

**HARYANA VIDHAN SABHA**  
**REPORT**  
**OF**  
**THE COMMITTEE**  
**ON**  
**SUBORDINATE LEGISLATION**  
**FORTY SIXTH REPORT**  
**2017-18**



(Presented to the Haryana Vidhan Sabha on 15th March 2018)

**HARYANA VIDHAN SABHA SECRETARIAT**  
**CHANDIGARH**  
**2018**

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(iii)

**COMPOSITION OF THE COMMITTEE**

**(2017-18)**

**COMMITTEE ON SUBORDINATE LEGISLATION**

**Chairperson**

Smt. Santosh Chauhan Sarwan M L A

**Members**

Shri Anand Singh Dangri M L A

Shri Ghanshyam Saraf M L A

Shri Naseem Ahmed M L A

Shri Jaiveer Singh M L A

Shri Subhash Sudha M L A

Shri Kehar Singh M L A

Advocate General Haryana

**Special Invitees**

\*Dr. Raghuvir Singh Kadian M L A

\*\*Shri Sukhvinder M L A

\*\*\*Smt. Bimla Chaudhary M L A

**Secretariat**

Shri Rajender Kumar Nandal Secretary

Shri Vishnu Dev Under Secretary

The Committee was constituted w e f 25<sup>th</sup> April 2017 vide Haryana Vidhan Sabha Secretariat Notification No HVS SLC 1/2017 18/29 dated 25<sup>th</sup> April 2017

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- \* Dr. Raghuvir Singh Kadian M L A nominated as Special Invitee of the Committee on dated 25<sup>th</sup> May 2017 vide Notification No HVS SLC 1/2017 18/56 dated 25<sup>th</sup> May 2017
  - \* Shri Sukhvinder M L A nominated as Special Invitee of the Committee on dated 8<sup>th</sup> June 2017 vide Notification No HVS SLC-1/2017 18/66 dated 8<sup>th</sup> June 2017
  - \*\*\* Smt. Bimla Chaudhary M L A nominated as Special Invitee of the Committee on dated 14<sup>th</sup> June 2017 vide Notification No HVS SLC 1/2017 18/73 dated 14<sup>th</sup> June 2017

(v)

### INTRODUCITON

- 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 Sixth Report to the House
- 2 The matters covered by this Report were finally considered by the Committee at their sitting held on 28 02 2018 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 28<sup>th</sup> February 2018

SANTOSH CHAUHAN SARWAN  
CHAIRPERSON  
Committee on Subordinate Legislation

**REPORT**

- 1 The Committee on Subordinate Legislation for the year 2017-18 was nominated by the Hon'ble Speaker Haryana Vidhan Sabha under Rule 249(1) of Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 25th April 2017 and was notified in the official Gazette vide Notification No HVS SLC 1/2017-18/29 dated 25th April 2017
- 2 Smt Santosh Chauhan Sarwan M L A was appointed as Chairperson of the Committee by the Hon'ble Speaker
- 3 The Committee held 57 sittings till the presentation of the Report
- 4 Besides watching the implementation work relating to the earlier Reports the Committee scrutinized the following Rules -
  - 1 The Punjab Village Common Lands (Regulation) Rules 1964 framed under the Punjab Village Common Lands (Regulation) Act 1961
  - 2 The Haryana Co-operative Societies Rules 1989 framed under the Haryana Co-operative Societies Act 1984

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 within an Act of the Legislature
- (iii) Whether it contains imposition of any tax
- (iv) Whether it directly or indirectly bars the jurisdiction of the courts
- (v) Whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power
- (vi) Whether it involves expenditure from the consolidated fund of the state or the Public Revenues
- (vii) Whether it appears to make some unusual or unexpected use of the powers conferred by the constitution or the Act pursuant to which it is made
- (viii) Whether it appears to have been unjustifiable delay in the publication or laying it before Legislature and
- (ix) Whether for any reason its form or purport calls for any elucidation

Rule 257 lays down as follows

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

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

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

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

The Committee is competent to send for persons papers or records if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 254 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly which reads as under:

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

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

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

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

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

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

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

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



Department is required to place its views before the Committee which may if it thinks fit present further observations/recommendations to the House after considering the views of the Department in the matter

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

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

2 The Department of the Govt would ensure that rules are framed under an Act as early as possible after the enactment of the Act and in no case this period should exceed six months If the rules are not framed within six months the Committee may ask the Department about the reason for the delay in framing the rules This is only by convention

3 Executive should ensure that no rule goes beyond the power delegated by legislature If the rules go beyond the powers delegated by legislature the Committee may examine the same and report to the House

4 The Executive should be impressed upon that whenever rules are framed or amendments are made in the existing rules those should be serially and centrally numbered and should indicate in the margin of each rule the reference of the section under which the rules are framed

However some of the broad principles established by the Committee for the guidance of the Executive are given below

- (i) As far as possible guidelines/criteria to be followed by the authority concerned for the exercise or discretionary power vested in it should be laid down in the rules
- (ii) In case where the authority concerned deviates from a norm it should be required to record in writing the reasons for such deviation
- (iii) Before any adverse action is taken against a party it should be given a reasonable opportunity of being heard and after a decision adversely affecting a party has been taken it should have the right of appeal or representation as the case may be
- (iv) In order that the persons similarly placed are not treated differently the powers of exemption/relaxation should be exercisable in respect of categories or class of persons as contra distinguished from individuals
- (v) In cases where an authority concerned is vested with the power to suspend a license or supplies pending institution or regular proceedings a maximum time limit for suspension should be laid down in the rules
- (vi) The provisions of rules which may make a citizen liable to a penalty should be well defined and not worded vaguely
- (vii) In case of seizures and searches suitable safeguards like the presence of witness preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided

- (viii) In case of rules relating to disciplinary proceedings not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority be also laid down in the rules
  - (ix) Statutory rules should be amended by Statutory rules only and not by executive orders
  - (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic sketchy or skeleton or needing further interpretations. It should be in simple language so that different people cannot put different interpretations. For example expressions like unreasonable large quantity reasonable intervals etc should be avoided
  - (xi) Generally Rules should not be made applicable from retrospective effect adversely affecting the rights of any class or category unless specifically permitted by the Act
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## **GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE**

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

The Committee reiterates the recommendations made in its previous Forty fifth Report and observes that ordinarily rules should be framed as early as possible after the enactment of an Act and in no case the period should exceed six months

The Committee further recommends that whenever an ordinance for amending the Act or bringing new legislation involving provisions for making the Rules if promulgated the rules should be prepared simultaneously so that there should not be wide gap between the Ordinance/Act and the Rules

The Committee further recommends that whenever any Act is amended it should be looked that the relevant rules and forms also amended so as to bring them in consonance with the change in the Act

### **2 Reference of Section under which Rules are framed**

The Committee is of the view that giving of reference of the section in the margin of each rule under which the rule has been framed is essential to know under what precise authority each rule has been framed

The Committee reiterates the recommendations made in its earlier Reports that whenever rules are supplied to it the authority or the relevant section under which a particular rule or set of rules has/have been framed should also be mentioned in the margin of each rule

The Committee further recommends that whenever several amendments are made in a set of rules the same may be republished after incorporating all the amendments made from time to time This recommendation of the Committee should be observed meticulously

### **3 (i) Supply of printed and up to date corrected copies of the Rules**

The Committee recommends that copies of the rules to be supplied to it by the Department should be in the printed form or in the form of Gazette in which they are published If however it is not possible for the Department to do so it should be ensured that the copies of the rules etc are up to date meticulously compared and duly corrected before supplying these to the Committee to save its valuable time in pointing out such mistakes

The Committee further recommends that it is the duty of the Department concerned to see that the rules supplied to the Committee are amended up to date and ensure that the suggestions/recommendations/ observations made by the Committee from time to time and agreed to by the concerned Department are implemented by the department and incorporated in the rules expeditiously

## **(ii) Footnote in the Act and Rules**

It came to notice of the Committee that sometimes it is laid down in the Act and Rules that such Act and Rules shall come into force on such date as may be specified in the notification by the State Government. The Committee is of the view that in such circumstances that date of commencement of the Act and Rules should invariably be given in the footnote so that legislators in particular and the public in general may come to know as to from which date the Act and Rules had come into force.

