

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION

1973-74

SIXTH REPORT



HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH
MARCH, 1974

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INTRODUCTION

1. I, the Chairman of the Committee on Subordinate Legislation, having been authorised by the Committee to submit the report on their behalf, present this Sixth Report.
2. The Committee, consisting of eight Members including Advocate General, was nominated by the Speaker, Haryana Vidhan Sabha, under rule 243 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 31d July, 1973, *vide* notification No. HVS—LA(Sub Leg.)—5/73/54, dated the 3rd July, 1973.
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 place on record their appreciation for the valuable and willing assistance given by the Administrative Secretaries/Departmental Officers and the representative of the Law Department in their deliberations.
5. The Committee also place on record their high appreciation of whole-hearted co-operation and assistance given by the Secretary, Haryana Vidhan Sabha and his staff.

CHANDIGARH:

The 19th March, 1974.

RAM DHARI GAUR,

Chairman.

- (viii) Whether there appears to have been unjustifiable delay in the publication or laying it before Legislature;
- (ix) Whether for any reason its form or purport calls for any elucidation.

Rule 251 of the said rules lays down as follows :—

1. If the Committee is of opinion that any order 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 opinion that any other matter relating to any orders 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 find 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 framed under various Acts, irrespective of the fact whether these have been placed on the Table of the House or not.

The Committee has framed the working rules wherein the detailed procedure has been laid down. These rules find place at Annexure I of the First Report of the Committee for the year 1968-69. The copies of the said working rules were also distributed to the members of the Committee. Generally, the Committee, from time to time, selects some set of rules framed under various Acts for their scrutiny and examine them 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. After the rules and the departmental representatives have been examined, the Committee, prepare the report and present it to the House.

Some of the Parliamentary conventions established in connection with the scrutiny of rules, regulations, bye-laws, etc. are reproduced below.—

(1) The Committee would scrutinise only such rules as had already been framed and published in the Official Gazette and not the draft rules.

(2) The Committee would see that rules are framed under an Act as early as possible after the commencement of the Act and in no case this period should exceed six months. If the rules are not framed within six months of the commencement of the Act, the

Committee may ask the Department about the reasons for the delay in framing the rules. This is only by convention.

(3) Executive should ensure that no rule goes beyond the scope of the power delegated by Legislature. If the rules go beyond the scope of such delegation, 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, these 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.

GENERAL OBSERVATIONS / RECOMMENDATIONS OF THE COMMITTEE

(i) Delay in framing the Rules

The Committee note with regret that the Government framed certain rules, regulations etc long after the relevant Acts had been enacted. In this connection, a few examples may be quoted. The Haryana Restrictions on (Development and Regulation of) Colonies Act was enacted in the year 1971 and the Haryana Restrictions on (Development and Regulation of) Colonies Rules were framed in the year 1973. The Haryana Government Electrical Undertakings (Dues Recovery) Act, 1970, came into force on the 27th October, 1970 and the Haryana Government Electrical Undertakings (Dues Recovery) Rules, 1972, came into force on the 7th April, 1972. The Haryana Housing Board Act was enacted in the year 1971 and the Housing Board, Haryana (Borrowing of Loans) Rules were made in the year 1973.

The Committee observe that it is not understood how in the absence of rules, the purposes of the Act could exactly be carried out and are of the view that the delay in framing the rules actually defeats the very purpose and object of the Act under which they are framed.

In this connection, the Committee for the first time in para 10 of their Report for the year 1959-60, observed "that in a number of cases rules have been framed long after the promulgation of the relevant Acts and are, therefore, strongly of the view that it is absolutely essential that rules under the Act should be framed as soon as possible after the promulgation of the Acts. In other words, the time lag between the promulgation of the Acts and framing and enforcement of the Rules made thereunder should be as little as possible. It has further been observed that in some cases delay in framing the rules had actually defeated to some extent the object of the Act under which they have been framed."

The Committee for the year 1969-70, accordingly recommended that a procedure should be evolved by the Administrative Departments by which the delay in framing, publication and enforcement of rules may be minimised. This Committee reiterate the said recommendation.

