

**HARYANA VIDHAN SABHA
REPORT
OF
THE COMMITTEE
ON
SUBORDINATE LEGISLATION
FORTY SEVENTH REPORT
2018-19**



(Presented to the Haryana Vidhan Sabha on 27th February 2019)

**HARYANA VIDHAN SABHA SECRETARIAT
CHANDIGARH
2019**

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COMPOSITION OF THE COMMITTEE

(2018 19)

COMMITTEE ON SUBORDINATE LEGISLATION

Chairperson

Smt Santosh Chauhan Sarwan M L A

Members

Shri Anand Singh Dangri M L A

Smt Rohita Rewri 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 24th April 2018 vide Haryana Vidhan Sabha Secretariat Notification No HVS SLC 1/2018 19/27 dated 25th April 2018

Dr Raghuvir Singh Kadian M L A Shri Sukhvinder M L A and Smt Bimla Chaudhary M L A are nominated as Special Invitees of the Committee on dated 8th May 2018 vide Notification No HVS SLC 1/2018 19/39 dated 9th May 2018

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 Seventh Report to the House
- 2 The matters covered by this Report were finally considered by the Committee at their sitting held on 13 02 2019 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 13th February 2019

SANTOSH CHAUHAN SARWAN
CHAIRPERSON
Committee on Subordinate Legislation

REPORT

- 1 The Committee on Subordinate Legislation for the year 2018-19 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 24th April 2018 and was notified in the official Gazette vide Notification No HVS SLC 1/2018 19/27 dated 25th April 2018
- 2 Smt Santosh Chauhan Sarwan M L A was appointed as Chairperson of the Committee by the Hon ble Speaker
- 3 The Committee held 64 sittings till the presentation of the Report
- 4 Besides watching the implementation work relating the earlier Reports the Committee scrutinized the following Rules
 - 1 The Punjab Warehouses Rules 1958 framed under the Punjab Warehouses Act 1957
 - 2 The Haryana Children Rules 1974 framed under the Haryana Children Act 1974

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 the 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 rule is beyond the scope of the powers delegated under the Act by the Legislature the Committee can recommend that the rule be suitably amended or omitted

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

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

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

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

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

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

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

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

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

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

7 Availability of Copies of Acts and Rules to Public

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

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

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

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

**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 39th to 46th Reports

The Committee observed that 46th Report was sent to the Department concerned vide letter dated 13 04 2018 to implement the observations/recommendations at the earliest. In respect to the aforesaid communication the Department supply the reply of recommendations/observations of the Committee vide Memo No 1121 STR-1-2018/3519 dated 01 05 2018 and the same was placed before the Committee in its meeting held on 16 05 2018 vide which stated that proposal of replacing Haryana Regulation of Property Dealers and Consultant Act 2008 has been submitted to Hon ble Chief Minister for approval. Rule will be amended after replacing Haryana Regulation of Property Dealer and Consultant Act 2008

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

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

**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 39th to 46th Reports

The 46th Report was sent to the Department concerned vide letter dated 13 04 2018 to implement the observations/recommendations at the earliest. A reminder was sent to the Department vide letter dated 23 01 2019 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.

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

40TH REPORT 2010 2011

(FOOD AND SUPPLIES DEPARTMENT)

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

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Public Distribution System (Licensing and Control) Order 2009 framed under the Essential Commodities Act 1955 as contained in its 40th to 46th Reports

The Committee observed that 46th Report was sent to the Department concerned vide letter dated 13 04 2018 to implement the recommendations/observations of the Committee at the earliest. A reminder was sent to the Department vide letter dated 23 01 2019 to expedite the action in the matter at an early date.

In respect to the aforesaid communication the department supplied the reply of recommendations/observations of the Committee vide their memo No FG GA 1 2019/1957 dated 31 01 2019 and the same was placed before the Committee in its meeting held on 13 02 2019 in which intimate 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 incorporated in the new PDS Control Order (amended). A meeting of the constituted Committee for finalization the amended PDS Control Order has been called on 05 02 2019 by the Director Food Civil Supplies and Consumer Affairs Haryana. In this regard the Department further requested that the final draft will 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 will take at least three months. Therefore as and when finalized the new Haryana Public Distribution System (Licensing and Control) same will be informed accordingly and requested to grant the three months time.

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.

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

**41ST REPORT 2012 2013
(ENVIRONMENT DEPARTMENT)**

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

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution) Act 1981 as contained in its 41st to 46th Reports

The Committee observed that 46th Report was sent to the Department vide letter dated 13 04 2018 to implement the observations/recommendations at the earliest In respect to the aforesaid communication a Letter No HSPCB/PLG/2018/1060 dated 16 05 2018 received from the Chairman Haryana State Pollution Control Board and the same was placed before the Committee in its meeting held on 23 05 2018 and mentioned in the letter that vetted copies of English & Hindi draft notification for amendment in the Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution) Act 1981 as per observations/recommendations of the Committee on Subordinate Legislation was received from Addl Chief Secretary to Government Haryana Environment Department vide his memo No 8/11/2014 2E dated 12/14 03 2018 to prepare the CD as per instructions of Printing and Stationery Department after making the corrections and to submit the same to the Government and same has been sent to the Additional Chief Secretary to Government Haryana Environment Department after making necessary correction alongwith the CD of the same vide this office letter No 848 dated 03 04 2018 copy of which is enclosed herewith in reference with the Committee Another letter No 8/11/2015 2Env dated 16 05 2018 was received from the Additional Chief Secretary to Government Haryana Environment Department and the same was placed before the Committee in its meeting held on 23 05 2018 and they have supplied the copy of Haryana Government Environment Department Notification No SO 20/C a 14/1981/S 54/2018 dated 10 04 2018 regarding Amendment in Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution Act 1981

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

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

42ND REPORT 2013 2014
(TOWN & COUNTRY PLANNING DEPARTMENT)

- (i) **The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 as contained in its 42nd to 46th Reports

The Committee observed that 46^h Report was sent to the Department concerned vide letter dated 13 04 2018 to implement the recommendations/observations made by the Committee at the earliest. In response to the aforesaid communication Principal Secretary to Government Haryana Town & Country Planning and Urban Estates Department sent a letter No 8/11/2018 2TCP dated 27 04 2018 addressed to Director General Town & Country Planning Department Haryana Chandigarh and copy of the same was endorsed to the Haryana Vidhan Sabha Secretariat the same was placed before the Committee in its meeting held on 12 05 2018

A reminder was sent to the Department vide letter dated 31 01 2019 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

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

42ND REPORT 2013 2014
(REVENUE AND DISASTER MANAGEMENT DEPARTMENT)

- (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 41st to 46th Reports

The Committee observed that 46th Report was sent to the Department vide letter dated 13 04 2018 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 23 01 2019 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

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

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

(iii) The Haryana Canal and Drainage Rules, 1976 framed under the Haryana Canal and Drainage Act, 1974

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Canal and Drainage Rules 1976 framed under the Haryana Canal and Drainage Act 1974 as contained in its 42nd to 46th Reports

The Committee observed that 46th Report was sent to the Department vide letter dated 13 04 2018 to implement the recommendations/observations made by the Committee at the earliest. In respect to the aforesaid communication the Letter No 527/2R&CR/533/2016 dated 10 05 2018 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 26 05 2018 and mentioned in the letter that the information desired vide referred letter for the action taken in implementation of the recommendations/observations made by the Committee has already been sent by the Department alongwith photocopy of latest Haryana Canal & Drainage Rule 1976. The copies of amendment in Rules pertaining to Haryana Canal & Drainage Act has already been submitted to Government by the Department letter No 1704/2&CR/533/2016 dated 30 10 2017. A letter No 1405/2R&CR/268/88 dated 26 10 2018 was received from the Engineer In Chief Irrigation & Water Resources Department Haryana Panchkula and the same was placed before the Committee in its meeting held on 30 10 2018 and mentioned in the letter that amended Haryana Canal and Drainage Rules 1976 as recommended subject cited by Committee has been notified vide Government Gazette Draft Notification No 16/139/2017 2 IW dated 09 10 2018. This is preliminary Draft Notification and final notification will be issued after receiving the objections and suggestions if any from any concerned Department. Again a letter No 28 79/2R&CR/533/2016 dated 03 01 2019 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 09 01 2019 supplied the copy of final Gazette Notification No 16/139/2017 2 IW dated 27 12 2018 regarding amendment in Haryana Canal and Drainage Rules 1976.

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

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

43RD 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 43rd & 46th Reports

The Committee observed that 46th Report was sent to the Department vide letter dated 13.04.2018 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 22.01.2019 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.

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

44TH 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 44th to 46th Reports

The Committee observed that 46th Report was sent to the Department vide letter dated 13 04 2018 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 23 01 2019 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.

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

**44TH 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 44th and 46th Reports

The Committee observed that 46th Report was sent to the Department vide letter dated 13 04 2018 to implement the recommendations/observations made by the Committee at the earliest. In respect to the aforesaid communication a Letter No HSCB/A II/2018/4093 dated 21 05 2018 received from the Chief Administrator Haryana Slum Clearance Board Panchkula that the draft notification in English & Hindi version of Punjab Areas (Improvement and Clearance) Haryana Amendment Rules 2018 under section 40 of the Punjab Slum Areas (Improvement and Clearance) Act 1961 (Punjab Act 24 of 1961) duly vetted by LR have been sent to Administrative Department vide this office memo No 1354 dated 05 03 2018 for further necessary action and the same was placed before the Committee in its meeting held on 26 05 2018

A reminder was sent to the Department vide letter dated 31 01 2019 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

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

**45TH 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 framed under the Haryana Apartment Ownership Act 1983 as contained in its 45th and 46th Report

The Committee observed that 46th Report was sent to the Department vide letter dated 13 04 2018 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 22 01 2019 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.

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

**45TH 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 45th and 46th Report

The Committee observed that 46th Report was sent to the Department vide letter dated 13 04 2018 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 22 01 2019 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

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

**45TH REPORT 2017 18
(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 45th and 46th Report

The Committee observed that 46th Report was sent to the Department vide letter dated 13 04 2018 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 22 01 2019 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

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

**46TH REPORT 2017 18
(DEVELOPMENT & PANCHAYATS DEPARTMENT)**

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

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Village Common Lands (Regulation) Rules 1964 framed under the Punjab Village Common Lands (Regulation) Act 1961 as contained in its 46th Report

The Committee observed that 46th Report was sent to the Department vide letter dated 13 04 2018 to implement the recommendations/observations made by the Committee at the earliest. In response to the aforesaid communication the Principal Secretary to Government Haryana Development & Panchayats Department Haryana sent a letter No SBA 4 2018/72322 dated 12 09 2018 vide which enclosed the action taken report with regard to the 46th Report of the Committee on Subordinate Legislation in the prescribed proforma. He has further stated that the said report the recommendations/observations of the Committee have not been reproduced and requested to make the recommendations of the Committee available to the Department. The Committee is of the view that the recommendations/observations of the Committee has already been sent to the Department on dated 22 09 2017 hence no need to reproduce the observations/recommendations of the Committee in the Report and the same was placed before the Committee in its meeting held on 19 09 2018.

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.

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

**46TH REPORT 2017 18
(CO OPERATION DEPARTMENT)**

(ii) The Haryana Co operative Societies Rules, 1989 framed under the Haryana Co operative Societies Act 1984

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Co operative Societies Rules 1989 framed under the Haryana Co operative Societies Act 1984 as contained in its 46th Report

The Committee observed that 46th Report was sent to the Department vide letter dated 13 04 2018 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 22 01 2019 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.