The Committee further recommends that whenever any amendment is made in an Act or Rules framed there under it should also invariably be stated in the footnote the reference of the Act or Rules by which amendment has been made.

### **4 Publishing the Act and Rules in Hindi**

The Committee recommends that sincere efforts be made to publish the Acts and Rules in Hindi also so that the copies of the Acts and Rules may be available in Hindi easily at reasonable price.

### **5 Delay in laying on the Table of the House**

The Committee recommends that where the rules orders etc. are required to be laid on the Table of the House before the State Legislature under any statute the same should be laid on the Table of the House as early as possible immediately following such publication in the Gazette so that the House may statutorily modify or annul such rules.

### **6 Implementation of recommendations of the Committee**

As per prevailing practice and convention the Departments are required to furnish from time to time statements of action taken or proposed to be taken by them on the recommendations/observations of the Committee made in its Reports. But no time limit is fixed now. With a view to ensuring speedy implementation of their recommendations the Departments should implement the recommendations expeditiously and not later than a period of six months. If in any particular case it had not been possible to adhere to this time limit they should ask for extension of time from the Committee after explaining the difficulties in implementing the recommendations. Still the cases of delay continue to occur. The Committee can not but stress again that the Department should evolve suitable measures to streamline their procedure in order that the recommendations made by the Committee are implemented on top priority basis within a maximum period of six months.

The Committee recommends that the action on the outstanding recommendations and observations contained in its earlier reports should be given top priority and expedited. The Committee also recommends that when a recommendation is implemented by the Government the Department concerned should supply a copy of the notification containing the amendment in the rules alongwith the statement showing the action taken by the Government in the implementation of the recommendations/observations.

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

The Committee is of the view that copies of all the Acts and Rules framed there under as amended up to date are generally not available in the Government Press for the use of the Public. The Committee therefore recommends that copies of all the Acts and Rules made thereunder should be kept up to date by the Department and should get the Acts and the Rules printed/reprinted from the Government Press from time to time so that these may be made available for sale to the General Public also at reasonable price.

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

The Committee is of the view that as and when the copies of the Haryana Code are reprinted the same may be supplied to the Committee by the Controller Printing and Stationery Haryana at the earliest. The Law and Legislative Department Haryana is expected to ensure supply of up to date 25 copies of the Haryana Code(s) to the Committee from time to time as per above observations/recommendations.

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

### 39TH REPORT 2010 2011

#### (REVENUE AND DISASTER MANAGEMENT DEPARTMENT)

- (i) **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 39<sup>th</sup> to 45<sup>th</sup> Reports

The Committee observed that 45<sup>th</sup> Report was sent to the Department concerned vide letter dated 10 04 2017 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 1128 STR 1 2017/3571 dated 03 05 2017 and the same was placed before the Committee in its meeting held on 09 05 2017 vide which stated that सी डब्ल्यू पी न 3687/2010 में माननीय उच्च न्यायालय द्वारा दिनांक 19 09 2013 को पारित आदेशों की अनुपालना में इस विभाग द्वारा नियमों/अधिनियम में उचित संशोधन बारे मामला विचाराधीन है। अतः जैसे ही नियमों/अधिनियम में उचित संशोधन होगा संशोधित नियम/अधिनियम की प्रति शीघ्र-अति-शीघ्र भेज दी जायेगी।

A reminder was sent to the Department vide letter dated 11 10 2017 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.

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

### 39TH REPORT 2010 2011

#### (THE FORESTS AND WILD LIFE DEPARTMENT)

#### (ii) 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 39<sup>th</sup> to 45<sup>th</sup> Reports

The 45<sup>th</sup> Report was sent to the Department concerned vide letter dated 10 04 2017 to implement the observations/recommendations at the earliest. Subsequent reminders were also sent to the Department vide letters dated 14 09 2017 and 22 11 2017 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 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 recommendations/observations of the Committee

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

**40TH REPORT 2011 2012**

**(FOOD AND SUPPLIES DEPARTMENT)**

**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 40<sup>th</sup> to 45<sup>th</sup> Reports

The Committee observed that 45<sup>th</sup> Report was sent to the Department concerned vide letter dated 10 04 2017 to implement the recommendations/observations of the Committee at the earliest. A reminder was sent to the Department vide letter dated 14 09 2017. In respect to the aforesaid communication the Department supply the reply of recommendations/observations vide memo No FG 1-2016/20993 dated 18 10 2017 and the same was placed before the Committee in its meeting held on 30 10 2017 vide which stated that the Department constituted a Committee regarding the necessary amendments to be incorporated in the existing PDS Control Order 2009. The constituted Committee has gone through the entire Control Order 2009 identified the necessary amendments and the same are being incorporated in the new PDS Control Order (amended). The final draft of the amended PDS Control Order will be prepared shortly.

It is further stated that the final draft will have to be approved from the Hon ble Chief Minister Haryana and further it will be vetted from the Ld LR Haryana. During the requisite entire process it may take at least three months.

Therefore as and when the new Haryana Public Distribution system (Licensing and Control) Order will be finalized same will be informed accordingly and requested to grant three months time.

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.

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

### **41<sup>ST</sup> 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 41<sup>st</sup> to 45<sup>th</sup> Reports

The Committee observed that 45<sup>th</sup> Report was sent to the Department vide letter dated 10 04 2017 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 8/11/2015 2Env dated 08 05 2017 and the same was placed before the Committee in its meeting held on 15 05 2017

A reminder was sent to the Department vide letter dated 11 10 2017 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 above facts and circumstances the Committee expects that Department would take up the matter on priority basis and supply a copy of the notification after amending the rules as per observations/recommendations of the Committee expeditiously

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

#### **42<sup>ND</sup> 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 42<sup>nd</sup> to 45<sup>th</sup> Reports

The Committee observed that 45<sup>th</sup> Report was sent to the Department concerned vide letter dated 17 04 2017 to implement the recommendations/observations made by the Committee at the earliest. In response to the aforesaid communication the department sent a letter addressed to Director General Town & Country Planning Department Haryana Chandigarh and copy of the same was endorsed to the Haryana Vidhan Sabha Secretariat vide Endst No 8/4/2017 2TCP dated 02 06 2017. The same was placed before the Committee in its meeting held on 14 06 2017.

A reminder was sent to the Department vide letter dated 11 10 2017 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 above facts and circumstances the Committee expects that Department would take up the matter on priority basis and supply a copy of the notification after amending the rules as per observations/recommendations of the Committee expeditiously.

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

#### 42<sup>nd</sup> REPORT 2013 2014

##### (REVENUE AND DISASTER MANAGEMENT DEPARTMENT)

- (ii) 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 41<sup>st</sup> to 45<sup>th</sup> Reports

The Committee observed that 45<sup>th</sup> Report was sent to the Department vide letter dated 17 04 2017 to implement the recommendations/observations made by the Committee at the earliest In response to the aforesaid communication the department sent a letter addressed to the Director Land Record Haryana Panchkula and copy of the same was endorse to the Haryana Vidhan Sabha Secretariat vide Memo No 753 ARS-4 2017/6475 dated 26 04 2017 The same place before the Committee in its meeting held on 09 05 2017

A reminder was sent to the Department vide letter dated 11 10 2017 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 memo no 4695 ARS-4 2017/13577 dated 23 10 2017 and the same was placed before the Committee in its meeting held on 30 10 2017 informed that reference letter of the Secretariat it is intimated that the matter is under consideration After taking the final decision the report will be sent in this regard

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

**42<sup>ND</sup> REPORT 2013 2014**  
**(IRRIGATION DEPARTMENT)**

**(iii) 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 42<sup>nd</sup> to 45<sup>th</sup> Reports

The Committee observed that 45<sup>th</sup> Report was sent to the Department vide letter dated 17 04 2017 to implement the recommendations/observations made by the Committee at the earliest. Subsequent reminders were also sent to the Department vide letter dated 14 09 2017 and 23 11 2017 to expedite the action in the matter at an early date.