The Committee in their first Report had recommended that rules should be framed within six months of the commencement of the Act.

and reiterated the said recommendation in their Second, Third, Fourth and Fifth Reports.

The Committee also reiterate the recommendation made earlier that ordinarily the rules should be framed under an Act as early as possible after the commencement of the Act and in no case this period should exceed six months. If no rules are framed within the said period after the commencement of the Act, the Department should bring in each case this fact to the notice of the Committee stating the reasons to the satisfaction of the Committee for not framing the rules within that period.

(ii) Reference of Section under which Rules are framed.

The main function of the Committee on Subordinate Legislation is to scrutinise and report to the House whether the powers to make regulations, rules etc; conferred by the Constitution or delegated by the Legislature are properly exercised by the Executive within the delegation.

The Committee observed that keeping in view the discharging of their functions promptly and smoothly, the reference of relevant sections of the Act, under which the rules are framed, should be indicated in the margin of each rule so that the Committee may be able to see whether a particular rule does not travel beyond the scope of the provisions of the Act in pursuance of which it is made.

The Committee reiterate the recommendation made in their earlier Reports that whenever rules are supplied to them the authority or the relevant section under which a particular rule has been framed should also be mentioned in the margin of each rule.

(iii) Supply of Printed and Corrected Copies of the Rules.

The Committee observed that certain departments supplied cyclo-styled/printed copies of the rules for the scrutiny of the Committee. During the scrutiny of the rules the Committee came across a large number of typographical/printing spelling mistakes in the cyclostyled copies as well as printed copies of the Rules, with the result that it was difficult for them to determine whether the errors were typographical or actually existed in the rules, as originally published in the official Gazette. In some cases, the Department supplied cyclostyled copies of the rules without comparing them with the rules published in the official Gazette.

The Committee reiterate their recommendations made in their earlier reports that the printed copies of the rules should be supplied to them by the Department concerned in the form in which the rules are published/republished in the Government Gazette. If it is necessary to supply the cyclostyled copies of the rules, the Government Department concerned should ensure that the cyclostyled copies are compared with the original rules duly corrected and amended up-to-date.

(iv) Certificate regarding supply of copies of the rules corrected up-to-date.

Some of the departments supplied copies of the rules which were not corrected up-to-date. The Committee observed that in the absence of

an up-to-date amended copies of the Acts and rules much time of the Committee is wasted and it affects the smooth working of the Committee. This also results in avoidable wastage of valuable time and energy of the Committee. The Committee in their Fourth and Fifth Reports recommended that the departments concerned should supply to the Committee a certificate alongwith each set of rules and Acts that these are corrected and amended up-to-date.

The Committee reiterate their recommendation and hope that the Government Departments concerned in future supply invariably to the Committee a certificate alongwith every set of rules and Acts that these are corrected and amended up-to-date.

(v) Supply of number of copies of Acts and Rules

In order that the Committee may function efficiently and effectively, the Committee should be supplied twenty-five copies of all Acts by the authority concerned (Legal Remembrancer) soon after their publication in the Gazette.

As soon as possible after the rules, orders and notifications are issued under an Act, 25 copies of all the rules or amendments thereto, orders and notifications made from time to time should be supplied by the Departments concerned to the Committee.

(vi) Supply of information asked for by the Committee.

The Committee observe that some of the Departments did not furnish the information in time asked for from them.

The Committee further observe with regret that in certain cases the Departmental Representatives promised to send the requisite information by the end of December, 1973, but the same has not been supplied to the Committee upto the date of the drafting of the Report.

(vii) Implementation of recommendations of the Committee.

The Committee observe with great regret that the work regarding the implementation of recommendations made by the Committee in their previous reports is very slow. Some of the Departments despite repeated reminders have not even intimated as to what action has so far been taken by them in regard to the implementation of the recommendations of the Committee made in their earlier reports.