SCRUTINY OF THE PUNJAB WAREHOUSES RULES, 1958 FRAMED UNDER THE PUNJAB WAREHOUSES ACT, 1957

The Committee scrutinized the Punjab Warehouses Rules 1958 framed under the Punjab warehouses Act 1957 and made the following observations/recommendations as under -

Rule 3

- a) Every application for a license under Section 3 and for renewal under Section 6 of the Act shall be made to the Registrar in Form I and a duplicate license under Section 11 in Form II. The application shall be signed by the applicant who shall be bound to supply such additional information as may be required by the Registrar.
- b) An application for renewal of license shall be made every year at least one month prior to the commencement of the year for which it is required.
- c) No application for license or its renewal shall be entertained unless it is accompanied by the fees specified in rule 14.
- d) A person desiring to conduct the business of a Warehouseman in more than one village or town shall submit separate applications for license in respect of his business in each such village or town. In the case of his having more than one place of business in the same village or town he may apply for only one license in respect of such places of business provided he specifies which of them shall be principal place of business.

Observation of the Committee

The committee would like to know for its information how many warehouses are working in the state? The details therefore be provided to the committee.

The committee recommends that every application for license of warehouse should be issued by the competent authority within one month of receipt of the application and the order in this regard should be sent to the applicant by speed post with AD.

The committee wants to discuss with department representative at the time of oral examination regarding the renewal of license made every year.

The Department in their written reply stated as under

Haryana State Warehousing Corporation is running 111 Warehouses in Haryana State as per list attached at Annexure 1.

Noted for compliance

Noted for compliance

Annexure I

BAY NO 15 18 SECTOR 2 PANCHKULA
Number of warehouses as on 31 12 2018

SR NO	NAME OF DISTRICT OFFICE/REVENUE DISTRICT	S NO	NAME OF WAREHOUSE
1	AMBALA CITY/ AMBALA	1	Ambala City
		2	Naneola
		3	Saha
		4	Mullana
		5	Sahahzadpur
		6	Nasirpur
	YAMUNA NAGAR	7	Jagadhri
		8	Yamuna Nagar
		9	Radaur
		10	Sadhaura
2	KURUKSHETRA/ KURUKSHETRA	11	Kurukshetra I
		12	Kurukshetra II
		13	Shahabad
		14	Ladwa
		15	Ismailabad
		16	Pehowa
		17	Gumthala Garhu
		18	Pipli
3	KAITHAL/ KAITHAL	19	Kaithal I
		20	Kaithal II
		21	Kaithal III
		22	Pundri
		23	Siwan
		24	Cheeka I
		25	Cheeka II
		26	Jakholi
		27	Pai
		28	Kaul
		29	Kalayatt
		30	Rajound
		31	Santoka Majra
4	PANIPAT/ PANIPAT	32	Panipat I
		33	Panipat II
		34	Madlauda
		35	Samalkha
		36	Israna
		37	Bapoli
	KARNAL	38	Salwan

		39	Gharaunda I
		40	Gharaunda II
		41	Jundla
		42	Taraori
		43	Gheer
		44	Nigdhu
		45	Barsat
		46	Nissing
	SONEPAT	47	Gohana
		48	Punthala
5	FATEHABAD/ HISAR	49	Barwala
		50	Hansi
		51	Uklana
		52	Fatehabad
	FATEHABAD	53	Dharsul
		54	Tohana I
		55	Tohana II
		56	Jakhal
		57	Rattia
		58	Bhuna
		59	Bhattu
		BHIWANI	60
	61		Bawani Khara
	62		Kohlawas
	63		Sirsa I
	6	SIRSA/ SIRSA	64
65			Ellenabad
66			Kalanwali
67			Rania
68			Chautala
69			Jeewan Nagar
70			Rori
71			Bani
72			Baragudha
73			Rohtak I
74			Rohtak II
75			Lakhan Majra
76			Meham
7			ROHTAK/ ROHTAK
	78	Safidon-I	
	79	Uchana	
	80	Alewa	
	JIND	81	Dhamtan Sahib
		82	Dhanauri
		83	Jullana

8	REWARI/ REWARI	84	Nagura
		85	Naya Bans
		86	Gugaheri
		87	Safidon II
		88	Rewari I
		89	Rewari II
		90	Rampura
	JHAJJAR	91	Jhajjar
		92	Bahadurgarh
	MOHINDERGARH	93	Namaul
		94	Kanina
		95	Aleli
		96	Nangal Chaudhary
		97	Mohindergarh
		98	Kheri Kalan
9	FARIDABAD/ FARIDABAD	99	Sevali
		100	Palwal I
	PALWAL	101	Palwal III
		102	Hodal I
		103	Badauli
		104	Hathin
	GURGAON	105	Pataudi
		106	Farukh Nagar
		107	Siwari
	MEWAT	108	Tauru
		109	Nuh
		110	Pinangwan
		111	Ferozpur Zhirkha

Rule 4

- a) The scale of annual fees prescribed for the grant of license or its renewal for the conduct of the business of a Warehouseman shall be as follows
- warehouses having a storage capacity upto 25000 cft Rs 100/
 - for every additional 25000 cft storage capacity or fraction thereon Rs 100/
- b) For the issue of a duplicate license under Section 11 a fee of Rs 10/ shall be charged

Observation of the Committee

The committee observed that the fees mentioned in the rule required to be enhanced or suitably amended due to escalation of prices

The Department in their written reply stated as under

Noted for compliance

Rule 5

A license under sub section (2) of section 4 of the Act shall be granted in Form III subject to the following conditions

- i) every warehouseman shall maintain in respect of each warehouse for which a license has been granted net assets liable for the payment of any indebtedness arising from the conduct of a warehouse to the extent of atleast Rs 5 per 100 cft storage capacity of the licensed warehouse Such assets may consist of movable or immovable property These assets shall be suitably insured against any loss or damage according to the directions issued from time to time by the Registrar in this behalf
- ii) a warehouseman shall display his license in his principal space of business where receipts are delivered to the depositors
- iii) whenever any warehouseman has become incompetent or has ceased to conduct the business of a warehouse he shall inform the authority granting the license immediately
- iv) the Registrar or any other person authorized by him in this behalf shall be competent to inspect or examine the warehouse licensed under the Act and shall have access at all usual hours of business to all the books records papers and accounts relating to the warehouse
- v) the warehouseman shall furnish such information with regard to the working of the warehouse as the Registrar or any other person authorized by him in this behalf may require

Observation of the Committee

The committee observed that the fees mentioned in the rule 5(1) required to be enhanced or suitably amended due to escalation of prices

The Department in their written reply stated as under

Noted for compliance

Rule 6

A license shall be granted for a period of one year provided that a license issued during a year shall expire on 31st December of the same year

Observation of the Committee

The committee wants to discuss with department representative at the time of oral examination regarding the renewal of license made every year granting the license of warehouse for a period of one year

The Department in their written reply stated as under -
Noted for compliance

Rule 7

- (1) An applicant for a license or a warehouseman shall at the time of application furnish to the Registrar a security deposit in cash or in Govt securities assessed at Rs 5 per hundred cubic feet of the storage capacity subject to a minimum of one hundred rupees
Provided that no security shall be required if the applicant is a corporation established under the Warehousing Corporation Act 1962
- (2) The security furnished under sub rule (1) shall be liable to forfeiture in part or in whole by the Registrar if he satisfied that the warehouseman has violated any of the provisions of the Act or these rules

Observation of the Committee

- 7 (1) The committee would like to know for its information as whether any mode of payment fee is permissible? If not what are the reasons thereof?
The committee observed that the security as mentioned in Rule required to be enhanced or suitably amended due to escalation of prices
- 7 (2) The committee observes that the order of the Registrar forfeiture of the security as mentioned in the Rule 7(2) should be passed after provide reasonable opportunity of being heard a warehouseman and the reason should be recorded of forfeiture the security in the order

The Department in their written reply stated as under -

- 7 (1) Generally payment is made through RTGS
Noted for compliance
- 7 (2) Noted for compliance

Rule 8

The names and location of the warehouses and the names and address of warehouseman licensed under the Act as on the 1st day of January every year shall be published in the Punjab Govt Gazette before the 15th of February of the same year

Observation of the Committee

The committee recommends that third line of this rule the words Punjab Government Gazette may be substituted the words Haryana Government Gazette to make the rule correct
The committee recommends that in the Rule 8 the section mentioned 32 (2) (C) seems to be superfluous therefore the same may be corrected

The Department in their written reply stated as under
Noted for compliance

Rule 9

The orders passed under subsection (2) of section 9 of the Act by the prescribed authority for the suspension revocation or cancellation of cases of suspension revocation or cancellation of the licenses shall be published in the Punjab Govt Gazette

Observation of the Committee

The committee is of the view that the order passed under sub section 2 of section-9 of the act by the prescribed authority for the suspension revocation or cancellation of the license should be communicated by registered AD

The committee recommends that in the first line of rule-9 the word Subsection may be substitute the words Sub-Section to make the Rule grammatically correct

The committee recommends that in the last line of this Rule the words Punjab Government Gazette may be substituted the words the Haryana Government Gazette

The Department in their written reply stated as under

Noted for compliance

Rule 10

Application for the deposit of goods shall be made to the warehouseman in Form IV and for delivery of goods shall be made in Form V

Observation of the Committee

The committee recommends that in marginal note of the Rule (10) the section mentioned 12(2) seems to be superfluous therefore the same may be corrected

The Department in their written reply stated as under

Noted for compliance

Rule 14

An application for grant of a duplicate receipt if the original is lost or destrcyed shall be made by the depositor to the warehouseman and shall be accompanied by

- (a) an affidavit showing that the application is lawfully entitled to the possession of the original receipt that he has not regotiated or assigned it the circumstances in which the original receipt was lost or destroyed and if lost that diligent efforts had been made to find the receipt without success
- (b) An indemnity bond for an amount double the value of the goods represented by the original receipt and
- (c) a sum of rupees five

Observation of the Committee

- 14 (c) The committee observed that the fees mentioned in the Rule 14(C) required to be enhanced of suitably amended due to escalation of prices

The Department in their written reply stated as under -

- 14 (c) Noted for compliance

Rule 18

Every depositors shall supply copies under his signatures of any endorsement regarding transfer mortgage or encumbrance of goods as may be recorded on the warehouse receipt within 48 hours from making such endorsement

Observation of the Committee

The committee wants to discuss with the Department representative at the time of oral examination regarding receipt within twenty four hours as mentioned in the Rule

The Department in their written reply stated as under

Noted for compliance

Rule 21

Every warehouseman shall maintain his warehouse in accordance with the directions issued by the Registrar from time to time in this behalf and in particular shall keep its warehouse in the following manner

- a) the warehouse shall be damp proof and rat proof
- b) the warehouse shall be repaired whenever necessary and shall be kept disinfested
- c) the goods stored in the warehouse shall be arranged and stored in such manner as to render stock-taking and verification easy and effective
- d) Stacks shall not be constructed touching the walls and a space of about 2 feet shall be left round each stack
- e) except in the case of warehouses run by the CWC or the Punjab State Warehousing Corporation established under the Warehousing Corporation Act 1962 and in which the stocks are deposited by the Govt FCI and Cooperative Societies the stocks shall not ordinarily exceed 15 x 15 in dimensions and shall not be more than 15 bags in height
- f) the container and the contents of each container shall be ordinarily uniform and shall be as advised by the Registrar from time to time
- g) all goods received for storage in the warehouse shall be measured in cubic feet (length breadth and height) or weighed as the case may be and such weight or measure shall be duly stenciled on each container or labeled on each stack showing the date and quantity of weight or measure