In respect to the aforesaid communication the Letter No 1704/2R&CR/533/2016 dated 30 10 17 & Letter No 1855/2R&CR dated 30 11 17 received from the Engineer in Chief Irrigation & Water Resources Department Haryana Panchkula and the same were placed before the Committee in its meeting held on 06 12 2017 that the information desired vide above referred letter for the action taken in implementation of the recommendations/observations made by the Committee was submitted by the department alongwith a photocopy of latest available Haryana Canal & Drainage Rules 1976 and copies of amendments available in their office pertaining to the Haryana Canal & Drainage act vide letter No 1704/2&CR/533/2016 dated 30/10/2017. But latest copy of Haryana Canal & Drainage Act 1974 and Rules 1976 in both languages could not be made available despite the best efforts by the department.

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 -

### 43<sup>RD</sup> REPORT 2014-2015

#### (MINES & GEOLOGY DEPARTMENT)

**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 43<sup>rd</sup> & 45<sup>th</sup> Reports

The Committee observed that 45<sup>th</sup> Report was sent to the Department vide letter dated 17 04 2017 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 vide No DMG/Hy/HVS SLC/2648 dated 16 06 2017 and the same was placed before the Committee in its meeting held on 22 06 2017 and vide which stated that amendments to be made in the said Rules 2012 as per recommendations of the Hon ble Committee have been accepted by the state Government and to notify the same further action is being taken

It is further informed that some other changes in the said Rules 2012 are also under consideration accordingly all the related notifications would be issued simultaneously The department on the suggested changes/ amendments of the Committee is already following the directions/suggestions The department also submitted that after making all amendments in the Rules including recommended/observed by the Hon ble Committee a consolidated report will be sent to the Haryana Vidhan Sabha Secretariat in due course please

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

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

#### **44<sup>TH</sup> REPORT 2015 2016**

##### **(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)**

- (i) **The Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1992 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Sugarcane (Regulation of Purchase and Supply) Rules 1992 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act 1953 as contained in its 44<sup>th</sup> and 45<sup>th</sup> Reports

The Committee observed that 45<sup>th</sup> Report was sent to the Department vide letter dated 17 04 2017 to implement the recommendations/observations made by the Committee at the earliest. In response to the aforesaid communication the department sent a letter addressed to the Director Agriculture Haryana Panchkula and copy of the same was endorse to the Haryana Vidhan Sabha Secretariat vide U O 1158 Agri II (4)-2017/787 dated 02 05 2017. The same place before the Committee in its meeting held on 09 05 2017.

A reminder was sent to the Department vide letter dated 14 12 2017 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 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.

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

**44<sup>TH</sup> REPORT 2015 2016**

**(URBAN LOCAL BODIES DEPARTMENT)**

- (ii) The Punjab Slum Areas (Improvement and Clearance) Rules, 1962 framed under the Punjab Slum Areas (Improvement and Clearance) Act, 1961**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Slum Areas (Improvement and Clearance) Rules 1962 framed under the Punjab Slum Areas (Improvement and Clearance) Act 1961 as contained in its 44<sup>th</sup> and 45<sup>th</sup> Reports

The Committee observed that 45<sup>th</sup> Report was sent to the Department vide letter dated 17 04 2017 to implement the recommendations/observations made by the Committee at the earliest. Subsequent reminders were also sent to the Department vide letter dated 14 09 2017 & 23 11 2017 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 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.

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**Further observations/recommendations made by the****44<sup>TH</sup> REPORT 2015 2016****(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)**

- (iii) **The Punjab Agriculture Produce Markets (General) Rules, 1962 framed under the Punjab Agriculture Produce Markets Act, 1961**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Agriculture Produce Markets (General) Rules 1962 framed under the Punjab Agriculture Produce Act 1961 as contained in its 44<sup>th</sup> and 45<sup>th</sup> Reports

The Committee observed that 45<sup>th</sup> Report was sent to the Department vide letter dated 17 04 2017. In respect of the aforesaid communication the Department supplied the reply of the recommendations/observations of the Committee vide their memo No ME I A I 2017/30417 dated 12 05 2017. The same was placed before the Committee in its meeting held on 15 05 2017 and informed that the necessary amendment have been incorporated in the latest amendment made in the Punjab Agriculture Produce Markets (General) Rules 1962 and these amendments have been notified by the Government & published in Gazette of Haryana. The same has been substituted and notified vide notification No S O 13/HA 23/1961/S 43/2016 dated 23 05 2016.

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

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

**45<sup>TH</sup> REPORT 2016 2017**

**(TOWN & COUNTRY PLANNING DEPARTMENT)**

**(i) The Haryana Apartment Ownership Rules 1987 framed under the Haryana Apartment Ownership Act, 1983**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Apartment Ownership Rules 1987 as contained in its 45<sup>th</sup> Report

The Committee observed that 45<sup>th</sup> Report was sent to the Department vide letter dated 17 04 2017 to implement the recommendations/observations made by the Committee at the earliest. In response to the aforesaid communication the department sent two letters addressed to the Director Town and Country Planning Department Haryana Chandigarh vide which stated to supply a copy of the said notification after amending the Rules as per the observations/recommendations of the Committee in the enclosed proforma directly to the Secretary Haryana Vidhan Sabha without any further delay under intimation to the Government. A copy of each letters were endorsed to the Secretary Haryana Vidhan Sabha Secretariat vide U O 8/5/2017 2TCP dated 16 05 2017 and U O 8/6/2017 2TCP dated 06 06 2017. The same place before the Committee in its meetings held on 27 05 2017 and 14 06 2017. A reminder was sent to the Department vide letter dated 11 10 2017 to expedite the action in the matter at an early date.

In view of above facts and circumstances the Committee expects that the department would take up the matter 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.

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

#### **45<sup>TH</sup> REPORT 2016 2017**

##### **(TOWN & COUNTRY PLANNING DEPARTMENT)**

- (ii) **The Haryana Development and Regulation of Urban Areas Rules 1976 framed under the Haryana Development and Regulation of Urban Areas Act, 1975**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Development and Regulation of Urban Areas Rules 1976 framed under the Haryana Development and Regulation of Urban Areas Act 1975 as contained in its 45<sup>th</sup> Report

The Committee observed that 45<sup>th</sup> Report was sent to the Department vide letter dated 17 04 2017 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 14 12 2017 to expedite the action in the matter at an early date. In response to the aforesaid communication the department sent a letter addressed to the Director Town and Country Planning Department Haryana Chandigarh vide which stated to supply a copy of the said notification after amending the Rules as per the observations/recommendations of the Committee in the enclosed proforma directly to the Secretary Haryana Vidhan Sabha without any further delay under intimation to the Government. A copy of the same letter was endorsed to the Secretary Haryana Vidhan Sabha Secretariat vide U O 8/5/2017 2TCP dated 03 10 2017. The same place before the Committee in its meeting held on 17 10 2017.

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.

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

**45TH REPORT 2016 17**

**(DEVELOPMENT & PANCHAYATS DEPARTMENT)**

**(iii) The Haryana Cattle Fairs Rules 1970 framed under the Haryana Cattle Fairs Act 1970**

The Committee watched the implementation of observations/recommendations made by the Committee on The Haryana Cattle Fairs Rules 1970 framed under the Haryana Cattle Fairs Act 1970 as contained in its 45<sup>th</sup> Report. The Committee was apprised of the position that the copy of the aforesaid report was sent to the department on 17.04.2017 to implement the recommendations/observations made by the Committee. A reminder was also sent to the Department vide letter dated 14.09.2018.

In respect to the aforesaid communication, the department supplied the reply of recommendations/observations of the Committee vide their memo No GA-2017/93933 dated 10.10.2017 and the same was placed before the Committee in its meeting held on 17.10.2017 and the Committee noted its contents.

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.

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**SCRUTINY OF THE PUNJAB VILLAGE COMMON LANDS (REGULATION)  
RULES, 1964 FRAMED UNDER THE PUNJAB VILLAGE COMMON LANDS  
(REGULATION) ACT 1961**

The Committee scrutinized the Punjab Village Common Lands (Regulation) Rules 1964 framed under the Punjab Village Common Lands (Regulation) Act 1961 and made the following observations/recommendations as under

**Rule 3(1)**

The Panchayat shall prepare a land utilization plan of the land in shamilat deh vested in it under the Act. It shall be the duty of Block Development and Panchayat Officer to assist the Gram Panchayat concerned in the preparation of said plan.

