(5) Every officer or servant employed by a committee for the collection of fees shall be supplied by the Committee with a badge of office in such form as may be prescribed by it. The badge shall be worn by the officer or servant concerned while discharging his duties.

(6) Every such officer or servants shall before entering on his duties furnish such security as may be prescribed by the bye laws of the Committee concerned.

(7) For the purpose of this rule agricultural produce shall be deemed to have been bought or sold in a notified market area.

(a) If the agreement of sale or purchase thereof is entered into in the said area or

(b) If in pursuance of the agreement of sale or purchase the agricultural produce is weighed in the said area or

(c) if in pursuance of the agreement of sale or purchase the agricultural produce is delivered in the said area to the purchaser or to some other person on behalf of the purchaser.

(8) If in the case of any transaction any two or more of the acts mentioned in sub rule (7) have been performed within the boundaries of two or more notified market area the market fee shall be payable to the Committee within whose jurisdiction the agricultural produce has been weighed in pursuance of the agreement of sale or if no such weighing has taken place to the Committee within whose jurisdiction the agricultural produce is delivered

Observations of the Committee

The Committee recommends that in the third line of the second proviso of sub rule (1) of Rule 29 the words with in may be substituted with the word within to correct the typing error

The Committee further recommends that in the second line of the sub rule (2) of Rule 29 the word licence may be substituted with the word licensee to make the rule grammatically correct

The Committee also recommends that after the sub rule (3) of Rule 29 the number of sub rule (3) repeated and same may be corrected accordingly

The Committee also recommends that in the first line of sub rule (4) of Rule 29 the words froth with may be substituted with the word forthwith to correct the typing error

The Committee would like to discuss at the time of oral examination as to whether the sub rules (3) to (8) are needed to be amended or not?

The Department in their written reply stated as under

- (i) It is a typing error and it will be got corrected while getting printed the next edition
It will be taken care in future
- (ii) It is a typing error and it will be got corrected while getting printed the next edition
It will be taken care in future
- (iii) It is a typing error and it will be got corrected while getting printed the next edition
It will be taken care in future
- (iv) It is a typing error and it will be got corrected while getting printed the next edition
It will be taken care in future
- (v) Yes amendments in Rule is under process making the provision payment through RTGS

Rule 30

³ (2) The dealer concerned in the sale or purchase of any quantity of agricultural produce from which he manufactures or extracts any other agricultural produce shall maintain in Form L true and correct accounts of the sale purchase or processing as the case may be of the said agricultural produce manufactured or extracted from it

¹ (3) The dealer who claims exemption from the payment of market fee leviable on any agricultural produce in respect of which the market fee has already been paid in another notified market area shall make declaration and give certificate to the committee in Form LL where the fee has already been paid within twenty days of the days of bringing of agricultural produce within the notified market area. Form LL shall be prepared in quadruplicate from the booklets duly attested and issued by the Secretary of the Committee against the payment fixed by the Committee. It will be the duty of the dealer claiming exemption from the market fee under this sub rule to send the original copy of Form LL to the committee within whose market area the agricultural produce is brought. The second copy shall be sent to the office of the committee within whose market area such agricultural produce was bought and the third and fourth copies shall be retained by the dealer purchaser and the dealer seller respectively and the same shall be kept as a part of their accounts maintained in respect of market fees

⁵ (5) The agricultural produce brought for processing from within the State or outside the State and for which market fee has already been paid in any market in the State or outside the State shall be exempted from payment of market fee second time

Observations of the Committee

- (i) The Committee recommends that in the third line of sub rule (2) of Rule 30 the word 'ture' may be substituted with the word 'true' to correct the typing error
- (ii) The Committee further recommends that in the second line of sub rule (3) of Rule 30 the word 'feel' may be substituted with the word 'fee' to correct the typing error
- (iii) The Committee also recommends that in the seventh line of sub rule (3) of Rule 30 the word 'form' after the word 'quadruplicate' may be substituted with the word 'from' to make the rule grammatically correct
- (iv) The Committee also recommends that in the second line of sub rule (5) of Rule 30 the words 'out side' may be substituted with the word 'outside' to correct the typing error