The Committee reiterate their earlier recommendations made in their previous Reports that normally the recommendations/observations made by them should be implemented within a period of three or four months after the presentation of the Report to the House. If, however, any Department is unable to implement the recommendations/observations of the Committee within the stipulated period, Government should intimate to the Committee the reasons therefor.

(viii) Availability of Copies of Acts and Rules to public.

The Committee are of the view that copies of all the Acts and

rules framed thereunder, as amended up-to-date, are generally not available in the Government Press for use of the Public. The Committee, therefore, recommend that copies of all the Acts and rules made thereunder should be kept up-to-date in the Press for sale to the public.

SCRUTINY OF RULES / REGULATIONS

The Committee scrutinised the following rules, regulations, etc:—

1. The Punjab Professions, Trades, Callings and Employments Taxation Rules, 1956, framed under the Punjab Professions, Trades, Callings and Employments Taxation Act, 1956.
2. The Haryana Public Premises and Land (Eviction and Rent Recovery) Rules, 1973, framed under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972.
3. The Haryana Government Electrical Undertakings (Dues Recovery) Rules, 1972, framed under the Haryana Government Electrical Undertakings (Dues Recovery) Act, 1970.
4. (i) The Housing Board, Haryana (Conditions of Service of the Chairman and Members) Rules, 1972,
 (ii) The Housing Board, Haryana (Borrowing of Loans) Rules, 1973, and
 (iii) Regulations for the Grant of Permanent Travelling Allowance to the Staff of the Board;

framed under the Haryana Housing Board Act, 1971.

5. The Haryana Prevention of Beggary Rules, 1972, framed under the Haryana Prevention of Beggary Act, 1971.
6. The Haryana Ceiling on Land Holdings Rules, 1973, framed under the Haryana Ceiling on Land Holdings Act, 1972.
7. The Haryana Restrictions on (Development and Regulation of) Colonies Rules, 1973, framed under the Haryana Restrictions on (Development and Regulation of) Colonies Act, 1971.
8. The Punjab Panchayat Samitis (Primary Members) Election Rules, 1961, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.
9. The Punjab Zila Parishads Election Rules, 1961 framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961
10. The Punjab Panchayat Samitis and Zila Parishads Chairman and Vice-Chairman (Election) Rules, 1961, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.
11. The Punjab Panchayat Samitis (Co-option of Members)

Rules, 1961, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.

12. The Punjab Zila Parishads (Co-option of Members) Rules, 1961, framed under the Punjab Panchayat Samitis and Zila Parishad Act, 1961,

13. The Punjab Panchayat Samitis and Zila Parishads (Election Petition) Rules, 1961, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961,

1. THE PUNJAB PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS TAXATION RULES, 1956, FRAMED UNDER THE PUNJAB PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS TAXATION ACT, 1956. *Excise Taxation*

While going through the Provisions of Clause (g) of sub-section (2) of Section 11 of the Act, the Committee observed that Power to remit tax is to be provided in the rules, which is being a substantive Provision, is not proper.

During the course of oral examination the Departmental representative stated that the right to remit any tax payable to Government under the Act was inherent with the Government and no specific mention by way of authorising the State to be able to do so was really necessary in the Statute. Clause (g) of sub-section (2) of Section 11 was only the rule-making power of the Government in that behalf to regulate how remission could be granted.

The Committee observe that the Power to remit tax given in clause (g) of sub-section (2) of section 11 of the Act, being of a substantive nature, should have been provided independently and in a separate section of the Act, rather than empowering the State Government to make rules in this behalf. The rules may provide for regulating the procedure for carrying out the purpose of the substantive Provision of the Act.

The Committee observe that this matter be examined thoroughly in consultation with the Law Department and the Committee be informed of the position.

Rule 2—

"2. Definitions —In these rules unless there is anything repugnant in the subject or context,—

- (a) to (e) * * * * *
- (f) 'Excise and Taxation Commissioner' means any person holding for the time being the office of the Excise and Taxation Commissioner, Punjab, and includes such other officers as are authorised by the State Government to exercise the powers of the Excise and Taxation Commissioner under these rules;".