- h) the container or the stack shall bear the name of the depositor together with the distinctive mark if any in bold letters
- i) goods of different classed or grades or qualities shall be stored separately
- ii) all leakages in roof dampness in walls and floor during the monsoons shall be carefully watched and repaired in good time
- k) all appliances in the warehouses such as scales weights measures packers and ladders shall be maintained correctly and in good condition

Observation of the Committee

The committee wants to discuss with the Department representative at the time of oral examination regarding fifteen bags in height as mentioned in Rule 21(C)

The Department in their written reply stated as under

Noted for compliance

Rule 36

The public auction shall take place in front of the warehouse or in the regulated market as may be deemed fit by the warehouseman. The warehouseman shall cause to proclaim the fact of auction by beat of drum at least two prior to the auction at the place where auction is to take place

Observation of the Committee

The committee observed that the notice of Public auction as mentioned in this rule should be printed at least one English & Hindi local newspaper of that area

The Department in their written reply stated as under

Noted for compliance

Rule 39

- (1) Any person desiring himself to be licensed as weigher sampler or classifier shall give an application in Form XI to the Registrar. Each such application shall be accompanied by a fee of Rs 5. The Registrar shall be after making such enquiries as he may consider necessary issue a license on execution of any agreement by the applicant in such form as he may direct. The license shall be issued in Form VII subject to the following conditions:
 - i) no weighers samplers or classifier will be licensed unless he is literate and has atleast two years experience in such line of work in a firm or a market committee established under the Punjab Agricultural Produce Market Act 1939
 - ii) every licensed weigher sampler or classifier shall keep books in such form and manner and submit such returns and statements as the Registrar may from time to time specify
 - iii) every licensed weigher sampler or classifier shall keep such equipment as may be directed by the Registrar

- iv) no licensed weigher sampler or classifier shall recover charges exceeding the rates laid down by the Registrar from time to time
 - v) every licensed weigher sampler or classifier when plying his trade shall wear a distinguished badge approved by the Registrar
 - vi) no licensed weigher sampler or classifier shall enter in the service of another person or do business other than that for which he holds a license or licenses
- (2) Notwithstanding anything contained in sub rule (i) where a warehouse is situated within the principal market yard or submarket yard of a notified market area the weigher licenced by the market committee under the Punjab Agricultural Produce Markets Act 1961 or law corresponding thereto in force in any part of the State shall be deemed to be licenced under the Act and these rules

Observation of the Committee -

- 39 (1) The committee observed that the fee mentioned in third line of Rule 39 required to be enhanced or suitably amended due to escalation of prices
- 39 (2) The committee feels that the application of license for weigher samplers and classifiers may be issued within one month of receipt of application and the order in this regard may be sent to applicant by registered AD. It should also be mentioned in the rule itself to make the rule more effective

The Department in their written reply stated as under

- 39 (1) Noted for compliance
- 39 (2) Noted for compliance

Rule 42

Applications for renewal of licenses issued to weighers samplers and classifiers shall be made at least one month prior to the termination of the licenses and such applications shall be accompanied by a fee of Rs 5. The conditions for the renewal of a license shall be the same as those on which a new license is issued

Observation of the Committee

The committee observed that the fees mention in the rule required to be enhanced or suitably amended due to escalation of prices

The Department in their written reply stated as under

Noted for compliance

Rule 43

If the original license is lost or destroyed a duplicate thereof shall be issued on payment of a fee of Rs 5. Such duplicated license shall be stamped Duplicate

Observation of the Committee

The committee observed that the fees mention in the rule required to be enhanced or suitably amended due to escalation of prices

The Department in their written reply stated as under

Noted for compliance

Rule 44

- (1) On receipt of a written complaint against a weigher sampler or classifier relating to weight sample or grade or goods stored or to be stored in a warehouse the Registrar shall require both the parties to the dispute to appoint their nominees on the board of arbitrators within 7 days from the date of notice
- (2) In case either party fails to do so the Registrar shall appoint arbitration on his behalf
- (3) When the arbitrators of both the parties have been appointed either by the parties or by the Registrar the Registrar shall nominate a person to act as chairman of the Board of Arbitrators and the opinion of the majority shall prevail
- (4) In the conduct of proceedings before them the Board of Arbitrators shall follow the procedure prescribed in the Indian Arbitration Act 1940 Every award passed by the board shall if not carried out be executed in the same manner as a decree of a civil court

Observation of the Committee

- 44 (2) The committee feels that the written complaint against a weigher sampler & classifier relating to weight sample or grade or goods store or to be stored in a warehouse may be decided by the Competent authority within one month receipt of complaint

The Department in their written reply stated as under

- 44 (2) Noted for compliance

Rule 47

Where a license is held by a partnership firm and such partnership is dissolved every partner of the firm shall send a report of dissolution to the Registrar within a week of the dissolution

Observation of the Committee

The committee feels that the reports of dissolution of the partner may be sent to the registrar through email or registered AD within time as mentioned in the rule

The Department in their written reply stated as under

Noted for compliance

FORM-I

(See Rule 3)

(Application for grant/renewal of license to the registrar)

To

The Assistant Registrar
Cooperative Societies

Sir

I/We

S/o

Village

P O

Tehsil

District

license

request that I/We may be granted a

during the year ending 31st December 19

2

granted

I/We agree to abide by the terms and conditions of the license to be

3

I/We have paid Rs

as license fee

in Treasury/sub treasury

4

I/We have agree to abide by the provisions of the Punjab Warehouses Act 1957 and the Punjab Warehouses Rules 1958 and also to the terms & conditions regarding the maintenance of a Warehouse and any orders issued by the Registrar or such other officer as may be authorized by the govt in this behalf

5

I/We hereby solemnly declare that all information herein given is true to the best of my knowledge and that in case it proves to be untrue I/We undertake to indemnify person or persons concerned in this business against any loss arising out of such false or untrue information

6

I/We declare that each of the warehouses specified below is suitable for the storage of goods respectively mentioned against it and that it is in good condition

7

I/We undertake to execute the security bond of the required amount and in the manner prescribed under rule of the Punjab Warehouses Rules 1958

Dated

Signature

Description of premises to be used as
Warehouses or warehouses

1

Village or Town

Tehsil

dated

2

Houses No

Sr No Description
of eachDetailed description/purpose of the
warehouse of each

3

Area

4

Storage capacity

5

Suitability regarding storage of goods for which it is to be used

6

Quantities & varieties of goods stored in the previous year if any?

7

Estimated quantity of goods to be stored during the period of license

Observation of the Committee

The committee is of the view that Form I should be amended whichever necessary

The Department in their written reply stated as under

Noted for compliance

FORM II
(See Rule 3)
(Application for issue of duplicate licence)

To

The Assistant Registrar
 Cooperative Societies

Sir

I/We

S/o

Village

P O

Tehsil

District

that

my/our

warehouse

license

No

request
granted

on

for the period ending

for the area has been lost/destroyed in the following circumstances

1

I/We therefore request you to grant me/us a duplicate license on the
 same terms and conditions on which the aforesaid license was granted

2

I/We affixed stamp in payment of the fee of Rs 5/

3

I/We hereby solemnly declare that information herein given is true to
 the best of my/our knowledge

1

Witness 1

Signature

Witness 2

Observation of the Committee

The committee recommends that the fee mentioned in the form at serial No 2
 should be enhanced or suitably amended due to escalation of prices

The Department in their written reply stated as under

Noted for compliance

FORM III
(See Rule 5)
(Form for issue of license)

License for carrying on the business of a warehouse

License No _____ of 19 _____

License is hereby granted to _____ hereinafter referred to as the licensee) on payment of fee of Rs _____ for the conduct of the business of a warehouseman in the warehouse situated at _____ subject to the provision of the Pb Warehouses Act 1957 and the rules made there under and on the following conditions namely

- 1 This license shall be valid upto and inclusive of 31st Dec 19 _____
- 2 The license shall not carry on the business of a warehouseman at any place other than the said warehouse
- 3 The license shall carry on the aforesaid business of the storage of the following goods in the said warehouse
 - (i) _____
 - (ii) _____
 - (iii) _____
- 4 The license is not transferable
- 5 No correction or alteration in the Schedule of charges be valid unless approved by the Registrar
- 6 This license shall be liable to be cancelled revoked or suspended in accordance with the provisions of Sections 8 & 9 of the Punjab Warehouses Act 1957 In the event of cancellation revocation or suspension of this license the licensee shall surrender it to the Registrar alongwith all the unused warehouse receipts in his possession

Asstt Registrar Coop Societies

Place
Date

RENEWAL OF THE LICENCE

Date of renewal

Period for which renewed

Signature of the
Registrar & date

Observation of the Committee

The committee is of the view that form 3 should be amended whichever necessary

The Department in their written reply stated as under

Noted for compliance

APPENDIX A (See Rule 28)

Maximum percentage of loss in weight or bulk due to dryage or shrinkage

S No	Commodity period of	Maximum percentage of loss allowed for the			
		Two months	Four months	Six months	One year
1	2	3	4	5	6
1	Paddy	2	2 ½	3	4
2	Rice	1½	2	2 ½	3
3	Wheat	1	1 ½	2	2 ½
4	Wheat product	2	2 ½	3	4 ½
5	Maize	2	2 ½	3	3 ½
6	Barley	1	2	2 ½	3
7	Qats	1	1 ½	2	2½
8	Bazra	1	1 ½	2	2½
9	Jowar	1	2	2½	3
10	Bengal gram	1	2	2½	3½
11	Bengal gram dal	1 ½	2	3	3½
12	Kabuli gram	1	2	2½	3
13	Red gram	1	2	2½	3
14	Red gram dal	1½	2	3	3½
15	Black gram	1	2	2½	3
16	Black gram dai	1½	2	3	3½
17	Green gram	1	2	2½	3
18	Green gram dal	1½	2	3½	3½
19	Masoor	1½	2	3½	3
20	Masoor dal	1½	2	3	3½
21	Peas	1½	2½	3	4
22	Beans	1½	2½	3	4
23	Groundnut kernels	1	1½	2	3
24	Groundnut pods	2	3	3½	4
25	Gingli seeds	2	3	4	5
26	Cotton seeds	1	1½	2	2½
27	Cotton Kapas	1	1½	2	2½
28	Cotton lint	1	1½	2	2½
29	Caster seeds	1	1½	2	2½
30	Sunhemp fibre	1	2	3	
31	Sugar cane jiggery	2	3	3½	4
32	Palayya jiggery	2	3	3½	4
33	Sugar	1	1½	2	4
34	Shakkar	1	2	3	2½
35	Peeper	1	2	3	4

36	Cardamoms	$\frac{1}{2}$	1	$\frac{1}{2}$	4
37	Ginger	1	2	$2\frac{1}{2}$	2
38	Chillies	2	3	$3\frac{1}{2}$	4
39	Turmeric	2	3	$3\frac{1}{2}$	4
40	Coriander	1	2	3	4
41	Onions	4	6	-	
42	Garlic	3	4	6	
43	Potatoes	2	4	6	
44	Fertilizers	1	2	3	4

Observation of the Committee

The committee recommends that appendix A should be amended as per amended Rule 28