The Department in their written reply stated as under

- (i) It is a typing error and it will be got corrected while getting printed the next edition
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- (ii) It is a typing error and it will be got corrected while getting printed the next edition
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- (iii) It is a typing error and it will be got corrected while getting printed the next edition
It will be taken care in future
- (iv) It is a typing error and it will be got corrected while getting printed the next edition
It will be taken care in future

Rule 31

(1) Every licenced dealer and every dealer exempted under rule 18 from obtaining a licence shall submit to the committee a return in Form M showing his purchases and sales of each transaction of agricultural produce or each transaction of agricultural produce brought for processing 3* within seven days 4 of the day of transaction

⁵ Provided that a person exempted from taking a licence under rules 18(2) (b) and 18(2) shall exempted from the provisions of this sub rule in respect of sale of agricultural produce by him

Provided further that in case of a dealer who exclusively deals in fruits and vegetables it shall not be necessary to fill in Form M the particulars of the person to whom any quantity of fruits and vegetables less than one quintal is sold

⁶ Provided further that in case the kacha arhtiya sends one ccpy of Form J to the Market Committee the kacha arhtiya will be exempted from sending Form M to the Market Committee and the buyer

Shall indicate in Form M only the total quantity and the gross value in respect of each commodity purchased from each seller

(2) The Committee shall maintain a register in Form M showing the total purchases and sales made by dealer and the fees recoverable and recovered from them

(10) Habitual default in the submission of return and habitual submission of false return shall be a sufficient ground for suspension or cancellation of refusal and renew a licence and the provisions of his rule shall apply in addition to and not in derogation of any other law panel or otherwise applicable to non compliance or defective compliance with any duty imposed upon a dealer by the Act or by these rules or by any bye laws or order of Committee

(11) An assessment order made under sub rules(8) and (9) shall be communicated to him by means of a demand notice in form P and copy there of shall be granted to the dealer on his making a written application and paying

a sum of two rupees as copying fee to the Committee. Every Committee shall maintain a register of copying fees.

(12) The copy shall be prepared in the office of the Committee and certified to be correct by the Secretary or in his absence by another person appointed in this behalf by the Chairman. Such certificate shall give the dates on which the application was received and the copy prepared and delivered to the applicant and shall be conclusive evidence of the correctness of the dates.

Observations of the Committee

- (i) The Committee recommends that the word 'c' may be inserted in the blank bracket printed after the figures 18(2) in second line of the proviso of sub rule (1) of Rule 31 to correct the typing error.
- (ii) The Committee further recommends that Form M mentioned in the first line of the sub rule 2 of Rule 31 may be substituted with Form N to correct the typing error.
- (iii) The Committee also recommends that in the third line of the sub rule (10) of the Rule 31 the word 'his' may be substituted with the word 'this' to correct the typing error.
- (iv) The Committee also recommends that in the third line of the sub rule (11) of the Rule 31 the words 'there of' may be substituted with the word 'thereof' to correct the typing error.
- (v) The Committee would like to know as to whether the amount mentioned in the fourth line of the sub rule 11 of Rule 31 can be increased or not?
- (vi) The Committee also recommends that in the sixth line of the sub rule (12) of the Rule 31 the word 'hee' may be substituted with the word 'these' to correct the typing error.

The Department in their written reply stated as under

- (i) It is a typing error and it will be got corrected while getting printed the next edition.
It will be taken care in future.
- (ii) It is a typing error and it will be got corrected while getting printed the next edition.
It will be taken care in future.
- (iii) It is a typing error and it will be got corrected while getting printed the next edition.
It will be taken care in future.
- (iv) It is a typing error and it will be got corrected while getting printed the next edition.
It will be taken care in future.