Such plan shall be subject to approval of

- (a) The Panchayat Samiti Where the area exceeds 100 acres but does not exceed 1000 acres
- (b) Omitted
- (c) The Government Where the area exceeds 1000 acres

**Observations of the Committee**

The Committee would like to know for its information that the numbers of Villages where the area exceeds 100 acres of Shamilat deh vested

The Committee wants to discuss with the department representatives at the time of oral examination in respect of the areas mentioned in the rule i.e. 100 acres and 1000 acres subject to approval of Panchayat Samiti or Government utilization of the land in Shamilat deh for various purposes

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

In this regard a Report was obtained from all the Districts during the year 2008. According to that information 47 number of villages are having area exceeding one thousand acres of Shamilat land.

As per Rule 3(2) the Gram Panchayat has to prepare the land utilization plan. Up to the land of 100 acres Gram Panchayat is competent to approve the utilization plan. For the land measuring above 100 acres and up to 500 acres Panchayat Samiti is competent to approve and above 500 acres to 1000 acres ZP is the competent authority. Above 1000 acres the land utilization plan is approved by the State Government.

**Rule 5**

A Panchayat if it is of opinion that it is necessary so to do for the benefit of the inhabitants of the village may with the prior approval of the State Government transfer any land in shamilat deh by exchange with the land of an equivalent value to be determined by the Deputy Commissioner in whose jurisdiction the land is situated.

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

Provided further that for the purpose of allotment of residential plots to the eligible families identified under the scheme approved by the State Government to allot house-sites to the Scheduled Castes families and the families living below poverty line the concerned Deputy Commissioner or Sub Divisional Officer (Civil) as may be authorized by the State Government shall be competent to accord approval for transfer any land in shamilat deh by way of exchange with the land of equivalent value

### **Observation of the Committee**

The Committee is of the view that while transferring of any land vested in Shamilat deh by exchange with other land the value should be determined by the Deputy Commissioner as market rate

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

As per provision under Rule 5 the value of the land proposed to be exchanged is determined by the Deputy Commissioner concerned Practically the market rate of the land is kept in view while determining the value of the lands

### **Rule 6(2)**

Lease of land in shamilat deh already under plough shall not be given for a period exceeding two years while that of land not under plough and infested with trees bushes etc may be given for a period not exceeding five years to the highest bidder ordinarily in the month of April or May to the maximum advantage of the inhabitants of village The annual lease money shall be paid on the bidding spot and for the remaining years of lease if any the annual lease money shall be paid in advance not later than February every year The auction shall be subject to the approval of

- (a) The Panchayat Samiti
  - (i) Where the area does not exceed 100 acres and the highest bid of the lease at the auction is less than the average lease rate of similar lands in the neighbourhood for the last five years or
  - (ii) Where the area exceeds 100 acres but does not exceed 1000 acres

- (b) The Government where the area exceeds 1000 acres

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

installing a pumping set or a tube-well or constructing a *pucca* structure on such land

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

Provided further that-

- (a) The maximum area of land in shamilat deh to be leased to a person for cultivation shall not exceed ten acres at any time
- (b) The Panchayat shall not lease land in shamilat deh for cultivation to a person
  - (i) Having a holding of ten acres or more or
  - (ii) Already holding lease under any other Panchayat
- (c) Out of the land proposed to be leased for cultivation thirty per cent ten per cent ten per cent respectively shall be reserved for giving on lease by auction to members of the Scheduled Castes Backward Classes and dependents of defence personnel killed in any war after the independence of India  
 Explanation If on two different dates fixed for auction no such person is forthcoming or the Panchayat Samiti refuses to confirm the auction under sub clause (i) of clause (a) of sub rule (2) the reservation shall cease to have effect
- (d) Out of land proposed to be leased for cultivation five acres to ten acres land according to the need shall be reserved for grazing and resting of cattle in case land for such purposes is not already available and
- (e) Any Sarpanch or Panch or member of his/her family such as father grandfather mother grandmother wife/husband son/daughter son-in-law daughter-in-law grandson/granddaughter great grandson/great granddaughter or any other relative dependent on him/her shall not be allowed to bid for the auction and to take land in shamilat deh on lease

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

The Committee observes that the Panchayat should lease the land vested in Shamilat deh for cultivation to a person who is permanent inhabitants of the same villages and the Rules 6(2) may be amended accordingly

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

The land is leased out for cultivation purpose to the highest bidder for the benefit of the village In case there is no bidder or insufficient bidders from the same village it would not fetch the competitive rates

Therefore it would not be appropriate to restrict the auction within the inhabitants of the village

**Rule 6(3)**

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

**Observation of the Committee**

The Committee recommends that the amount mentioned in sub Rule (3) of Rule 6 one thousand rupee is required to be enhanced or suitably amended due to escalation of prices

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

The land is given to the poor persons of potters and SC communities for Maidani brick kiln at the nominal rate of Rs 1000/ per year If agreed as observed by the Committee the amount can be increased

**Rule 6(3A)**

A Panchayat may lease out its non cultivable land by way of open auction with minimum reserve price of rupees twenty thousands per acre per year for a period of five years and further renewable for a period of five years at a time for setting up brick kiln

Provided that

- (i) Progressive increase in lease money shall not be less than twenty five per centum of the lease money after every five years
- (ii) The brick kiln owner shall not be allowed to excavate the earth more than four feet in depth
- (iii) The lease shall pay an amount equal to lease money of two years in advance in the shape of earnest money to the Panchayat which shall be adjusted against the lease money of the last two years of the lease period and no interest shall be payable on the amount of earnest money
- (iv) The lease shall deposit the initial lease money on the bidding spot failing which the auction shall automatically stand cancelled
- (v) The lease shall deposit the annual lease money for subsequent years on or before the due date which shall be the date he takes possession of the land failing which the lease shall automatically stand cancelled and the security forfeited and
- (vi) The lessee have no right to sub-let the lease land

**Observation of the Committee**

- (i) The Committee recommends that the amount mentioned in sub Rule (3A) of Rule 6 rupees twenty thousand per acre is required to be enhanced or suitably amended due to escalation of prices

- (ii) The Committee is of the view that whether the open auction for brick kiln after five years is not more beneficial for Panchayat instead of renewable?
- (iii) The Committee would like to know for its information as to whether any brick kiln is set up in Haryana under sub Rule 3A of Rule? If so the details of the amount be provided to the Committee
- (iv) The Committee would like to know for its information as to whether any security has been deposited by the lessees for installation of maidani brick kiln? If so the details of the amount be provided to the committee
- (v) The Committee would like to know for its information whether any No Objection Certificate is required from the Environment Department or State Pollution Control Board for setting up brick kiln?

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

- (i) The non cultivable land for setting up of brick kiln is given in open auction Rs 20000/ per acre per year is the reserve price. If it is increased and no bidder come forward at the said higher reserve price there will be no option but to keep such non cultivable land vacant as there is no provision to relax the provisions of the rules. Hence it would not be appropriate to increase the reserve price under rule 6(3A)
- (ii) Renewable of lease period of 5 years is justifiable in view of the fact that the brick kiln owner has to set up a infrastructure and in case after 5 years he is not succeeded in taking the land auction he would have to dismantle the Infrastructure. Thus the first auction could not fetch the higher bid. Moreover 25% increase in the lease money after 5 years seems to be sufficient. Hence the open auction after 5 years would not be beneficial for the Panchayat
- (iii) The requisite information is not readily available. Therefore all the Deputy Commissioners have been requested to provide the information regarding the brick kiln set up in Haryana under rule 3A of Rule 6
- (iv) There is no provision of depositing any security amount in case of lease of land for installation of Maidani brick kiln. However DCs have been requested to provide the detailed of earnest money deposited by the lessees under rule 6 (3A)
- (v) The lessees are responsible for taking NOCs from the Environment Department or any other concerned department if it is required. However the Environment Department and Pollution Control Board have been requested to intimate this office as to whether the NOC is required for setting up brick kiln or not



**Rule 6(4)**

Gram Panchayat may with prior approval of the State Government lease out its land in the zone notified for the purpose by the Environment Department or to which the Haryana State Pollution Control Board intends to issue No Objection Certificate by auction on annuity basis for a period not exceeding twenty years for setting up stone crushers. The terms and conditions of lease including the lease money and mode of leasing out shall be such as approved by the State Government from time to time.