The Department in their written reply stated as under

Noted for compliance

APPENDIX B (See Rule 28)
MAXIMUM PERCENTAGE OF GAIN IN WEIGHT OR
BULK DUE TO ABSORPTION OF MOISTURE

S No	Commodity	Maximum percentage of gain in weight allowed for absorption of the moisture during monsoon months of July to Oct
1	Paddy	1
2	Rice	1
3	Wheat	1
4	Wheat Products	2
5	Maize	1
6	Barley	1
7	Oats	1
8	Jowar	1
9	Bazra	1
10	All grams & their dals	1
11	Peas	1
12	Beans	1
13	Groundnut kernels & pods	1
14	Gingli seeds	2
15	Sugarcane jiggery	2
16	Palayya	2
17	Shakkar	2
18	Potatoes	1
19	Cotton seeds	1
20	Cotton kapas	1
21	Cotton lint	1
22	sugar	1
23	Castor seed	1
24	Sunhemp fibre	1
25	Peoper	1
26	Cardamoms	1
27	Ginger	1
28	Chilies	1
29	Turmeric	1
30	Coriander	1
31	Onions	1
32	Garlic	1
33	Fertilizer	1

H S ACHERIA
Secretary to Govt Punjab
Corporation Department

Observation of the Committee -

The committee recommends that Appendix B should be amended as per amended Rule 28

The Department in their written reply stated as under -

It is submitted that no change has been got made in commodity mentioned in Appendix B by HSWC As such there is no need to change

SCRUTINY OF THE HARYANA CHILDREN RULES, 1974 FRAMED UNDER THE HARYANA CHILDREN ACT 1974

The Committee scrutinized the Haryana Children Rules 1974 framed under the Haryana Children Act 1974 and made the following observations/recommendations thereon

Rule 3

Subject to such directions as may be issued from time to time by the Government the competent authority shall hold its sittings on the premises of an observation home on such days and at such time as may be fixed by it

Observation of the Committee

The Committee would like to know for its information as to how many numbers of observations home are established in the State. The district wise details be supplied to the Committee

The Department in their written reply stated as under

There are 4 Observation Homes 1 Special Home and 1 Place of Safety are established in Haryana state and are registered under Juvenile Justice (Care & Protection of Children) Act and Juvenile Justice (Care & Protection of Children) Rules

However 2 Observation Homes and 1 Place of Safety are under construction

Sr No	Name of Home	District
1	Observation Home (for boys)	Ambala
2	Observation Home (for boys)	Hisar
3	Observation Home (for boys)	Faridabad
4	Observation Home (for Girls)	Karnal
5	Special Home	Sonepat
6	Place of Safety (for Boys)	Karnal
Under Construction		
1	Observation Home (for boys)	Karnal
2	Observation Home (for boys)	Faridabad*
3	Place of Safety (for Boys)	Faridabad*

*Both homes will be constructed in one building on 1st floor and 2nd floor respectively

Rule 9

On receipt of a report under sub section (1) of section 13 or whenever a person arrested under sub section (1) of section 12 is brought before the Board under sub section (3) of section 12 or whenever a complaint is received from a parent or guardian of a child under section 16 the Board may order as nearly as in form I a probation officer to enquire in to the character and social antecedents of the child

Observation of the Committee

The Committee recommends that in the third line of the rule 9 after the words guardian of the word as and in fifth line of the rule 9 after the words as nearly the word a seems superfluous same be corrected to make the rule grammatically correct

The Department in their written reply stated as under

This department is agreeing with the recommendation of the committee The word as may be replaced with the and the word a also replaced with the word as

Rule 12

- (1) If the manager of any institution not recognised under section 8 or section 9 or section 10 desires that the institution be recognised he shall make an application in form III together with a copy each of the rules bye laws articles of association list of members of the society or association running the institution office bearers and a statement showing the status and past record of social or public service of the institution and the society running the institution to the Chief Child Welfare Officer who shall either inspect the institution himself or cause it to be inspected by any of his subordinate officers and shall make a report to the Government regarding the provision made in the institution for the accommodation boarding lodging and general health of the children the quality of the literacy of industrial training made available and sources of income and may recommend recognition with specific reference to the age group of children
- (2) The Government may on receipt of the report of Chief Child Welfare Officer if satisfied that the institution possesses sufficient financial means to carry out its obligations grant recognition to the institution under section 8 or section 9 or section 10 as the case may be on the condition that it shall undertake to
 - (a) teach train lodge clothe and feed the children according to the standards laid down by the Government from time to time
 - (b) provide such probation officers and other staff as may be required by the Chief Child Welfare Officer or the competent authority from time to time
 - (c) abide by these rules and any instructions issued by the Chief Child Welfare Officer or the competent authority and see that the same are followed by the probation officers and the personnel of the institution and
 - (d) furnish to the Chief Child Welfare Officer whenever required a statement of its financial position including the balance sheet and audited report if any

Observation of the Committee

The Committee is of the view that the order of recognition to the institution under section 8 or section 9 or section 10 as the case may be decided by the competent authority within two months after receipt of the application

The Department in their written reply stated as under -

This department is agreeing with the recommendation of the committee

Rule 13

- (1) The Government may on the report of the Chief Child Welfare Officer if dissatisfied with the conditions rules management or superintendence of an institution certified or recognised under the Act at any time by notice served on the manager of the institution declare that the recognition of the institution shall stand withdrawn as from a date specified in the notice from the said date the institution shall cease to be an institution under section 8 or section 9 or section 10 as the case may be
- (2) The Government may instead of withdrawing a recognition sub rule (1) by notice served on the manager of the institution prohibit admission of children to the institution for such time as may be specified in the notice or until the notice is revoked whichever is earlier
 Provided that before the issue of a notice under sub rule (1) or sub rule (2) a reasonable opportunity shall be given to the manager of the institution so show cause why the recognition may not be with drawn or admission may not be prohibited as the case may be

Observation of the Committee -

The Committee recommends that the word 'withdraw' mentioned as heading of the Rule-13 is not correct It should be corrected accordingly

The Department in their written reply stated as under

If as per Rule 12 above the order of recognition may be decided within two months then the competent authority has the power to recognize the Observation Home/Special Home/Children Home or to cancel the recognition Therefore 'cancel' word seems to be appropriate instead of 'withdrawn' Another aspect and matter of discussion is also we have that since Observation Home/Special Home/Children Home in Haryana state are registered under Juvenile Justice (Care & Protection of Children) Act and Juvenile Justice (Care & Protection of Children) Rules

Rule 14

The manager of an institution may on giving six months notice in writing to the Government through the Chief Child Welfare Officer of his intention to do so resign the recognition of the institution and accordingly at the expiration of six months from the date of notice unless before that time the notice is withdrawn the resignation of the recognition shall take effect and the institution shall cease to be recognised under the Act

Observation of the Committee

The Committee would like to discuss the Rule with Department representative at the time of Oral Examination regarding period of six months notice by the manager for resignation

The Department in their written reply stated as under

Since Rule 14 is about resigning of recognition of Institute and not about the resignation of Manager therefore 6 months time is appropriate to start the initial process to cease the institution

Rule 16

- (1) When an institution ceases to be an institution certified or recognized under section 8 or section 9 or section 10 the children detained wherein shall under orders of the officer empowered in this behalf by the Government be either
 - (i) Discharged absolutely or on such conditions as the officer may impose or
 - (ii) Transferred to same other institution established or recognised under section 8 or section 9 or section 10 or in accordance with the provisions of the Act and rules relating to discharge and transfer
- (2) The intimation of such discharge or transfer shall be given to the court of Board as the case may be

Observation of the Committee

- 16 (2) The Committee recommends that the sub rule (2) of Rule 16 in second line the word he seems superfluous same may be substituted accordingly to make in rule grammatically correct

The Department in their written reply stated as under

- 16 (2) word he may be replaced with the

Rule 18

- (1) The internal management of an institution established under the Act shall vest in the manager consisting of the superintendent and the Committee of visitors collectively deemed to be its manager
- (2) The committee shall consist of such number of official and non official members not exceeding seven as the Government may appoint from time to time The non official members may include experienced social welfare workers particularly women social welfare workers in the field of child welfare
- (3) A non official member shall hold office for two years from the date of appointment and shall be eligible for reappointment
- (4) It shall be the duty of the manager
 - (a) to enquire into and see that the arrangements in the institution are completed in all respects

- (b) to examine the manner admission and disposal of registers and any other connected records
 - (c) to bring any special case to the notice of the Chief Child Welfare Officer and
 - (d) to carry out any other duties which may be assigned by the Government
- (5) The manager shall hold a formal meeting once in every three months
 - (6) No business shall be transacted at the meeting unless the superintendent and two members are present
 - (7) The superintendent shall preside over the meeting and he shall fix the date and hour of the meeting and a week before the date so fixed a notice thereof together with an extract of any special matter to be considered shall be furnished to the members of the committee
 - (8) The minutes of each meeting shall be approved by the Superintendent and sent by him to the Chief Child Welfare Officer
 - (9) The Superintendent shall abide by the resolutions passed in the meeting of the management of the institutions
 Provided that if in his opinion it is inconsistent with the Act or these rules or inexpedient to give effect to any such resolution he shall submit the resolution for the orders of the Chief Child Welfare Officer. The orders of the Chief Child Welfare Officer thereon shall be final. It will however be subject to review by the Government which may confirm rescind or modify such order
 - (10) The Superintendent shall generally be responsible for the observance of all rules and orders the supervision of the subordinate staff and the maintenance of discipline among the children. He shall in his own handwriting maintain an office journal in which shall be recorded daily every occurrence of importance connected with the management of the institution which is not otherwise disposed of in the registers of correspondence and which it is desirable to note for further guidance. The journal shall be forwarded to the Chief Child Welfare Officer at the end of the each month who shall immediately return it after perusal with such remarks such as he may consider necessary
 - (11) The Superintendent shall visit the institution once a week in the morning i.e. on Monday and twice a month in the night on uncertain intervals. He shall ensure that the children are provided with proper clothing and bedding and remain clean and tidy. He shall also enquire into and hear the complaints and remove them
 - (12) The Superintendent shall in no case without the prior permission of the Chief Child Welfare Officer or such other authority as the Government may specify in this behalf absent himself

Observation of the Committee -

- 18 (2) The Committee is of the view that the number of official and non official members of the Committee should be mentioned separately in the rule itself

The Committee is also of the view that atleast two women should be member of the Committee

- 18 (7) The Committee feels that in second line of the sub rule 18(7) the words date and hours the words may be substituted the words date hour and place to make the rule more clear

The Committee is also of the view that the notice of meeting should be sent to the members by registered AD or email and it should be mentioned in the rule to make it more comprehensive

- 18 (8) The Committee is of the view that minutes of each meeting should be sent to the Chief Child Welfare Officer by Registered AD within seven days after the meeting and it should be mentioned in the Rule itself

- 18 (10) The Committee would like to discuss with the department representative at the time of oral examination regarding maintain an office journal by the superintendent in his own handwriting

- 18 (11) The Committee would like to discuss with the department representative at the time of oral examination regarding the justification of visit by the Superintendent to the institute only Monday once a week

The Department in their written reply stated as under

- 18 (2) This department is agreeing with the recommendation of the committee However non official member may be designated from Juvenile Justice Board and Child Welfare Committee