The Committee recommend in rule 2 (f), for the word "Punjab" the word "Haryana" be substituted.

Rule 11—

"11(1). Deduction of tax under section 7 of the Act.—(1) In the case of persons serving under the State or Central Government or in the employment of local authority, the Disbursing Officer shall recover the tax in equal monthly instalments. In the case of the first levy of tax in a financial year the tax due for the past months shall be deducted from the next payment of salary or leave allowance made to the assessee immediately following the receipt of the information from the Assessing Authority, and the balance amount of tax shall be deducted in equal monthly instalments immediately following the month in which the tax due for the past months has been deducted :

Provided that any tax remaining due for a financial year shall be deducted in the last month of that year."

The Committee observed whether the factory owners or private businessmen would be under any obligation to recover the tax from their employees ?

During the course of oral examination, the departmental representative stated that under the existing Act, private sector employers are under no obligation to recover tax from their employees. Government have noted the observations as to how the tax would be recovered from a person who is employed in some factory or private business and a proposal to meet this contingency is under examination.

3 The Committee observe that the matter be examined threadbare in consultation with the Law Department and Committee be informed of the position.

Rule 13—

"13 Remission of irrecoverable amount of tax.—The Excise and Taxation Commissioner may remit any irrecoverable amount of the tax."

4 The Committee, after orally examining the Departmental representative, recommend that in rule 13 after the word "may" the words "after recording the reasons" be inserted as the reasons for remittance should be recorded.

Rule 14—

"14 Appeals.—(1) (i) An appeal under Sub-Section (1) of Section 9 of the Act shall lie :—

- (a) In a case where the assessee is the Deputy Excise and Taxation Commissioner to the Excise and Taxation Commissioner; and
- (b) In other cases to the District Excise and Taxation Commissioner within the areas under his jurisdiction."

5 The Committee recommend that for the word "District" in rule 14 (b), be substituted by the word "Deputy"

6 The Committee also feel that in rule 14 (1) (i) (a) for the word "assessee", there should be "assessing authority". Secondly, if the assessee happen to be the Excise and Taxation Commissioner, there is no provision for appeal in his case. The Committee desire to get these two points examined and let the Committee know.

The departmental representative stated that these two points would be referred to the Legal Remembrancer Haryana, for advice.

The Committee recommend that these two points be examined by the Department in consultation with the Law Department and Committee be informed.

Rule 14(4)—

"14 (1)	*	*	*	*
(2)	*	*	*	*
(3)	*	*	*	*

(4) If the appeal is admitted the appellate authority, may, after giving reasonable opportunity to the appellant to be heard, confirm, vary or reserve the decision or order appealed against or may direct such further investigation to be made as it may think necessary, or remand the case for disposal with such direction as it thinks fit."

The Committee observed that the perusal of sub-rule (4) of rule 14 did not clearly mention about the announcement of the decision or intimation of the decision to the appellant. The Committee was of the view that this provision should be made clear so that the appellate authority should intimate the decision in each appeal to the appellant concerned.

The departmental representative stated that if the appellate authority passed an order in the presence of the appellant, then the announcement of the appellate authority in his presence could be deemed to be sufficient intimation, but, in case the appellate authority announces the decision after first reserving it and the appellant was not present, then he could communicate the decision to the appellant.

The Committee observe that the provision regarding intimation of the decision of the appellate authority to the appellant should be made in the rules.

After some discussion, the departmental representative undertook to get this matter examined in consultation with the Law Department and to intimate the position to the Committee.

7 The Committee recommend that this matter be examined in consultation with the Law Department and the Committee be informed at the earliest.

Form 'A'

8 The Committee recommend that in column 2, after "Father's name" insert "or husband's name".

Revised 2 THE HARYANA PUBLIC PREMISES AND LAND
(EVICTION AND RENT RECOVERY) RULES,
1973, FRAMED UNDER THE HARYANA
PUBLIC PREMISES AND LAND (EVICTION
AND RENT RECOVERY) ACT, 1972.