Provided that

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

**Observation of the Committee**

The Committee observed that as mentioned in Rule 6(4) a period not exceeding twenty years for setting up stone crushers should be reduced suitably

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

Lease period of 20 years for setting up of stone crushers was mandatory as per the requirement of Environment Department. Now it can be reduced if the norms of Environment department allow the setting up of stone crusher on a leased land less than 20 years. The Environment Department has been requested to intimate the lease period required for setting up of stone crushers.

**Rule 6(10B)**

- (b) The terms and conditions of auction shall be announced at the time of auction

**Observation of the Committee -**

The committee observes that the terms and conditions of auction should be mentioned in the auction notice

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

The auction notice is given in the News Paper and it would not be financial viable for the Gram Panchayat to get the terms and conditions published in the Newspaper where the land less than 10 acres is leased out

keeping in view the publication expenditure. However the terms and conditions can be mentioned in the notice published pasted at the conspicuous places in the village

### **Rule 6(A)**

Notwithstanding anything contained in these rules the Gram Panchayat may with prior approval of the State Government lease out its land for cultivation purposes for a period upto 99 years to the original lessees of East Punjab Utilization of Lands Act 1949 or to their legal heirs who are in cultivating possession of such land

Provided that the terms and conditions on which the land may be leased out shall be as under

- (i) the lessees shall make one time payment of Rs 2500/- per acre for settlement of the period for which the land remained under their use and unauthorized occupation
- (ii) the lessees shall pay Rs 1000/- per acre per year as lease money with 20% increase after every ten years
- (iii) the lessees shall have no right to sub lease the land
- (iv) the eligible persons will have to execute a lease deed within one year from the date of notification of these rules

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

The Committee would like to know for its information that the numbers of lessees in the State to lease out the land for cultivation under this rule i.e Rules 6A

The Committee observes that the amount mention in Rule 6A (i) & (ii) should be enhanced due to escalation of prices

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

No such information readily available. Therefore DCs have been requested to supply the details of lessees and land leased out for cultivation under rule 6A

The lease of land under rule 6A has already been stayed by the Hon ble High Court in the CWPs challenging the provisions of rule 6A. Therefore it would not be appropriate to amend this rule at this stage

### **Rule 7**

- (1) Subject to the provisions of section 5 of the Act where in a Village cultivable area in Shamlat deh is 200 acres or more such land may be leased out without auction to the collective Farming Co operative Societies if any constituted in the Village under the Punjab Co operative Societies Act 1961 on such terms and conditions as may be agreed to by the Panchayat with the approval of the Panchayat Samiti. Where there are more than one Collective Farming Co operative Societies in a Village the land in Shamlat deh may be leased out to them in proportion to the strength of their members. The Collective Farming Co operative Societies shall execute a lease deed in favour of the Panchayat. The total period of the lease shall not exceed 5 years

- (2) Such leases shall be subject to review by the Panchayat Samiti concerned annually so that the Panchayat or the Society may not suffer due to subsequent events which may affect the fertility or improvement in the land
- (3) If in any case the Panchayat has purchased a tractor or other equipment for the cultivation on the land in shamilat deh the collective Farming Co operative societies may purchase or take on hire such machinery and equipment on such reasonable price or rent as the case may be mutually settled by the Panchayat and the said Society
- (4) In case the Society used such land for any purpose other than cultivation and purposes subservient thereto or violates any terms or conditions of the lease or ceases to cultivate such land collectively in accordance with bye laws of the Society the Panchayat may resume the land without payment of any compensation
- (5) Lease money shall be payable by the Collective Farming Co operative Societies in advance as provide in clauses(a) and (b) of sub rule (7) of rule 6

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

- (i) The Committee would like to know for its information that is there any collective Farming Co operative Society exists in any village of the State? If so the details thereof be provided to the Committee
- (ii) The Committee recommends that any land auctioned by the Gram Panchayats for cultivation purposes should be insured by the Government
- (iii) The Committee recommends that the rule and clauses mentioned in second line of the sub rule 5 of the rule 7 seems to be incorrect The correct rule and clauses be mentioned to make the rule correct

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

- (i) No such information readily available Therefore the DCs have been requested to provide the details of collective farming co operative societies in the State
- (ii) The office is of the view that the land or the crops are got insured by the Agriculture Department and like other private land the leased land the leased out Shamilat land can also be insured
- (iii) Rule 6 was amended in the year 2008 and thus the words clauses (a) and (b) of sub rule (7) of rule 6 have been mentioned and remained unchanged Now as per new rule 6 the manner of payment of lease money exists in rule 6(2) Hence the above words are required to be substituted with words sub rule (2) of rule 6

**Rule 7(B)**

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

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

**Observation of the Committee**

The Committee wants to discuss with the department representative at the time of oral examination in respect of the amount of compensation as mentioned in the Rule 7B

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

The amount of compensation is assessed by the Assistant Collector 1<sup>st</sup> Grade keeping in view the loss or damage caused to the vendee lessee or done on cancellation or variation of such contract

**Rule 13(A)**

The term and conditions on which the land under section 5A and rule 13 may be gifted shall be as under

- (a) The donee shall not sell lease mortgage or dispose of the land in any other manner whatsoever before the expiry of a period of twenty years from the date of the gift  
Provided that the donee may mortgage the land with any Schedule Bank Housing Board or the Government for the purpose of raising loan for the construction of the house
- (b) The donee shall construct a house on the land within a period of five years from the date of the gift
- (c) The donee shall use the land for residential purpose and for no other purpose and
- (d) In case of death of the donee his legal heirs shall be bound by the conditions herein contained

**Observation of the Committee**

The Committee wants to discuss with the department representative at the time of oral examination in respect of the Rule 13(A) 1(b)

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

Under these clauses the donee has to construct a house on the gifted land within a period of 5 years from the date of gift

**Rule 15**

- (1) Any person who is entitled to compensation under sub section (2) of section 3 of the Act may within a period of twelve months from the date of commencement of these rules apply to the Assistant Collector

for the determination of the amount of compensation payable to him by the Panchayat

Provided that the Assistant Collector may entertain the application after the expiry of the said period of twelve months if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time

- (2) On receipt of an application the Assistant Collector shall issue notice to the Panchayat and after giving an opportunity of being heard and after making such enquiry as may be considered necessary shall determine the amount of compensation payable by the Panchayat
- (3) Where there is any dispute as to the person or persons who are entitled to the compensation the Assistant Collector shall decide such dispute and if the Assistant Collector finds that more than one person are entitled to compensation he shall apportion the amount thereof amongst such persons
- (4) The amount of compensation shall be determined in accordance with the following principles
  - (a) If the land has been sold by the Panchayat the amount of compensation of the land shall be the same as received by it from the vendee
  - (b) If the land is utilized by the Panchayat for any of its purposes the amount of compensation shall be determined by working out an average of the sale proceeds of the land of the same nature and kind sold in the village or neighbouring villages during the last three years and if no such land has been sold in the village or neighbouring villages reasonable price as may be determined

Provided that the payment of such compensation shall be made in six equal annual installments if the amount involved is more than Rs 300

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

The Committee recommends that the heading note of the Rule 15 in third line the words section 3(2) may be deleted to correct the typing error

The Committee wants to discuss with the departmental representative at the time of oral examination in respect of amount of Rs 300/ as mentioned in provision of sub rule 4 of Rule 15

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

In words section 3(2) has been mentioned in the heading to make it clear as to under which provision the compensation is payable

In case the amount of compensation is more than Rs 300/ it was payable in six annual installment whereas in the present economic condition it should be more than Rs 10000/