However a State Level Inspection Committee (at State level) and District Level Inspection Committee (at district level) has already been constituted as per Section 54 of Juvenile Justice (Care & Protection of Children) Act 2015 and Rule 41 of Juvenile Justice (Care & Protection of Children) Model Rules 2016 (Notification No 570 SW(3) 2017 dated 24 05 2017 **(Annexure A)**)

- 18 (7) This department is agreeing with the recommendation of the committee

- 18 (8) This department is agreeing with the recommendation of the committee However the minutes should also be circulated through email also

- 18 (10) Matter of discussion

- 18 (11) Matter of discussion

However in all the Observation Homes/Special Home/Place of Safety in Haryana Superintendent has provided an office through which is supervise the staff on all the working days

Annexure A

- (7) The Management Committee shall seek a report from the Person in-charge on the setting up and functioning of the children's committees review these reports in their monthly meetings and take necessary action or place the same before the Board or the Committee wherever required
- 41 Inspection** (1) The State Government shall constitute State and district level inspection committees
- (2) The State Inspection Committee shall comprise of a maximum of seven members from among the State Government namely the Board or Committee the State Commission for the Protection of Child Rights the State Human Rights Commission State Adoption Resource Agency Resource Agency medical and other experts voluntary organizations and reputed social workers The Member Secretary State Child Protection Society shall be the Chairperson of the State Inspection Committee
- (3) The State Inspection Committee shall carry out inspections of the Child Care Institutions as defined under sub section (21) of section (2) of the Act housing children in the State in **Form 46**
- (4) The State Inspection Committee shall carry out random inspections of the institutions housing children to determine whether such institution is housing children in need of care and protection
- (5) The State Inspection Committee shall submit report to the Secretary of the Department implementing the Act
- (6) The State Inspection Committee shall make recommendations for improvement and development of the institutions in accordance with the provisions of the Act and the rules made thereunder and shall forward the same to the State Child Protection Society or the District Child Protection Unit for appropriate action
- (7) The State Inspection Committee shall interact with the children during visits to the institution to determine their well being and to get their feedback
- (8) The District Inspection Committee shall comprise of following members
- (i) Member of the Board or the Committee
 - (ii) District Child Protection Officer as the Member Secretary
 - (iii) Medical Officer
 - (iv) one member of the civil society working in the area of child rights care protection and welfare
 - (v) one mental health expert who has experience of working with children
- (9) The District Inspection Committee shall inspect all Child Care Institutions in the district in **Form 46**
- (10) The inspection of the facilities housing children in the district in the district shall be carried out at least once every three months
- (11) The District Inspection Committee shall submit the report of the findings to the District Child Protection Unit or the State Government and shall

also make suggestions for improvement and development of the Child Care Institutions in accordance with the provisions of the Act and the rules made thereunder

(12) The District Inspection Committee shall interact with the children during the visits to the institution to determine their well being and to elicit their feedback

(13) The District Child Protection Unit shall take necessary follow up action on the report of the District Inspection Committee

42 Evaluation (1) The evaluation of functioning of the Board Committee special juvenile police units registered institutions or recognized fit facilities and persons under the Act may be done by the Central Government or the State Government once in three years through institutions and agencies such as reputed academic institutions schools of social work of Universities Management Institutions multidisciplinary Committee especially constituted for the purpose etc

(2) The findings of the evaluation as per sub rule (1) above shall be shared between the Central and State Governments in order to strengthen and improve the functioning of different structures

Rule 19

- (1) Every institution shall maintain a register of admission and discharge of children in form VI and get the children admitted to the institution to be medically examined once in every month
- (2) Every child admitted to an institution shall be supplied with a set of clothes and the clothes worn by the child at the time of admission shall be destroyed if they are in rages or filthy or verminous condition in other cases the clothes shall be returned to the parents guardian or relatives of the child and if it is not possible to do so shall be washed tied up in a bundle and stored and returned to the child on his discharge
- (3) Every child admitted to an institution shall be got medically examined from the Medical Officer of the institution or from the local hospital and the child to be found suffering from any venereal disease shall be kept as par as possible separate from other children The child suffering from minor ailment shall be got treated from the Medical Officer of the institution but in case of serous illness he shall be taken to the nearest hospital for admission and a report to that effect shall be sent to the Chief Child Welfare Officer by the superintendent of the institution
- (4) Every institution shall supply the children with diet and clothing and bedding in accordance with the scales specified in tables A and B given below

Table A

1	Atta	500 grams per day
2	Sugar	35grams per day
3	Vegetable ghee	35 grams per day
4	Pulses	50 grams per day
5	Vegetable	250 grams (including onion) per day
6	Milk	250 grams per day
7	Salt	15 grams per day
8	Haldi	1 gram per day
9	Chillies	1 gram per day
10	Spices	½ gram per day
11	Tea	1 gram per day
12	Firewood	1 kilogram per day
13	Gur	250 grams (per month during winter October to March)
14	Washing soap	250 grams per month
15	Lifebuoy soap	1 cake per month
16	Mustard Oil	125 gram per month
17	Rice	150 grams in lieu of 200 grams Atta (twice a week according to choice of children)
18	Datan fresh	One
19	Sweet dish or special Dish or fruit	50 paise per dish twice a week

Table B

	Name of articles	Number	Period
1	Pajamas	1 pair	One year
2	Kurta	1	One year
3	Pants (Khaki)	2	One year
4	Shirts (one khaki and one white)	2	One year
5	Turban (for Sikhs only)	1	One year
6	Banyans	3	One year
7	Underwear	3	One year
8	Handkerchiefs	3	One year
9	Towels	2	One year
10	Comb	1	One year
11	Bed sheets	2	One year
12	Pillow	1	One year
13	Bed cover	1	One year
14	Jersey Woollen	1	Two years
15	Khes	1	Two years
16	Pillow cases	2	Two years
17	Woollen Coat	1	Two years
18	Durri	1	Five years
19	Quilt	1	Five years
20	Mattress	1	Five years
21	Blanket	1	Five years
22	Quilt covers	2	Five years
Shoes			
23	Chappals	1 pair	One year
24	Shoes	1 pair	One year
25	Shoes Canvas	1 pair	One year
26	Socks Woollen	1 pair	One year
27	Socks Nylon	2 pair	One year
28	Boot Polish	3 tins	One year

Provided that the aforesaid scales may be increased or decreased so as to remain within the limit of amount fixed by the Government from time to time

- (5) The institution shall be responsible for-
- i security custody and discipline
 - ii inspecting the food daily so as to ensure that same is cooked and distributed among the children properly and
 - iii moral education and training
- (6) The institution shall inform in respect of the escape or recapture of any child admitted therein to
- a) the Chief Child Welfare Officer
 - b) the District Magistrate and

- c) the Station House Officer of the nearest Police Station
- (7) Every institution shall inform the Chief Child Welfare Office and the parents guardians or relatives if any in respect of death of any child admitted in the institution. If the parents guardians or relatives fail to take possession of the dead body within a period of six hours in case they reside within the locality in which the institution is situated or twenty four hours in case they reside elsewhere the same shall be disposed of in accordance with the faith of the child by the institution. The expenditure incurred by the institution in this respect shall not exceed one hundred rupees in any one case

Observation of the Committee

- 19 (1) The Committee would like to know for its information as to whether the health record of the children is maintained by the institution till discharge of the children or not?
- 19 (4) The Committee would like to discussed with the department representatives at the time of oral examination regarding Tables A and B mentioned in the Rule
- 19 (7) The Committee recommends that in fifth line of the sub rule (7) of the rule 19 the word six hour substitute the words twelve hours after intimation of death to make the sub rule more comprehensive. The Committee also recommends that the amount of Rupees one hundred for the purpose of dead body disposed of mentioned in the sub rule is required to be enhanced or suitably amended due to escalation of prices

The Department in their written reply stated as under

- 19 (1) In this regard it is submitted that Health Record of each children is maintained at Observation Homes/Special Home/Place of Safety
- 19 (4) All the children in Observation Homes/Special Home/Place of Safety are provided the Clothing Bedding Toiletries and other Articles as per the Rule 30 of Juvenile Justice (Care & Protection of Children) Model Rules 2016 (**Annexure B**) and the diet as per Rule 33 of Juvenile Justice (Care & Protection of Children) Model Rules 2016 (**Annexure C**)
- 19 (7) This department is agreeing with the recommendation of the committee. However the expenditure may enhance to Rs 5000/

Annexure B

- (7) The Person in charge shall stay within the institution and be provided with quarters and in case he is not able to stay in the Child Care Institution for valid reasons any other senior staff member of the institution shall stay in the institution and be in a position to supervise the overall care of the children and take decisions in the case of any crisis or emergency
- (8) There shall be proper and non slippery flooring for preventing accidents
- (9) There shall be adequate lighting heating and cooling arrangements ventilation safe drinking water clean and accessible gender and age appropriate and disabled friendly toilets and high walls with barbed wire fencing
- (10) All institutions under the Act shall
- (i) make provision of first aid kit fire extinguishers in kitchen recreation room vocational training room dormitories store rooms and counseling room
 - (ii) conduct periodic inspection of electrical installations
 - (iii) ensure proper storage and inspection of articles of food and
 - (iv) ensure stand by arrangements for water storage and emergency lighting
- (11) Special infrastructural facilities and necessary equipment shall be provided to differently abled children Such facilities and equipment shall be desined under the guidance of specialists or experts
- (12) Other logistical and functional requirements which would be provided may include
- (i) computer sets
 - (ii) photocopiers
 - (iii) printer scanner cum fax
 - (iv) telephone with internet facility
 - (v) web cam
 - (vi) furniture for officials record keeping cabinets work stations when chair and stretchers for medical room
 - (vii) chairs and tables for study and dining hall
 - (viii) projector

- 30 Clothing Bedding, Toiletries and other Articles** (1) The clothing and bedding shall be as per the scale and climatic conditions The requirements of each child and the minimum standards for clothing and bedding shall be as under

A BEDDING		
S No	Article	Quantity to be provided per child
1	Mattress	1 at the time of admission and subsequently 1 after every 1 year
2	Cotton Durry	2 at the time of admission and subsequently 2 after every 2 years
3	Cotton bed sheets	2 at the time of admission and

		subsequently 1 after every 6 months
4	Pillow (Cotton stuffed)	1 at the time of admission and subsequently 1 after every 1 year
5	Pillow covers	1 at the time of admission and subsequently 1 after every 1 year
6	Cotton blankets/Khes	2 at the time of admission and subsequently 1 after every 2 years
7	Cotton filled quilt	1 at the time of admission and subsequently 1 after every 2 years 9in cold region in addition to the blankets)
8	Mosquito net	1 at the time of admission and subsequently 1 after every 6 months
9	Cotton towels	2 at the time of admission and subsequently 1 after every 3 months

B Clothing for Girls

S No	Article	Quantity per child
1	Skirts and Blouse or Salwar Kameez or Half Sari with Blouse and Petticoat	5 sets per year for girls depending on age and regional preferences
2	Age appropriate undergarments	3 sets every quarter
3	Sanitary Towels	12 packs per year for older girls
4	Woolen Sweaters (full sleeves)	2 sweaters yearly
5	Woolen Sweaters (half sleeves)	2 sweaters yearly
6	Woolen Shawls	1 per year
7	Nightwear	2 sets every 6 months