- (v) May be considered but it is very nominal amount
- (vi) It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

Rule 32

32 Books to be kept by licence brokers and godown keepers Every broker and every godown keeper licensed under these rules shall—

(a) Keep such books in such form as the Committee granting the licence may from time to time prescribe by its bye laws

(b) Render such returns at such times and in such forms as the Committee may prescribe and

(c) Render such assistance may be required by the Committee in the collection of fees due under the Act or under the rules or bye laws made there under in preventing evasions of payment there of and generally in the prevention of breaches of the act or of these rules or of any bye laws made there under

Observations of the Committee

The Committee recommends that in the first line of the Rule 32 the word licence may be substituted with the word licensed to correct the typing error

The Committee further recommends that in the first line of the section (c) of the Rule 32 after the word assistance the word s may be substituted with the word as to correct the typing error

The Committee also recommends that in the third line and fifth line of the section (c) of the Rule 32 the words there under there of and there under may be substituted with the word thereunder thereof and thereunder respectively to correct the typing error

The Department did not send the reply in this regard

Rule 33

(e) Any money has been paid by mistake the Chief Administrator of the Board or the Chairman of the Committee as the case may be shall on a written application on being made within six months of such deposit and after such enquiry as he may consider necessary order the refund of the appropriate amount which shall be repaid to the person concerned after preparing a refund bill out of the market development

(2) The power conferred on the Chief Administrator of the Board h officer subordinate to him as by sub rule (1) may also be exercised by such officer subordinate to him as he may appoint in this behalf

(3) The applicant for refund shall contain such particular as are necessary to enable the amount for which refund is claimed to be traced

Observations of the Committee

The Committee recommends that in the sixth line of the section (e) of the Rule 33 after the word development the word fund may be inserted to make the rule more clear

The Committee further recommends that in the second line of the sub rule (2) of the Rule 33 the words subordinate may be substituted with the word subordinate to correct the typing error

The Committee also recommends that in the first line of the sub rule (3) of the Rule 33 the word applicant may be substituted with the word application to correct the typing error

The Department did not send the reply in this regard

Rule 34

(2) It shall be the duty of a Committee to prevent adulteration of agricultural produce in the notified market area. The Chairman or Secretary of the Committee may take all or any steps within his power to stop prevent or discourage such adulteration

(3) Explanation For the purpose of this rule adulteration of agricultural produce shall include mixing of inferior stuff with superior produce mixing of different varieties or different qualities mixing of severed remains of the agricultural produce with agricultural produce and mixing of earth dirt and stones or any other extraneous matter with any agricultural produce

Observations of the Committee

The Committee recommends that in the third line of the sub rule (2) of Rule 34 the words with in may be substituted with the word within to correct the typing error

The Committee observed that sub rule (3) mentioned in the Rule 34 is actually not a sub rule (3) of Rule 34 itself and it is an explanation of Rule 34 therefore the numerical number (3) may be deleted to make the rule more clear

The Department did not send the reply in this regard

Rule 40

(1) Every appeal preferred under sub section (4) of section 10 subsection (3) of section 29 and section 40 shall bear a court fee stamp of fifty rupees and shall be presented to the appellate authority in the form of a memorandum by the appellant or his duly authorized agent. The memorandum shall set forth concisely the grounds of objection to the order appealed against and shall also be accompanied by a certified copy of such order and the proof of payment of fee if due as per the impugned order

(2) In computing the period of limitation for filing an appeal under the Act the period spent in obtaining a copy of the order shall be excluded

(3) The appeal shall be decided after notice to and hearing the parties concerned and after making such further enquiry as the appellate authority may consider necessary

Observation of the Committee

The Committee observed that before the sub rule (1) of Rule 40 the numerical number 40 is missing Therefore the same may be inserted before sub rule (1)

The Department in their written reply stated as under

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It will be taken care in future

Rule 42

42 Preservation of records —There respective cords of the Board and Market Committee shall be preserved for the periods noted against each in the schedule hereto annexed

Observation of the Committee

The Committee recommends that in the first line of the Rule 42 the word cords may be substituted with the word records to correct the typing error