**Rule 18**

- (1) The Panchayat having excess area in accordance with section 5 of the Act shall notify to the Patwan concerned the area to be kept under its control and that to be allotted to landless tenants and other tenants ejects or to be distributed among shall land holders of the village
- (2) The Patwan shall after verifying all the particulars of the land so notified send a statement giving full details of the land to the Assistant Collector 1<sup>st</sup> grade in duplicate who shall retain one copy of the statement and forward the other to the Collector concerned who shall order the demarcation of the excess area by an officer not below the rank of an Assistant Collector 2<sup>nd</sup> grade

**Observation of the Committee**

The Committee would like to know for its information as to whether any excess area in the State was allotted to landless tenants in the past five years? If so the details thereof may be provided to the Committee

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

No such information is readily available therefore DCS have been requested to provide the information as to whether any excess area in the State was allotted to the present tenants in the past 5 years and if yes the details thereof

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**SCRUTINY OF THE HARYANA CO OPERATIVE SOCIETIES RULES 1989  
FRAMED UNDER THE HARYANA CO OPERATIVE SOCIETIES ACT 1984**

The Committee scrutinized the Haryana Co operative Societies Rules 1989 framed under the Haryana Co operative Societies Act 1984 and made the following observations/recommendations thereon

**Rule 5**

An application for registration of a cooperative society shall be made in form I and shall specify the name and address of one of the applicants to whom the Register may address his correspondence

**FORM 1**

*(See Rule 5)*

**APPLICATION FOR REGISTRATION OF A CO OPERATIVE  
SOCIETY**

We the undersigned hereby apply for the registration of a co operative society as proposed hereunder under section 7 (1) of the Haryana Cooperative Societies Act 1984 and enclose herewith three copies of they bye laws as required by rule 8

- 1 Name of proposed co operative society
- 2 Class of co operative society and whether limited or unlimited
- 3 Address to be registered
- 4 Area of operation
- 5 Main objects
- 6 Number of members at present
- 7 Occupation of members
- 8 Capital with details of shares admission fees and deposits if any
- 9 Value of share and mode of payment
- 10 Names of members of the Managing Committee elected by the Promoter members
- 11 Name of applicant for purpose of correspondence by the Registrar
- 12 Particulars of the Promoter members

Sr No	Name and Father's Name	Age	Occupation	Place of residence (Village & Post Office)	Number of shares subscribed	Signature
1	2	3	4	5	6	7

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

The Committee observes that the Aadhar number of the applicants for registration of the co-operative society should be mentioned in form 1

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

In regard to this observation Aadhar Card Number has already been proposed to be added in proposed amendments in Rule 22(a) i.e Maintenance of register of members

The department will consider to add option of Aadhar Card as optional in Form 1 because societies have membership of individuals as well as Societies

### **Rule 8**

The order passed by the Registrar under sub section (2) of Section 8 shall be communicated [by registered post with A D ] to the applicant specified in the application for registration

### **Observation of the Committee**

The Committee recommends that the order passed by the registrar to registered Co operative society under the act the order should be communicated to the applicants within 7 days

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

In regard to this observation it is submitted that there is a provision in Section 8(2) of the Haryana Co operative Societies Act 1984 that the order passed by the Registrar shall be communicated to the applicant within a period of one month. In case the application for registration is not disposed of within a period of one month or the Registrar fails to communicate the order of refusal within this period the application shall be deemed to have been accepted for registration

The department feels that one month is appropriate time

### **Rule 12**

- (1) After the Registrar is satisfied with regard to the matters stated in sub section (2) of Section 10 he may register the amendments and return a copy of the registered amendments to the co operative society
- (2) The order of the Registrar passed under sub section (4) of Section 10 shall be communicated by (registered post with A D ) to the co operative society

### **Observation of the Committee**

The Committee recommends that the order of registration of amendments should be communicated to the applicants within 7 days such orders



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

In regard to this observation it is submitted that the proposal has already been proposed to be added to return a copy of the registered amendments to the Co operative Society but not later than 15 days from the passing of order by the Registrar in the proposed amendments in Rule 12 The proposed Rule 12 is as under

12 Registration of amendments {Sections 10(4) and 131 (2) (iii)} (1) After the Registrar is satisfied with regard to the matters stated in sub section (2) to (5) of section 10 of the Act he shall register the amendments and return a copy of the registered amendments to the cooperative society but not later than 15 days from the passing of the order

**Rule 23**

A general body s meeting or a meeting of a committee of a co operative society shall be called by the [Chief Executive Officer or any other officer authorized by him] of a society by what so ever name called on the direction of such authority as may be specified in the bye laws [ ]

[Provided that a meeting of the committee of a Co-operative society may be convened on the written request made by not less than one third members of the society]

**Observation of the Committee**

The Committee observers that the notice of the meeting should be informed to the members by register AD or other suitable communication before 14 days to hold the meeting and the notice of meeting should be affixed at some conspicuous place

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

The department agrees with the suggestion of the committee Further it is submitted that already there is a provision in Rule 110 (i) that atleast 15 days clear notice specifying the date place time and agenda for summoning the meeting of a General Body/Committee and atleast 7 days clear notice for any smaller body

Further it is submitted that in Rule 110 sub Rule 4 has been proposed to be added which is as under

The Chief Executive Officer or such employee as may be authorized by the committee or the bye laws of the society shall send notice of general meeting committee meeting or sub committee meeting to the members of general body committee or sub committee as the case may be in the manner as may be stipulated in the bye laws of the society In the absence of any prescribed manner the notice shall be given either through personal service or by registered post or by speed post or by publication in a news paper having wide circulation in the area of operation of the society and affixing a copy of the notice on the notice board of the society

In addition to above the definition of clear notice has already been proposed to be added in Rule 2 which is reproduced as under -

Clear notice means number of days excluding the day of issue of notice and the day of holding the meeting

### **Rule 25**

The members of the committee of a cooperative society shall be elected in accordance with the provisions contained in Appendix A

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

The Committee observes that the minimum qualification should be mentioned in the rule to elect the members of the co operative society

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

In regard to this observation it is submitted that there is no provision of minimum educational qualification for a member at the time of registration of a Co operative Society in the Haryana Co operative Societies Act 1984. Therefore imposing the condition for qualification to elect the members of Co operative Societies will effect those societies in which members are not having educational qualification

However it is submitted that the disqualification for membership of a Committee has already been given in Rule 27 and it is also proposed to add new three disqualification in Rule 27 in the proposed amendments which is as under

- (i) he has not transacted the minimum value of business or utilized the minimum value of services or facilities as prescribed in the bye laws during a co operative year
- (ii) he has not been a member of the Co operative society except co operative group housing and house building societies for a continuous period of 60 days before the date of fixation of election by the Registrar or Election Authority as the case may be
- (iii) The tenure of representative of a primary or central co operative society shall be coterminous with the tenure of the committee of the co operative society which he is representing

### **Rule 33**

Loans and subsidies to a co operative society or a class of co operative societies may be granted by Government on such terms and conditions as may be laid down by Government by a general or special order from time to time

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

The Committee would like to know for its information as to whether any loans and subsidies were given by the Government to the Co operative societies in the financial year 2016-2017? If so the details thereof may be provided to the Committee

The Department in their written reply stated as under

In regard to this observation it is submitted that the loan and subsidies given by the Government to the Co operative Societies in the financial year 2016 17 is placed at Flag A