B Clothing for Boys

S No	Article	Quantity per child
1	Shirts	2 at the time of admission and subsequently 1 after every 6 months
2	Shorts	2 at the time of admission and subsequently 1 after every 6 months for younger boys
3	Pants	2 at the time of admission and subsequently 1 after every 6 months for older boys
4	Age appropriate	3 sets every quarter

	undergarments	
5	Woolen jersey (full sleeves)	2 yearly
6	Woolen jersey (half sleeves)	2 yearly
7	Woolen Caps	1 in 1 year
8	Kurta Pyjama for night wear	2 sets every 6 months

C Miscellaneous Articles		
1	Slippers	1 pair at the time of admission and subsequently after every 6 months
2	Sports shoes	1 pair at the time of admission and subsequently 1 pair after every 1 year
3	School uniform	2 sets every six months for children attending schools
4	School bag	1 every year for children attending schools
5	School shoes	1 pair at the time of admission in school and subsequently 1 pair after every 6 months
6	Handkerchiefs	2 at the time of admission and subsequently 2 after every 2 months
7	Socks	3 pairs every six months
8	Stationery	As per need

- (2) In addition to the clothing specified above each child shall be provided once in three years with a suit consisting of one white shirt one pair of shorts or pants one pair of white canvas shoes and one blazer for use during ceremonial occasions In the case of girls it shall be one white half sari or one salwar kameez or one white skirt and one white blouse a pair of white canvas shoes and a blazer
- (3) In every hospital attached to the institution where there is provision for in patient coats the following scale has to be followed

S No	Night clothing and bedding	Scale for supply
1	Mattress	One per bed per 3 years
2	Cotton bed sheets	Four per bed per year
3	Pillows	One per bed per two year
4	Pillow covers	Four per bed per year
5	Woolen blankets	One per bed per 2 years
6	Pyjamas and loose shirts (hospital type)	3 pairs per child per year

	for boys)	
7	Skirts and blouses or salwar kameez for girls	3 pairs per child per year
8	Cotton durry	One per bed per three years

- (4) Toiletry Every resident of the child Care Institution shall be issued oil soap and other material as per the following scale

S No	Items	Quantity to be issued per child
1	Hair Oil for grooming the hair	100 ml per month
2	Toilet soap/handwash	2 bars of 100gm per month
3	Tooth brush	1 in every 3 months
4	Toothpaste	100gm (a tube) per month
5	Comb	1 in every 3 month
6	Shampoo sachets	8 in a month (10ml/per sachet)
7	Bathing soap	2 bars of 125gm per month
8	Hair clip/band	2 bands in 3 month
9	Moisturiser or cold cream (during winters)	250 ml in a month

- (5) For washing of clothes and towels bed-sheet etc the following scale may be followed
- washing soap 3 soaps for one month (125 gms) or equivalent washing powder
 - whitening or bleaching agent to the extent required only for white clothing

The hospital clothing shall not be mixed with other clothing at the time of washing and if necessary the Superintendent can issue the above items separately for washing of hospital clothing The superintendent may get installed washing machines as required

- (6) The following items shall be provided for maintain the Child Care Institutions in a healthy and sanitary condition

S No	Items	Scale of Supply
1	Broom stick	25 to 40 per month depending on the area of the institution
2	Pesticide spray	As per the institution doctor s advise
3	Effective bugs killing agent	As required
4	Phenyl and cleaning acid	Depending on the area of lavatories to be (daily) cleaned as per

		institution doctor s advice
5	Mosquito repellent machines	2 per room per month with adequate fillets

31 Sanitation and Hygiene (1) Every Child Care institution shall have the following facilities namely

- (i) sufficient treated drinking water water filters or RO shall be installed at multiple locations in the premises for easy access such as kitchen dormitory recreational room etc
- (ii) sufficient water including hot water for bathing and washing clothes maintenance and cleanliness of the premises
- (iii) proper drainage system with regular maintenance
- (iv) arrangements for disposal of garbage
- (v) protection from mosquitoes by providing mosquito nets or repellants
- (vi) annual pest control
- (vii) sufficient number or well lit and airy toilets with proper fittings in the proportion of at least one toilet for seven children
- (viii) sufficient number of well lit and airy bathrooms with proper fittings in the proportion of at least one bath room for ten children
- (ix) sufficient space for washing and drying of clothes
- (x) washing machine wherever possible
- (xi) clean and fly proof kitchen and separate area for washing utensils
- (xii) sunning of bedding twice every month and clothing on regular basis
- (xiii) maintenance of cleanliness in the Medical Centre
- (xiv) daily sweeping and wiping of all floors in the home
- (xv) cleaning or washing of the toilets and bathrooms twice everyday
- (xvi) proper washing of vegetables and fruits and hygienic manner of preparing food
- (xvii) cleaning of the kitchen slabs floor and gas after every meal
- (xviii) clean and pest proof store for maintaining food articles and other supplies
- (xix) disinfection of the beddings at least once a year
- (xx) fumigation of a sick room or isolation room after every discharge in case of contagious or infectious disease and
- (xxi) cleanliness in medical centre

32 Daily Routine - (1) Every Child Care Institution shall have a daily routine for children developed in consultation with the Children's Committees which shall be prominently displayed at various places within the Child Care Institution

- (2) The daily routine may provide *inter alia* for a regulated and disciplined life personal hygiene and cleanliness physical exercise yoga

educational classes vocational training organized recreation and games moral education group activities prayer and community singing and special programmes for Sundays and holidays and national holidays festive days birthdays

Annexure C

Rule 33 of Juvenile Justice (Care & Protection of Children) Model Rules 2016

33 Nutrition and Diet Scale (1) The following nutrition and diet scale shall be followed by the Child Care Institutions namely

- (i) the children shall be provided four meals in a day including breakfast
- (ii) the menu shall be prepared with the help of a nutritional expert or doctor to ensure balanced diet and variety in taste as per the minimum nutritional standard and diet scale
- (iii) every Child Care Institution shall strictly adhere to the minimum nutritional standard and diet scale suggested as specified below

Sr No	Name of the articles of diet	Scale per head per day
1	Rice/Wheat/Ragi/Jowar	600 gms (700 gms for 16-18 yrs age) of which atleast 100 gms to be either Wheat or Ragi or Jowar or Rice
2	Dal/ Rajma/ Chana	120 gms
3	Edible Oil	25 gms
4	Onion	25 gms
5	Salt	25 gms
6	Turmeric	05 gms
7	Coriander Seed Powder	05 gms
8	Ginger	05 gms
9	Garlic	05 gms
10	Tamarind/ Mango powder	05 gms
11	Milk (at breakfast)	150 ml
12	Dry Chillies	05 gms
13	Vegetables Leafy	100 gms
	Non – leafy	130gms
14	Curd or Butter Milk	100 gms/ml
15	Chicken once a week or Eggs 4 days	115 gms
16	Jaggery& Ground Nut Seeds or Paneer (vegetarian only)	60 gms each (100 gms for paneer) Once in a week

17	Sugar	40 gms
18	Tea/Coffee	5gm
19	Sooji/Poha	150 gms
20	Ragi	150 gms
	Following items for 50 Children per day	
21	Pepper	25 gms
22	Jeera Seeds	25 gms
23	Black Gram dal	50 gms
24	Mustard Seeds	50 gms
25	Ajwain Seeds	50 gms
	On Chicken Day for 10 Kg of Chicken	
26	Garam Masala	10 gms
27	Kopra	150 gms
28	KhasKhas	150 gms
29	Groundnut Oil	500 gms
	For Sick Children	
30	Bread	500 gms
31	Milk	500 ml
32	Khichadi	300 gms
	Other Items	
33	LP Gas for Cooking only	

- (2) Children may be provided special meals on holidays festivals sports and cultural day and celebration of national festival
- (3) Infants and sick children shall be provided special diet according to the advice of the doctor on their dietary requirement
- (4) The requirement of each child shall also be taken into account including need for iron and folic acid supplements
- (5) The menu for the day shall be prepared in consultation with the Children's Committee and shall be displayed in the dining hall
- (6) Variation in diet may be as per seasonal and regional variations a suggested diet variation is given below
 - (i) varieties of dal e.g. Toor (Arhar) Moong (Green Gram) and Chana (Bengal Gram) may be given alternatively
 - (ii) on non vegetarian days vegetarian children shall be issued with either 60 gms of jaggery and 60 gms of groundnut seeds per head in the shape of laddus or any other sweet dish or 100 gms paneer

- (iii) leafy vegetables such as Fenugreek (Methi) Spinach (Palak) Sarson (Mustard leaves) Gongura Thotakura or any other saag etc may also be issued once in a week. If a kitchen garden is attached to any institution leafy vegetables should be grown and issued and the Superintendent should try to issue variety of vegetables and see that the same vegetable is not repeated for at least a period of one week
 - (iv) seasonal fruits shall be provided in a non repetitive manner in sufficient quantities
 - (v) the Person in charge may make temporary alterations in the scale of diet in individual cases when considered necessary by him or on the advice of the doctor of the institution subject to the condition that the scale laid down is not exceeded
- (7) Meal Timing and Menu
- (i) **Breakfast – 7 30 a m to 8 30 a m**
 - (a) upma or chapattis made of wheat or ragi or any other dish
 - (b) chutneys from Gongura or fresh curry leave or fresh coriander or Coconut and Putnadal etc dal or vegetable may be issued as a dish
 - (c) milk
 - (d) any seasonal fruit in sufficient quantity
 - (ii) **Lunch at 12 30 to 1 30 P M and Dinner – 7 00 P M – 8 00 P M**
 - (a) rice or Chapattis or combination of both
 - (b) vegetable curry
 - (c) sambar or dal
 - (d) butter milk or curd
- (8) Others
- (i) depending on the season the Person-in charge shall have the discretion to alter the time for distribution of food
 - (ii) on the advice of the institution's doctor or at the discretion of the Person in charge every sick child who is prevented from taking regular food on account of his ill health may be issued with medical diet as per the scale for sick children
 - (iii) extra diet for nourishment like milk eggs sugar and fruits shall be issued to the children on the advice of the institution doctor in addition to the regular diet to gain weight or for other health reasons and for the purpose of calculation of the daily ration the sick children shall be excluded from the day's strength
 - (iv) special lunch or dinner may be provided to the children at the Child Care Institution at the rate fixed by the Person in charge of the Child Care Institution from

time to time on national festivals and festival occasions including

- (a) Republic Day (26th January)
- (b) Independence Day (15th August)
- (c) Mahatma Gandhi's Birth day (2nd October)
- (d) Children's Day (14th November)
- (e) National festivals
- (f) Local festivals
- (g) Annual Day of the Child Care Institution

Rule 20

- (1) Every institution including its departments shall be inspected at least once in every quarter by the Chief Child Welfare Officer Probation Officers or such other officers as may be appointed by the Government
- (2) The Officers mentioned in sub rule (1) shall also have a right to visit a fit person at any time
- (3) In case the institution is for the reception of girls mainly and the fit person is such in shoes care mainly the girls are placed and the inspection is not made by the Chief Child Welfare Officer the visitors shall where ever be practicable be a woman
- (4) Any place of safe custody in which the child is kept shall be open to inspection by any members of the Board Magistrate of the children's court Chief Child Welfare Officer Probation Officer and any other officer as the Government may specify in that behalf
- (5) The Chief Child Welfare Officer shall either on his own inspection or on the inspection report of other officer Communicate to the superintendent of the institution so inspected such suggestions of directions as he may deem fit and necessary

Observation of the Committee

The Committee is of the view that the inspection of institution including its departments should be inspected by the concerned officer once in a month instead of once in every quarter as mentioned in the rule