The Department in their written reply stated as under

It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

Rule 43

(a) The previous operation of any rule so repealed or anything duly done or suffered there under

(c) Any penalty forfeiture or punishment increased in respect of any offence Committee against any rule so repealed or any offence committed against any rule so repealed or

Observations of the Committee

The Committee recommends that in the second line of the section (a) of Rule 43 the words 'there under' may be substituted with the word 'thereunder' to correct the typing error

The Committee further recommends that in the second line of the section (c) of Rule 43 the word Committee may be substituted with the word committed to correct the typing error

The Department in their written reply stated as under

(i) It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

(ii) It is a typing error and it will be got corrected while getting printed the next edition

It will be taken care in future

From

The Financial Commissioner & Principal Secretary to
Government Haryana Agriculture Department

To

The Chief Administrator
Haryana State Agricultural Marketing Board
Panchkula

Memo No 1504 Agri S (3) 2006/14482

Chandigarh dated the 10/08/2006

Subject Regarding terms and conditions of appointment of Shri Shadi Lal Batra, M L A as Chairman Haryana State Agricultural Marketing Board

In pursuance of Haryana Government instructions contained in U O No 36/3/97 Pol(4P) dated 16 7 1997 18 11 98 6 3 2006 and 18 4 2006 the terms and conditions of appointment of Shri Shadi Lal Batra M L A House No 1474/12 D L F Colony Rohtak as Chairman Haryana State Agricultural Marketing Board are fixed as under

Sr No	Particulars	Terms & conditions
1	Tenure of Office	Three years can be extended /curtailed by the Government
2	Accommodation	Fully furnished free accommodation (Electricity Water and other necessary facilities) as a special case This will not be a precedent for other Boards/Corporations
3	Honorarium	Rs 20 000/ per month subject to the condition that his total emoluments (including all allowances admissible to him as an MLA) should not exceed Rs 26 000/- per month
4	Telephone Facilities	At office as well as at residence The total number of local calls from the residential telephone shall not exceed 3000 per quarter The cost of local calls in excess of the above figure and also for all private trunk calls shall be recovered
5	Conveyance	Staff Car He may perform journey on official duty at headquarters and outside the headquarters upto a total limit of 5000 Kms in a calendar month and when such journeys are

either in excess of 1000 Kms at headquarters or the total journey both at headquarters and outside headquarters exceed 5000 Kms in a calendar month the excess journeys would be treated as private journeys

OR

Conveyance allowance of Rs 800/ per month if the Chairman uses his own car for official work

- | | | |
|---|--------------------|---|
| 6 | Daily Allowance | Rs 600/ per day Daily allowance is admissible for 10 days in a calendar month |
| 7 | Staff | As per requirements assessed and approved by the Competent Authority |
| 8 | Medical Facilities | As admissible to the State Govt servants so long as he remains Chairman This facility will also be admissible to his dependents |
-

2 All other terms and conditions incorporated in the standard terms and conditions of non official as Chairman of the Public Undertaking from time to time will be applicable to the incumbent

Sd/

Deputy Secretary Agriculture
for Financial Commissioner & Principal Secretary to
Government Haryana Agriculture Department

No 36/5/2006 4Pol
Government of Haryana
Chief Secretary's Office
Political & Parliamentary Affairs Department
Dated Chandigarh the 20th September 2013

To

- (i) All the Additional Chief Secretaries to Government Haryana
- (ii) All Principal Secretaries to Government Haryana

Subject Standard terms & conditions for appointment of non officials as Chairmen in Boards and Corporations of Haryana

Sir/Madam

I am directed to refer to the instructions conveyed vide U O NO 36/1/97 Pol(4P) dated the 16th July 1997 and the amendments made there in from time to time on the subject noted above and to convey you that the matter has been reconsidered by the Government and it has been decided to revise the standard terms & conditions for non officials (MLAs and others) who are appointed as Chairmen in Boards and Corporations. The revised terms and Conditions of their appointments will be as follows