The Committee, after scrutinising the rules and the written replies to the observations of the Committee furnished by the Department, made the following further observations/recommendations :—

Rule 4—

"4 (1) Where the person on whom a notice under sub-section (1) of section 4, or sub-section (1) of Section 6 of the Act is to be served cannot be found, a copy of such notice shall, in addition to any other manner of service specified in the Act, be affixed in a conspicuous part of the last known place of business of such person or be delivered to some adult member of his family.

(2) The Collector may also proclaim the contents of any notice in the locality by beat of drum".

↑ The Committee observe that in rule 4(1), after the words, 'Place of business of such persons' the words "in the presence of two witnesses preferably of the locality in which the public premises is situated" be inserted.

✓ The committee observe that for rule 4(2), the following shall be substituted :—

"(2) The Collector may also cause the contents of any notice proclaimed in the locality by beat of drum".

The Department in their written reply agreed to this recommendation of the Committee

The Committee recommend that rule 4 be amended in the light of the said observations of the Committee.

Rule 5—

"5 (1) If any obstruction is offered, or is in the opinion of the Collector likely to be offered, to the taking possession of any public premises under the Act, the Collector or any other officer duly authorised by him in this behalf may obtain necessary police assistance

(2) Where any public premises of which possession is to be taken under the Act is found locked, the Collector or any

other officer duly authorised by him in this behalf may either seal the premises or in the presence of two witnesses preferably of the locality in which the public premises is situated break open the locks or open or cause to be opened any door, gate or other barrier and enter the premises.

Provided that—

- (a) * * * *
- (b) Where any public premises is forced open, an inventory of the articles found in the premises shall be prepared in the presence of two witnesses preferably of the locality in which the public premises is situated."

3 The Committee recommend that in sub-rule (2), line 2, for the word "he" the word "the" and in the proviso (b) of this sub-rule, for the word "premises" the words "premises is" be substituted, as these are printing mistakes.

Rule 6—

"6 In assessing damages for unauthorised use and occupation of any public premises, the Collector shall take into consideration the following matters, namely :—

- (a) the purpose and the period for which the public premises were authorised occupation ;

(b) * * * *

(c) * * * *

(d) * * * *."

4 The Committee recommend that in clause 6(a), for the words "authorised occupation" the words "in unauthorised occupation" be substituted as the same seems to be a printing mistake.

Rule 7—

"7(1) Where any person on whom a notice or order under the Act, has been served, desires to be heard through his representative, he should authorised such representative in writing

- (2) The Collector shall record the summary of the evidence produced before him. The summary of such evidence and any relevant documents filed before him shall form part of the records of the proceedings."

5 The Committee observed that in sub-rule (1), for the word "authorised" the word "authorise" be substituted and further observed that for sub-rule (2), the following sub-rule be substituted :—

- 6 "(2) The Collector shall record the evidence produced before him. The evidence and any relevant documents filed before him shall form part of the records of the proceedings."

The Department in their written reply stated that for expeditious disposal of cases it is desirable that provision be made for recording the substance or summary of the evidence produced before the Collector. The summary will form part of the record of the proceedings.

During the course of oral examination the Committee enquired whether instead of summary evidence the entire evidence be recorded or the parties will have the right of cross examination. The Departmental representative stated that in the Revenue Rules there was a provision for recording of summary evidence and, however, the Department would examine this matter in the light of this discussion and observation of the Committee and inform the latter in writing within fifteen days, but the Committee is constrained to note that the reply in the matter has not been received by it till the date of writing this report.

7 Nevertheless, the Committee recommend that this matter be examined threadbare by the Department and, if necessary, in consultation with the Law Department, Haryana, and the Committee be informed of the position.

"FORM B

Order under sub-section (1) of section 5 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972.

'Whereas I, the undersigned, am satisfied for the reasons recorded below that Shri/Shrimati/Kumari is/are in unauthorised occupation of the public premises specified in the schedule below :

* * * * *

8 The Committee recommend that in form B, after the words and signs "Shri/Shrimati/Kumari " occurring for the first time the words "Son/Wife/daughter of address " be inserted.