**FLAG A**

SUBSIDY AND LOAN AMOUNTS RELEASED DURING 2016 17 TO THE VARIOUS COOPERATIVE INSTITUTIONS (Rs in lakh)				
Sr No	Name of Institutions	2016 17		Remarks
		Subsidy	Loan	
1	Harcofed	450 00	0	This subsidy was granted under Member Education & Leadership Training Publicity & progagand schemes ard 41397 members were benfited
2	Housefed	0	350 00	This amount of loan was given to House Federation for 125 members
3	Dairyfed	3197 38	0	This subsidy amount was granted under Mukhya Mantri Dugdh Utpadhak Protsahan Yojana and 1 lakh Milk Pourers were benefited
4	Coop Sugar Mill Rohtak	0	2800 00	
5	Coop Sugar Mill Sonipat	0	1475 00	
6	Coop Sugar Mill Jind	0	3000 00	
7	Coop Sugar Mill Palwal	0	3875 00	
8	Coop Sugar Mill Meham	0	3300 00	
9	Coop Sugar Mill Kaithal	0	2550 00	
10	Coop Sugar Mill Panipat	0	3700 00	
11	Coop Sugar Mill Karnal	0	1600 00	
12	Coop Sugar Mill Bhuna (under winding up)	0	0 00	
13	Coop Sugar Mill Gohana	0	2150 00	
14	Coop Sugar Mill Shahbad	0	750 00	
15	Harco Bank	11937 02		This subsidy amount was granted under Interest subvention scheme and 1009225 members o PACS were benefited
16	HSCARDB	1454 03	20000 00	This subsidy amount was granted under Interest subvention scheme and 15386 members of DPCARDBs were benefited

Sr No	Name of Institutions	2016 17		Remarks
17	CCB Sirsa	0	2800 00	
18	CCB Bhiwani	0	100 00	
19	CCB Faridabad	0	1800 00	
20	CCB Sonapat	0	630 00	
21	CCB Ambala	0	1800 00	
22	CCB Hisar	0	1000 00	
23	CCB Fatehabad	0	1100 00	
25	CCB Jind	0	2100 00	
26	CCB Rohtak	0	0 00	
27	CCB Y/Nagar	0	1700 00	
28	CCB PKL-	0	350 00	
29	CCB Kurukshetra	0	698 78	
30	CCB Rewari	0	1075 00	
31	CCB Kaithal	0	1500 00	
32	CCB Mahendergarh	0	2000 00	
33	CCB Jhajjar	0	1000 00	
34	CCB Karnal	0	900 00	
36	CCB Gurgaon	0	133 22	
38	Primary Labour & Construction Societies	4 60	9 20	12 Primary Labour & Construction Societies were benefited
40	Grand Total	17043 03	66246 20	

#### Rule 44

Where the Property to be distrained is the produce of the charged or mortgaged land including the standing crops thereon the distraint shall be made by the Distrainer by affixing a copy of the warrant of distraint

- Where such produce is standing crop on land on which such crop has grown or
- Where such produce has been cut or gathered on the thrashing floor or place for trading out grain or the like or fodder stock on or in which it is deposited

And another copy on the outer door or on some other conspicuous part of the house in which the defaulter ordinarily resides and one copy shall be pasted on some conspicuous part of village or Panchayat Ghar and the produce shall thereon be deemed to have passed into possession of the distrainer

**Observations of the Committee**

The Committee would like to know for its information as to whether the standing crops distraint from the defaulter in financial year 2016 2017? If so the details thereof may be provided to the Committee

The Committee wants to discuss with the departmental representative at the time of oral examination regarding distraint of produce including the standing crops

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

NO

The report dated 26 02 2018 of MD HARCO Bank and report dated 22 02 2018 of MD HSCARDB is placed at Flag B and C

-

**FLAG 'B'**  
**THE HARYANA STATE COOPERATIVE APEX BANK LTD,**  
**(A Scheduled Bank)**

**S C O No 78 80, BANK SQUARE SECTOR 17 B, CHANDIGARH**  
**Phone No 2714520, 2704349 (FAX)**  
**PBX No 2702178, 2702284**  
**GRAM HARCO BANK**

No M&amp;P/PACS/2017 18/11403

Dated 25 02 2018

26

To

Registrar  
 Cooperative Societies Haryana  
 Panchkula

Subject

**Regarding providing information on the observations  
 raised by Committee Subordinate Legislation of Vidhan  
 Sabha Secretariat Chandigarh**

Sir

Please refer to your office memo No EA/1632 33 dated 21 02 18 on the subject cited above. It is to inform you that Crop Loan Advanced by PACS is without any collateral security. Maximum Credit Limit of the Farmers for providing Crop Loans is fixed for a period of 3 years which are reviewed annually on the basis of scale of finance. The maximum Credit limit per farmer is being arrived at on the basis of Crops grown by him multiplied by the acreage owned/cultivated by him. Presently the Maximum Credit Limit is upto Rs 1 50 000/ (Rs 1 12 500/ cash component + Rs 37 500/ kind component). Period of advances and recovery for Kharif and Rabi crops is as under

CROPS	For Kharif Crops	For Rabi Crops
ADVANCES	1 <sup>st</sup> March to 31 <sup>st</sup> August	1 <sup>st</sup> September to 28 <sup>th</sup> February
RECOVERY	1st Sept to 15th Feb (Member)	1st March to 15th June (Member)
Due Date	1st Sept to 28 Feb (PACS)	1st March to 30th June (PACS)

During the financial year 2016-17 no stating crop was distrants from the defaulters as due date of recovery for the crop loan advance from 01 03 2016 to 31 08 2016 was 15<sup>th</sup> Feb 2017 and for Rabi advances from 01 09 2016 to 28 02 2016 was 15<sup>th</sup> June 2017. The report pertaining to Harco Bank may please be treated as NIL.

Thanking you

Yours faithfully

Sd

Manager (M&amp;P)

FLAG C'

Grams KRISHIBANK

Phone 2587040

2587069

**THE HARYANA STATE COOPERATIVE AGRICULTURE  
AND RURAL DEVELOPMENT BANK LTD,**

---

**Sahakarita Bhawan, Bays No 31 34, Sector 2 PANCHKULA**

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No AOP/HDB/18/SPL1

Dated 22 02 2018

The Registrar  
Cooperative Societies Haryana  
Panchkula

**Subject    Regarding providing information of the observations raised by  
Committee Subordinate Legislation of Vidhan Sabha  
Secretariat Chandigarh**

Respected Sir

Please refer to your office letter No EA/1632-33 dated 21 02 18  
on the subject cited above

The requisite information in this regard may be treated as Nil

Thanking you

Yours faithfully  
Sd  
For Managing Director

**Rule 49**

It shall be lawful for the distrainer to force open any stable cow house granary godown outhouse or other such building and he may also enter any dwelling house for the purpose of distraining the produce of the charged or mortgaged land stored therein

Provided that it shall not be lawful for such distrainer to break open or enter any place if such place is an apartment in the actual occupancy of a woman except as hereinafter provided

**Observation of the Committee -**

The Committee wants to discuss with the departmental representative at the time of oral examination Rule 49

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

Will discuss during the course of oral examination

**Rule 50**

(1) Where a distrainer has reason to believe that the produce of the charged or mortgaged land is stored within a dwelling house the outer door of which is shut or within any apartment occupied by a woman who according to custom does not appear in public the distrainer shall represent this fact in writing to the officer in charge of the police station in which that dwelling house or apartment is situated

(2) on such representation the officer-in charge of the police station shall send [a police officer] not below the rank of a head constable to the spot in the presence of whom the distrainer may force open the outer door of such dwelling house

(3) The distrainer shall in the presence of such police officer before entering an apartment in the actual occupancy of a woman give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing and may then break open the apartment and enter it for the purpose of distraining the produce of the charged or mortgaged land if any deposited therein but such property if found shall be immediately removed from such apartments after which they shall be left free to its occupants

**Observation of the Committee**

The Committee wants to discuss with the departmental representative at the time of oral examination Rule 50

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

Will discuss during the course of oral examination



**Rule 76**

- (1) A rehabilitation fund established by a society shall be kept either in the State Co operative Bank or a Central Co operative Bank
- (2) Notwithstanding anything contained in these rules a rehabilitation fund shall not be utilized in the business of a society

**Observation of the Committee**

The Committee would like to know for its information as to whether any criteria to contribute the rehabilitation funds? If so the details thereof may be provided to Committee

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

In regard to this observation it is submitted that the instructions dated 30 12 1987 regarding criteria for contribution to rehabilitation fund is placed at Flag D

## FLAG 'D'

प्रेषक

रजिस्ट्रार  
सहकारी समितिया हरियाणा  
चण्डीगढ़।

सेवा में

- 1 सभी अपैक्स सस्थायें  
हरियाणा राज्य में।
- 2 सभी केन्द्रीय सहकारी बैंक लि०  
हरियाणा राज्य में।