(1) Tenure of office

The tenure of office shall in the first instance be one year from the date of assuming charge the Government may however curtail the period of tenure at any time or extend it from time to time

(2) Honorarium

Pay or honorarium may be allowed at such monthly rate as may be determined by the concerned department subject to a maximum of Rs 50 000/ (Rupees fifty thousand only) per month subject to the condition that if an MLA is appointed as Chairman the total emoluments allowed to him (including all allowances admissible to him as an MLA) shall not the total emoluments admissible to a Minister at any point of time

(3) Prerequisites

(i) House Rent

House rent allowance of Rs 50 000/ p m or actual rent whichever is less. However a duly furnished flat in the Haryana Legislators Flats at Chandigarh may have been provided for residential purposes in case the non official appointed as Chairman is an MLA. The rent of the furnished flat will be reimbursed to the Chairman and no house rent allowance will be provided

(ii) Telephone facility

Telephone facility may be provided at the office as well as at residence alongwith one cell phone equivalent to entitlement of Grade I officers of State Government

(iii) Daily Allowance

The rate of daily allowance may be admissible to the Chairman as per entitlement of Grade I Officer

Note Daily allowance is admissible for 10 days in a calendar month

(iv) Medical facilities

The Chairman may be given medical facilities as admissible to the Government employees

(v) Staff Car

A staff car may be placed at the disposal of the Chairman for official use at the headquarter and also for outside official journeys

Note When journeys are undertaken to places outside the State and Delhi and the staff car is not used traveling allowance will be payable for distances beyond the State limits/Delhi. The rate of traveling allowance when admissible will be the same as applicable to Grade I Officers

Provided further that (when a non official Chairman/Advisor is provided with staff car) he may perform journey on official duty at headquarters and outside the headquarters upto a total limit of 5000 kms in a calendar month and when such journeys are either in excess of 1000 kms at headquarters or the total journeys both at headquarter and outside headquarters exceed 5000 kms in a calendar month the excess journeys would be treated as private journeys

(vi) Staff

Staff may be provided as per requirements assessed and approved by the competent authority

2 It is requested that while appointing a non official as Chairman in Boards and Corporations the above terms and conditions should be kept in view. The nature of duties qualitative and quantitative should generally determine the terms and conditions

3 In each case terms should be settled on the basis of the nature of duties and proposal in this regard should be referred to Finance Department for their concurrence by the concerned Administrative Department

4 These terms & Conditions will also apply to those Chairmen whose terms & conditions have already been settled by the departments concerned with immediate effect

5 These instructions issue with the concurrence of the Finance Department conveyed vide their U O No 1/8/2007 1FG I/24737 dated 19 9 2013

Yours faithfully

Sd/

(Pawan Sharma)

Under Secretary Political

No 2/4/2001 Pol
HARYANA GOVERNMENT
CHIEF SECRETARY'S OFFICE
POLITICAL AND PARLIAMENTARY AFFAIRS DEPARTMENT

Dated Chandigarh the 14th July 2015

To

The Secretary
Haryana Vidhan Sabha
Chandigarh

Subject **Grant of Dearness Allowance on the Pension to Ex Legislators
of Haryana Legislative Assembly**

Sir

I am directed to invite a reference to sub section 1AA of section 7A of the Haryana Legislative Assembly (Allowances and Pension of Members) Act 1975 and to say that the Governor of Haryana is pleased to order that the Dearness Relief payable to the Pensioner/family pensioners of Ex Legislators of Haryana Legislative Assembly shall be enhanced from the existing rate of 212% to 223% of the basic Pension/ Family Pension and Dearness Pension/Dearness Family Pension of Ex Legislators of Haryana Legislative Assembly w e f 1st January 2015 as conveyed by the Finance Department vide their letter No 4/7/2009 2FR/12618 dated 24th June 2015

2 The expenditure involved is debitable to the Head of Account 2071 Pension and other Retirement Benefits

Yours faithfully

Sd/

Under Secretary Political

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