FORM C

Form of notice under sub-section (1) of Section 6 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972.

To

Shri/Shrimati/Kumari _____

Whereas on the _____ you were evicted from the public premises described in the schedule below which was unauthorisedly occupied by you.

Now, therefore, in exercise of the powers conferred on me by sub-section (1) of section 6 of the Act, I hereby give you notice that after fourteen days of the service of this notice on you, any property remaining on the said premises will be liable to be removed or disposed of by public auction. In case you desire to take possession of your property and to remove the same from the said premises, you will be

permitted to do so on written authority from the undersigned ; provided any arrears, of rent or damages due from you are paid within the said period of fourteen days.”.

The Committee recommend that in Form C for “crase” the words “case” be substituted. 7

3 THE HARYANA GOVERNMENT ELECTRICAL UNDERTAKINGS (DUES RECOVERY) RULES, 1972, FRAMED UNDER THE HARYANA GOVERNMENT ELECTRICAL UNDERTAKINGS (DUES RECOVERY) ACT, 1970.

Rule 2—

“2. In these rules, unless there is anything repugnant in the subject or context :—

(a) ‘Act’ means the Haryana Government Electrical undertakings (Dues Recovery) Act, 1970.

(b) ***

(c) ***

(d) ***

The Committee recommend that for the word “Undertakingst” the word “Undertakings” be substituted being a spelling mistake.

Rule 6—

“6(1) Where the prescribed authority intends to serve or cause to be served a notice of demand, upon the person liable to pay the dues to a Government Electrical Undertakings, which shall be served in Form ‘B’.

2. The notice of demand may be served :—

(a) by registered post in case of a local authority at its office address and in case of another person at the present address or at the last place of residence or business of such person;

(b) by delivering it to the person liable to pay the dues or to an adult member or servant of his family, or by causing notice to be affixed on some conspicuous part of the building occupied by such person.”.

The Committee was of the view that for existing clause (b) of sub-rule (2), the following be substituted :— 2-

“(b) by delivering it to the person liable to pay the dues or to an adult member of his family; provided that if the

notices of demand can not be served in either of the aforesaid manner, it may be caused to be affixed in the presence of two persons of the locality on some conspicuous part of the building occupied by such persons.”.

The Committee, after discussing the matter with the departmental representative, observed that rule 6 be amended in the light of the aforesaid observations of the Committee as the affixing of demand notice in the presence of two persons of the locality on some conspicuous part of the building occupied by such persons will ensure the delivery of the notice.

The Departmental representative promised to examine this matter.

The Committee recommend that this matter be examined in detail in consultation with the Legal Remembrancer and this rule be amended accordingly and the Committee be informed of the action taken.

Housing Board
4(1) THE HOUSING BOARD, HARYANA (CONDITIONS OF SERVICE OF THE CHAIRMAN AND MEMBERS) RULES, 1972, FRAMED UNDER THE HARYANA HOUSING BOARD ACT, 1971.

General

The Committee observed that in these rules references of sections for the purposes of which each of the rule had been framed has not been indicated in the margin of each rule. The Committee, therefore, recommend that this be done when the rules are got republished.

Rule 1—

“These rules may be called the Housing Board, Haryana (Conditions of Service of the Chairman and Members) Rules, 1972.”

The committee recommend that before the word “These” insert the rule figure “1” so as to indicate the exact number of this rule as “1”.

Rule 2—

“2: In these rules unless the context otherwise requires,—

- (1) *** *** ***
- (2) *** *** ***
- (3) ‘Chairman’ and ‘members’ means the Chairman and members of the Board; and
- (4) *** *** ***.”

✓ The Committee recommend that after the words “In these rules” insert “, ”.

The Committee further observed that the terms "Chairman" and "members" as defined in rule 2(3) already stood defined in section 2(f) and Section 2(k) of the Act. The Committee was, therefore, of the view that clause (3) of rule 2 be deleted.

The departmental representative agreed to it.