यादी-क्रमांक 110/1/87/ऋण (1) दिनांक 31-12-87

### Subject Creation of Rehabilitation Fund

हरियाणा सहकारी समितिया ऐक्ट 1984 की धारा 91 के तहत यह प्रावधान है कि शिखर सहकारी सस्थायें तथा केन्द्रीय समितिया यदि रजिस्ट्रार चाहे तो अपने लाभ से रिहैबिलिटेशन फंड की स्थापना करेंगी।

धारा 91 की परिभाषा इस प्रकार है -

Creation of rehabilitation fund - (1) Each apex and central society if required by the Registrar shall establish a Rehabilitation fund out of its profits in the manner specified by the Registrar

A central society which established a rehabilitation fund transfer for it to the apex society of which it is a member

यह मामला काफी समय से विचाराधीन था और अब यह निर्णय लिया गया है कि राज्य में कार्य कर रही सभी शिखर सहकारी समितिया तथा केन्द्रीय सहकारी समितिया अपने वार्षिक लाभ का वितरण करते समय रिहैबिलिटेशन फंड की स्थापना करेंगी और नैट लाभ में से स्टैच्यूटरी रखने के पश्चात जो लाभ बचेगा उसका 5 प्रतिशत इस फंड में रखा जायेगा।

यह भी निर्णय लिया गया है कि सभी केन्द्रीय सहकारी समितिया यह फंड अपनी शिखर सहकारी सस्थायों जिनके साथ वो एफैलेटीड हैं में स्थानान्तरण करेंगी और वह सस्था इस फंड का हिसाब रखेगी। शिखर सहकारी सस्थायें इस फंड में एकत्रित राशि को हरकोबैंक के पास रखेगी। शिखर सहकारी सस्थायें तथा केन्द्रीय सहकारी समितिया सदस्य सहकारी सस्थायें जो कि कमजोर हैं उनको इस फंड से कर्जा तथा ऋण के रूप में सहायता करने के लिये रजिस्ट्रार सहकारी समितिया को इसके निर्धारित टर्मज एण्ड कंडीशनज पर प्रयोग कर सकती हैं।

ह०/-

रजिस्ट्रार

सहकारी समितिया हरियाणा  
चण्डीगढ़।

### **Rule 82**

- (1) The Registrar shall have power to require the person referring a dispute under sub section(1) of section 102 of deposit in advance the fee if any to be specified by the Registrar for deciding the dispute
- (2) The Registrar may in such cases as he thinks fit order the payment of fee to the arbitrator
- (3) No fee shall be payable to an arbitrator till the dispute referred to him is finally decided
- (4) The Registrar may in his discretion remit the whole or any part of the fees collected under sub rule (1)

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

The Committee observes that in rule 82 the arbitration fee should be mentioned in the rule to make the rule more effective

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

In regard to this observation it is submitted that at the most the departmental officers are appointed Arbitrators in the Arbitration cases. If for any technical reason a Arbitrator other than the departmental officers is appointed then there is a provision in Rule 82 (2) that the Registrar may in such cases as he thinks fit order the payment of fee to the arbitrator

### **Rule 98**

A liquidator may at any time be removed by the Registrar and he shall on such removal hand over all the property and documents relating to the society under liquidation to such persons as the Registrar may direct

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

The Committee observes that in rule 98 the reasons to be recorded by the Registrar in his order to removal of liquidator and it should be mentioned in the rule itself

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

In regard to this observation it is submitted that the reasons for removal of liquidator are not so specified in the Act and Rules. The department will consider this issue

### **Rule 107**

Any member of the public shall be permitted on payment of a fee of five rupees for such occasion of inspecting to inspect for any lawful purpose any public document (exclusive of public document privileged under section 123 124 128 and 131 of the Indian evidence act 1872) filed in the Office of the Registrar Co operative Societies and in particular the following documents namely

- (1) registration register

- (2) registration certificate of a society
- (3) registered bye laws of a society and amendments effected in such bye laws
- (4) order cancelling the registration of a society
- (5) order directing the liquidation of a registered society
- (6) annual accounts of the society
- (7) any decision of the Registrar or award of an arbitrator

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

The Committee observes that the fees for inspection of documents as mentioned in the rule 107 should be enhanced or suitably amended due to escalation of prices

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

The Department will consider the issue of enhancement of fee in view of RTI Act 2005 as under this Act all the desired record can be inspected/procured by the applicant

#### **Rule 108**

The fees prescribed for certified copies of any public documents which any person has under the proceeding rule a right of inspection shall be as follows

- (1) for registration certificate Rs 10 00
- (2) in the case of other documents a sum calculated at the following rates
  - (i) first two hundred words or under Rs 1 50
  - (ii) every additional hundred words or fraction thereof Rs 0 75

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

The Committee observes that the fees prescribed for certified copies of any public documents as mentioned in rule 108 should be enhanced or suitably amended due to escalation of prices

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

This observation seems to be genuine and after consideration suitable amendment in this rule will be proposed

**Application under Section 72 of the Haryana Co operative Societies Act, 1984 for distraint and sale of produce**

1)	Applicant (Name of the Society)				
2)	Name of the defaulter	son of		village	
	Post Office	Police Station			
	Tehsil	District			
3)	Particulars of the land mortgaged or charged				
	Name of the village	Khasra Nos		Area	
	Post Office	Police Station			
	Tehsil	District			
4)	Date of Default	1st instalment	Next instalment		
5)	Amount under default on	(date)			
	(i)	Principal			
	(ii)	Interest			
	(iii)	Total			

- 1 Signature of the person authorized by the Committee of the Society in this behalf
- 2 Name and address of the person making this application

Place

**Observations of the Committee**

The Committee observes that in form VI of the rule 43(1) as mentioned in the heading of form IV is not correct it should be corrected accordingly

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

In regard to this observation it is submitted that in Rule 43 the existing Forms are from VI to IX As regard to 43(1) mentioned in the heading of Form VI necessary amendment will be carried out and (1) will be deleted because there is no sub Rule 1 in Rule 43

**FORM "A"**

*[See para 6(3)]*

**Nomination Form**

- 1 Name and number of the zone to which the candidate belongs and seeks election
- 2 Particulars of the candidates
  - (a) Name in Block letters
  - (b) Father s Name
  - (c) Age
  - (d) Occupation (Whether agriculturist or not)
  - (e) Whether Scheduled Caste or not
  - (f) Full Address
  - (g) Serial number of his name in the voters list of the concerned zone
  - (h) Address of the co operative society if any represented by him
- 3 Declaration by the Candidate

I hereby solemnly declare that

  - (1) I agree to the above nomination
  - (2) I do not suffer from any of the disqualifications mentioned in the Haryana Co operative Societies Act 1984 the rules frames thereunder and the bye laws of the co operative society
  - (3) The particulars given above are correct to the best of my knowledge and belief

Signature/thumb mark of the candidate

Place \_\_\_\_\_

Date \_\_\_\_\_

(To be certified by any Gazetted Officer of the Haryana Government Notary Public or Oath Commissioner or Sarpanch of the Village where the candidate resides)

I certify that the candidates is known to me personally and has signed/put this thumb mark in my presence

Signature with name  
Designation and address

Place \_\_\_\_\_

Date \_\_\_\_\_

(To be used by the Returning Officer)

- 1 Date and time of receipt of the nomination papers
- 2 Whether nomination papers accepted or rejected  
( Give brief reasons for rejection)

- 3 Symbol allotted

Place \_\_\_\_\_

Date \_\_\_\_\_

Signature of the Returning Officer  
with his official address

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

The Committee observes that in Form A for nomination of candidates the word mentioned in the heading of Form see para 6(3) is not correct It should be corrected accordingly

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

In regard to this observation it is submitted that Form A is mentioned in para 6(1) of Part II of Appendix A of Rule 25 to the Haryana Co operative Societies Rules 1989 whereas as per para 6 (2) the nomination of each candidate shall be made on a separate nomination paper Therefore in Form A necessary amendment will be carried out by making para 6(1)(2) in place of para 6(3)



**@ 2018**

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