The Department in their written reply stated as under

This department is agreeing with the recommendation of the committee However as per sub section (2) of Section 54 of Juvenile Justice (Care & Protection of Children) Act 2015 State Level Inspection Committee and District Level Inspection Committees should visit the CCI once in three months
(Annexure D)

Annexure D**Sub Section 2 of Section 54 of Juvenile Justice (Care & Protection of Children) Act, 2015**

- 54** (1) The State Government shall appoint inspection committees for the State and district as the case may be for all institutions registered or recognised to be fit under this Act for such period and for such purposes as may be prescribed
- (2) **Such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer and submit reports of the findings of such visits within a week of their visit to the District Child Protection Units or State Government, as the case may be, for further action**

Rule 25

- (1) The competent authority making an order under sub section (1) of Section 55 may direct the parent or other person liable to maintain the child to pay to the competent authority in advance in the beginning of each month such sum of money not exceeding fifty rupees in the aggregate per mensem as the competent authority may think fit towards the maintenance of such child
- (2) All such recoveries shall be credited by the competent authority into Government treasury as miscellaneous receipts of Government

Observation of the Committee

The Committee recommends that the sum of money not exceeding fifty rupees for maintenance of child as mentioned in the rule required to be enhanced or suitably amended due to escalation of prices

The Department in their written reply stated as under

The maintenance expenditure of the children residing in Observation Home/Special Home/Place of Safety is bear by the State Government/Centre Government itself

Rule 29

The parent guardian or other fit person under whose care a child has been placed under sub section (1) of Section 15 or under clause be sub section (1) of Section 20 by a competent authority shall

- (a) Make arrangements for teaching training lodging clothing feeding of the child properly
- (b) Arrange for the proper medical care of the child whenever necessary
- (c) See that the child is not assaulted abandoned exposed or willfull neglected in manner likely to cause the child unnecessary mental or physicy suffering
- (d) Provide the child with facilities for the development of character and abilities
- (e) Protect the child against moral danger and exploitation
- (f) Be responsible for the good behavior and conduct of the child
- (g) Prevent the child from being associated with undesirable persons or societies and
- (h) Protect the child from all types of social vice and ensure the general welfare of the child

Observation of the Committee

- 29 (a) The Committee recommends that the word clothing mentioned in Rule 29(a) be substituted the word clothing to make the rule grammatically correct
- 29 (c) The Committee recommends that the word willfull mentioned in Rule 29(c) be substituted the word wilfully to make the rule grammatically correct

- 29 (h) The Committee recommends that the word social vice mentioned in Rule 29(h) be substituted the word social vices to make the rule grammatically correct

The Department in their written reply stated as under

- 29 (a) This department is agreeing with the recommendation of the committee
 29 (c) This department is agreeing with the recommendation of the committee
 29 (h) This department is agreeing with the recommendation of the committee

Rule 30

- (1) In the case a child whose ordinary place of residence lies outside the jurisdiction of the competent authority and he competent authority deems it necessary to take action under section 33 it shall direct a preparation officer to make enquiries as to the fitness and willingness of the relative or other person to receive the child at his ordinary place of residence and whether such relative or other fit person can exercise care and control over the child
- (2) On being satisfied on the report of the probation officer the competent authority may send the child if necessary on execution of bond by the child as nearly as in form XI to the said relative or fit person on giving an undertaking by the said relative or fit person in form XI
- (3) A copy of the orders passed by the competent authority under section 33 shall be sent to
 - (a) the probation Officer who was directed to submit report under sub rule (1)
 - (b) the Probation Officer if any having jurisdiction over the place where the child is to be sent
 - (c) the court having jurisdiction over the place where the child is to be sent and
 - (d) the relative of the person who is to receive the child
- (4) Any breach of the bond or undertaking given under rub rule (2) shall render the child if found at any time at any place within the State of Haryana liable to be brought before the competent authority who may make an order directing the child to be sent to an institution
- (5) During the pendency of the orders under sub rule (3) the child shall be sent by the competent authority to an observation home

Observation of the Committee

- 30 (1) The Committee recommends that in fourth line of the rule 30(1) the words preparation officer seems incorrect It should be corrected accordingly to make the rule correct
- 30 (4) The Committee recommends that the words rub rule mentioned in first line of the Rule 30(4) be substituted the words sub rule to make the rule grammatically correct

The Department in their written reply stated as under

- 30 (1) This department is agreeing with the recommendation of the committee
The words 'preparation officer' should be replaced with 'Probation Officer'
- 30 (4) This department is agreeing with the recommendation of the committee

Rule 32

Any hospital, surgery or any other suitable place or institution, the occupier or manager of which is willing temporarily to receive a child suffering from dangerous disease or mental disorder for so long a period as may be necessary, may be recognised by the Government to be an approved place for the purposes of sub-section (i) of Section 30 and rule 8.

Observation of the Committee

The Committee recommends that the words 'sub-section (i)' mentioned in fifth line of the Rule 32 be substituted with the words 'sub-section (1)' to make the rule grammatically correct.

The Department in their written reply stated as under

This department is agreeing with the recommendation of the committee

Rule 37

- (1) No child shall be allowed to meet the visitors or receive letters without permission of the superintendent and no visitor shall be permitted to interview any child except in the presence of the superintendent or other officer of the institution so authorised by the superintendent in this behalf.
- (2) The visitors may be allowed to meet the children on Saturday and Sunday between 4 P.M. to 6 P.M. but in case of urgency they may be allowed on other days and at other times with the special permission of the superintendent. The privilege of receiving visitors may be refused on the orders of the superintendent as a punishment for misconduct by the child or if it is used to introduce any prohibited article into the institution or if the visitor has or is likely to have in the opinion of the superintendent a bad influence on child or for any other sufficient cause. The superintendent shall record the reasons for such refusal in the office journal.
- (3) Every child should be allowed to write or receive a letter once a month during the period of his stay in the institution subject to the conditions of good conduct.
- (4) If the address of the parents or guardian is known they shall be given notice of any serious illness of the child and the superintendent shall answer any reasonable queries made by the Parents or guardians.
- (5) No letter shall be delivered to or sent by a child unless the superintendent satisfied himself that its transmission is unobjectionable.
- (6) The superintendent may at his discretion grant interviews or allow the dispatch or receipt of letters at short intervals then those provided in

sub rule (3) in spite of the child's misconduct if he considers that special or urgent grounds exist

- (7) A register in form XIII shall be maintained by the superintendent for recording the visits of visitors. Cases of refusal to permit visits shall be recorded in the said register together with reasons
- (8) A register of correspondence between the children and their parents and guardians shall be maintained in form XIV

Observation of the Committee

- 37 (2) The Committee wants to discuss with department representative at the time of oral examination regarding the Hours between 4 00 P M to 6 00 P M to meet the children
- 37 (3) The Committee is of the view that children should be allowed to write or receive a letter twice a month instead of once in month as mentioned in the rule

The Department in their written reply stated as under

- 37 (2) In this regard it is submitted that two hours time is not enough to meet the children
However generally in Observation Homes/Special Home/Place of Safety two days (09 00 AM to 05 00 PM) in a week are provided to meet the children
- 37 (3) As per sub rule 4 of Rule 74 of Juvenile Justice (Care & Protection of Children) Model Rules 2016 (**Annexure E**) Every child shall be allowed to write two letters in a week to his parent or guardian or to his relatives. Necessary stationery and postage for the letters shall be provided by the Person in charge
Further as per sub rule 7 of Rule 74 of Juvenile Justice (Care & Protection of Children) Model Rules 2016 (**Annexure F**) The Person in Charge may allow a child to speak with his parents or guardians on telephone once a week under supervision of the Child Welfare Officer or Case Worker or Probation Officer and record shall be duly maintained

Annexure E**Sub Rule 4 of Rule 74 of Juvenile Justice (Care & Protection of Children) Model Rules, 2016****74 Visits to and communication with children**

- (1) Every child in the Child Care Institution may be permitted to have one meeting in a week with his relatives. Provided that in special cases where parents or guardians have travelled a long distance from another State or District the Person-in charge may allow the parents or guardians entry into the premises and a meeting with their children on other days on confirmation of their identity and they being reported not to have been involved in subjecting the child to abuse and exploitation.
- (2) A newly received child shall be permitted to meet his parent or guardian or family member on their first visit on any day.
- (3) No meeting shall be permitted with the parent or guardian or relatives where such visitors have been found to be involved in subjecting the child to violence, abuse and exploitation or carrying any prohibited articles except with the express permission granted by the Board or the Committee or the Children's Court or when such meeting has been specifically directed by the counsellor of the child.
- (4) **Every child shall be allowed to write two letters in a week to his parent or guardian or to his relatives. Necessary stationery and postage for the letters shall be provided by the Person in charge.**

Annexure F

Sub Rule 7 of Rule 74 of Juvenile Justice (Care & Protection of Children) Model Rules, 2016**74 Visits to and communication with children**

- (1) Every child in the Child Care Institution may be permitted to have one meeting in a week with his relatives. Provided that in special cases where parents or guardians have travelled a long distance from another State or District the Person in charge may allow the parents or guardians entry into the premises and a meeting with their children on other days on confirmation of their identity and they being reported not to have been involved in subjecting the child to abuse and exploitation.
- (2) A newly received child shall be permitted to meet his parent or guardian or family member on their first visit on any day.
- (3) No meeting shall be permitted with the parent or guardian or relatives where such visitors have been found to be involved in subjecting the child to violence, abuse and exploitation or carrying any prohibited articles except with the express permission granted by the Board or the Committee or the Children's Court or when such meeting has been specifically directed by the counsellor of the child.
- (4) Every child shall be allowed to write two letters in a week to his parent or guardian or to his relatives. Necessary stationery and postage for the letters shall be provided by the Person in charge.
- (5) The Person in charge may peruse any letter written by or to the child and may for reasons to be noted in the case file of the child refuse to deliver or issue the letter. A report of the same shall be prepared and placed before the Management Committee. A copy of the report shall be retained on the case file and another copy shall be sent to the Board or the Children's Court or the Committee.
- (6) Every child shall be allowed to bring any written communication for the purpose of handing over to the Board or the Committee or the Children's Court as the case may be and be provided stationery etc for the same.
- (7) **The Person in-charge may allow a child to speak with his parents or guardians on telephone once a week under supervision of the Child Welfare Officer or Case Worker or Probation Officer and record shall be duly maintained of such calls.**

Rule 38

- (1) The following acts are forbidden in the institutions namely -
 - (a) quarrelling with any other child
 - (b) an assault or use of criminal force
 - (c) use of insulting, obscene or threatening language
 - (d) immoral or indecent or disorderly behaviour
 - (e) disabling himself for work
 - (f) damage to the property of institution
 - (g) interference in the management of institution

- (h) receiving possessing or transferring any prohibited articles
- (i) conspiring to escape or to assist in escaping
- (j) answering untruthfully any question put by an officer of institution or a visitor
- (k) refusing to eat food or destroying food
- (2) The Superintendent may award any of the following punishment a child who commits any of the acts mentioned in sub rule (1)
 - (a) deprivation of playing hours
 - (b) temporary cessation of visits from parents or guardians
 - (c) change of work of severs nature for a period of not exceeding three months
 - (d) segregation from rest in the separate room of institution for a period not exceeding two days in twelve months
- (3) The Superintendent shall maintain a register in which he shall record full particulars of the punishment inflicted by him together with the nature of offences the names of the defaulters and the number of previous punishments awarded to them The superintendent shall send an extract from the register to the Chief Child Welfare Officer before the tenth of every month

Observation of the Committee

- 38 (2)d The Committee recommends that the punishment of segregation from rest in separate room of institution for a period not exceeding two days in twelve month is very short period It should be amended suitably

The Department in their written reply stated as under

- 38 (2)d This department is of the view that two days may be replaced with seven days

Rule 39

- (1) The Superintendent of an institution or a fit person to whose care a child has been committed may on sufficient cause being shown to its satisfaction grant permission in writing to a child to absent himself for short period not exceeding fifteen days in the aggregate in a year exclusive of the time required for going to and returning from the destination for the purpose of visiting parents or relations
Provided that as far as possible previous approval of the Chief Child Welfare Officer shall be obtained for granting permission for a period exceeding seven days at a time
- (2) The permission granted under sub rule (1) may at any time be cancelled by an order in writing by the Superintendent and the child may be recalled by him without giving any reason therefor
- (3) The Chief Child Welfare Officer may on the application of parents recommend by the superintendent of an institution or fit person grant vacation leave up to six weeks excluding the days of journey at a time in a year to a child Such leave may be cancelled by the Chief Child

Welfare Officer by an order in writing and the child may be recalled by him without giving any reasons therefor

- (4) The period during which a child is absent from the institution under sub rule (1) or sub rule (3) shall be deemed to be part of the period of his detention in the institution

Observation of the Committee

- 39 (3) The Committee recommends that the second line of the sub rule 3 of the rule 39 after the word Parents the words or Guardian be inserted to make the rule more comprehensive

The Department in their written reply stated as under

- 39 (3) This department is agreeing with the recommendation of the committee

FORM I
(See rule 9)

(ORDER REQUIRING A PROBATION OFFICER TO MAKE ENQUIRES)

To

Probation Officer,

vvnernas

(1) a report/complaint under section _____ of
Haryana Children Act 1974 has been received from _____
in respect of _____ (name of the child) son/daughter
of _____ residing at _____
Or

(2) _____ (name of the child) son/daughter of _____
residing at _____ has been
produced before this Board under Sub section (1) of section 14 of the Haryana
Children Act 1974

Now therefore you are hereby directed to inquire into to the character and
social antecedents of the said child submit your report of social enquiries on or
before _____ or with in such further time as
may be allowed to you by this Board

Dated this _____ day of _____ 19

SEAL

(Signatures)
Chairman Child Welfare Board

Observation of the Committee

The Committee recommends that the figure 19 whichever mentioned in the
Form I be corrected accordingly

The Department in their written reply stated as under

This department is of the view that the figure 19 may be replaced with the
figure 20

FORM II

(See rule 11)

**WARRANT OF DETENTION UNDER SUB SECTION (2) OF SECTION 14 OF
UNDER CLAUSE (C) OF SUB-SECTION (1) OF SECTION 20 OF THE
HARYANA CHILDREN ACT 1974**

To
The Superintendent

Whereas on the _____ day of _____ 19____
_____(name of the child)

Son/daughter of _____ aged _____
residing at _____ being found in case No _____
*to be neglected child

*to have Committed an offence under section _____
was orderd by me _____

*Chairman Child Welfare Board

Children Court _____

under section _____ Haryana Children Act 1974 to be detained in the

*Children s Home

*Special School

for a period of _____

This is to authorise and require you to receive the said child into your custody
and to keep him/her in the _____

*Children s Home

*Special School

for the aforesaid order to be there carried into execution according to law

Given under my hand and the seal of the _____

*Children s Home

*Special School

This _____ day of _____ 19____

SEAL

*Chairman, Child Welfare Boord

*Children s Court

Encl

Copy of the judgement

If any or orders

Particulars of home and previous record

*Strike which is not required

Previous history under the Haryana Children Act 1974

Date	Order passed Including period of Detention if any	Section	Competent authority

Observation of the Committee

The Committee recommends that in first line of the Form II after the words sub section (2) the word o substituted the word of to make the Form II grammatically correct

The Committee also recommends that the figure 19 whichever maintained in the Form-II should be correct accordingly

The Department in their written reply stated as under

This department is agreeing with the recommendation of the committee Further this department is of the view that the figure 19 may be replaced with the figure 20

FORM IV

[See rule 17 (1)]

SUPERVISION ORDER

(When the child is placed under the care of a parent guardian or other fir person)

Case No _____ of _____ 19

Whereas _____
_____ has this day

(name of the child)
to be neglected child

been found _____ under section
_____ to have committed an offence

_____ and has been placed under the care of
(name) _____ (address) _____
on executing a bond by the said _____

And whereas this Board/Court is satisfied that it is expedient to deal with the
said child by making an order placing him/her under supervision

Now therefore it is hereby ordered that the said child be placed under the
supervision of _____ a probation officer for a
period of _____ subject to the following
conditions namely

- (1) that the child along with copies of the order and the bond executed by the said _____ will be produced before the probation officer/named therein
- (2) that the child will be submitted to the supervision of the probation officer
- (3) that the child will reside at _____ for a period of _____
- (4) that the child will not be allowed to quit the district jurisdiction of _____ without the written permission of the probation officer
- (5) that the child will not be allowed to associate with bad characters
- (6) that the child will live honestly and peaceably
- (7) that the child will attend the Attendance Centre regularly
- (8) that the person under whose care the child is placed will arrange for proper care education and welfare of the child
- (9) that preventive measures will be taken by the person under whose care the child is placed to see that the child does not commit any offence punishable by any law in force in India
- (10) that the child will be prevented from taking intoxicants
- (11)*
- (12)
- (13)*
- (14) **that the directions given by the probation officer time to time for the due observance of the conditions mentioned above will be carried out

Dated this _____ day of _____ 19

SEAL

Chairman, Child Welfare Board
Children s Court

*Additional conditions if any may be inserted by the Child Welfare Board/Children s Court

*To be renumbered if any

Observation of the Committee

The Committee also recommends that the figure 19 whichever maintained in the Form IV should be correct accordingly

The Department in their written reply stated as under

This department is of the view that the figure 19 may be replaced with the figure 20

FORM IX
[See rule 27 (1)]
FORM OF LICENCE

I _____ (name and designation of the licensing authority) Haryana State do by this licence permit _____ son/daughter of _____ caste _____ residence _____ number _____ who was ordered to be detained in a Children's Home/Special School by the Child Welfare Board/Children's Court _____ under section _____ of the Haryana Children Act 1974 for a term of _____ on the _____ day of _____ 19 _____ and who is not detained in the _____ at _____ to be discharged from the said _____ on conditions that he/she be placed under the supervision and authority of _____ during the remaining portion of the aforesaid period of detention

This licence is granted subject to the conditions endorsed on the reverse upon the breach of any of which it shall be liable to be revoked

Dated the _____

Signatures and designation of
the Licensing Authority

CONDITIONS

- 1 The licensee shall proceed to _____ and live under the supervision and authority of _____ until the expiry of the period of his/her detention unless the licence is sooner cancelled
- 2 He/She shall not without the consent of the said _____ remove himself/herself from that place or any other place which may be named by the said _____
- 3 He/She shall obey such instructions as he/she may receive from the said _____ with regard to punctual and regular attendance at employment or otherwise
- 4 He/She shall attend the attendance centre at _____ regularly
- 5 He/She shall abstain from committing any offence and shall lead a sober and industrious life to the satisfaction of _____
- 6 *
- 7 *
- 8 *
- 9 *
- 10 In the event of his/her committing a breach of any of the above conditions the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he/she shall be dealt with under sub section (3) of section 52 of Haryana Children Act 1974

I hereby acknowledge that I am aware of the above conditions which have been read over/explained to me and that I accept the same

(signatures or mark of the licensee)

Certified that the conditions specified in the licence have been read over explained to (Name _____) and that he/she has accepted them as the conditions upon which the remission of the period of detention has been granted to him/her and that he/she has been released according on the _____

Signatures and designation of the
Certifying authority
(i.e. Superintendent of the Institution)

*Additional conditions if any to be imposed may be inserted by the licensing authority

To be renumbered where necessary

Observation of the Committee

The Committee also recommends that the figure 19 whichever maintained in the Form IX should be correct accordingly

The Department in their written reply stated as under

This department is of the view that the figure 19 may be replaced with the figure 20

Signature of mark

*Additional conditions if any may be entered by the Court/Board

Observation of the Committee

The Committee also recommends that the figure 19 whichever maintained in the Form XI should be correct accordingly

The Department in their written reply stated as under

This department is of the view that the figure 19 may be replaced with the figure 20



FORM XI

(See rule 30 (2))

Bond to be signed by a child who has been ordered under section 33 of the Haryana Children Act, 1974 to be to a relative or a fit person to his ordinary place of residence

Whereas I _____
inhabitant of _____ (give full
particulars such as House number road village/town tehsil district State)
have been ordered to be sent back to my native place by the Child Welfare
Board Children's Court _____

under section 33 of the Haryana Children Act 1974 on my entering into a bond
under sub rule (1) of rule 30 of the Haryana Children Rules 1974 to observe
the conditions mentioned herein below

Now therefore I do solemnly promise to abide by these conditions during
Period _____

I hereby bind myself as follows

- (1) that during the period _____ I shall
not ordinarily leave the village/town/district to which I am sent and shall
not ordinarily return to the State of Haryana or go any where else
beyond the said district without the prior permission of the Board/Court
- (2) that during the said period I shall attend work/school in the village/town
or in the said district to which I am sent
- (3) that in case of my attending work/School/at any other place in the said
district I shall keep the Board/Court informed of my ordinary place of
residence
- (4) that I shall be good behaviour and shall not in any way commit any
breach of conditions laid down in this bond and accepted by me
- (5) that during the period specified in the order I shall particularly observe
the following conditions -
 - (a) that I shall accept the guidance and assistance of the relative or fit
person to whom I am sent as named in the order and will obey the
directions given to me from time to time by the said person
 - (b) that I shall not play truant from home school work or place to
which I am sent
 - (c) that I shall live honestly and peaceably and will endeavour to earn
an honest livelihood/attend school regularly and obey the
authorities and shall not change my employment/school without the
permission of the relative or fit person to whom I am sent

(d)

(e) *

(f) *

- (6) In the case of my making default in observing any of the condition
specified above I shall on my re appearance before the competent
authority receive such order as the competent authority deems fit

Dated this _____ day of _____ 19____

FORM XII

[See rule 30 (2)]

Undertaking to be given by the person to whose care the child is to be sent to his native place

I _____ resident of _____ (give full particulars such as House number road village/town tehsil district State)
Do hereby declare that I am willing to take charge of _____ aged _____ under the orders of the child Welfare Board/Children's Court/ _____ subject to the following terms and conditions

- (i) I shall do my best for the welfare and education of the said _____ as long as he/she remains in my charge and shall make provision for his/her maintenance
- (ii) if his/her conduct is unsatisfactory I shall at once inform the competent authority
- (iii) In the event of his/her illness he/she shall have proper medical attention in the nearest hospital
- (iv) I undertake to produce him/her before the competent authority when to required

Dated this _____ day of _____ 19

Signatures

Signatures and address of witness (es)

- (1)
- (2)

Observation of the Committee

The Committee also recommends that the figure 19 whichever maintained in the Form XII should be correct accordingly

The Department in their written reply stated as under

This department is of the view that the figure 19 may be replaced with the figure 20

@ 2019

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