3 The Committee recommend that clause (3) of rule 2 be deleted.

- (ii) THE HOUSING BOARD, HARYANA (BORROWING OF LOANS) RULES, 1973, FRAMED UNDER THE HARYANA HOUSING BOARD ACT 1971. *Housing*

General

The Committee observed that in these rules references of sections for the purposes of which each of the rule had been framed has not been indicated in the margin of each rule. The Committee, therefore, recommend that this be done when the rules are got republished. /

The departmental representative agreed to it

Rule 7—

- "7. The Board may, with the sanction of the Government reserve the debenture bonds for issuing to any particular bank or banker."

The Committee recommend that in line 1, after "Government insert ", ". 2

Rule 14—

- "14. The Board shall furnish an yearly statement of the loans borrowed and debentures issued, the payment of which in part or full is outstanding against the Board in Forms II and III, respectively".

The Committee observed that in line 1, after the word "furnish", insert "to the State Government". 3

The departmental representative agreed to it.

The Committee recommend that the aforesaid rules be amended in the light of observations made by the Committee. 4

- (iii) REGULATIONS FOR THE GRANT OF PERMANENT TRAVELLING ALLOWANCE TO THE STAFF OF THE BOARD, *Housing*

Regulations

The Committee enquired from the departmental representative whether the Regulations were got published in the Gazette. The departmental representative stated that the Board had to get them published and they have published it. The Committee observed that a copy of the

notification *vide* which these regulations were published may be supplied to the Committee.

- 2 The Committee further observed that neither the title of Regulation was properly worded nor the year in which these were framed had been indicated. The Committee, therefore, recommend that it may be done in consultation with the Law Department.

Regulation 8

The Committee desired to know the background of regulation 8. In regulations 3 and 5, provisions had been made for the drawal of permanent Travelling Allowance at the rates of Rs. 240/- and Rs. 75/- by the Executive Engineer and the Sub-Divisional Engineer, respectively, whereas for the others a provision had been made in regulations for travelling in the staff car. In case no staff car was maintained at any station then what are the provisions for travelling for the other staff ?

The departmental representative stated that they were bringing change in it according to the Civil Services Rules. The following suggestion had been made :—

“where no staff car is available :—

Officers and staff working at Headquarters and outside State be entitled to draw travelling allowance as permissible under the Rules”;

- 3 The Committee recommend that the said regulation be amended accordingly.

The Committee desired to know whether the Rules/Bye-laws had been framed under all the provisions, *i.e.*, clauses (a) to (p) of sub-section (2) of section 73 and section 75 (1) of the Act, respectively.

The Departmental representative stated that they would send the details of the Rules/Bye-laws framed under sections 73 and 75 respectively of the Act by the 15th of December, 1973

4 The Department in their written reply dated the 18th March, 1974 furnished the details of the rules framed or being framed by the Government. The Committee recommend that the other rules framed under Sections 73 and 75 of the Act may be supplied to them as and when finalized.

5 THE HARYANA PREVENTION OF BEGGARY RULES, 1972, FRAMED UNDER THE HARYANA PREVENTION OF BEGGARY ACT, 1971.

General

The Committee observed that Section 1(3) of the Act provided that the Act would come into force in any area of the State on such date or dates as the State Government may by notification appoint in this behalf for that area. The Committee further observed that the Act was

*Serial
Welfare*

enacted on the 15th March, 1971 and the rules thereunder were notified and published on the 28th April, 1972. During the course of oral examination the departmental representative stated that the provisions of the Act came into force on 1st May, 1972, whereas the rules were pre-published *vide* notification dated 10th March, 1972, and were finalised on the 28th April, 1972. The Committee, keeping in view the fact that the Rules came into force on 28th April, 1972 *i.e.* 2 days before the coming into force of the Act *i.e.* on 1st May, 1972, observed that the rules should not have framed and enforced before the enforcement of the Act itself and referred the matter to the Advocate General, Haryana, for advice. The Advocate General, Haryana, *vide* his Memo. No. 1586 H/AG., dated the 4th March, 1974, opined that the Rules were consequently validly made and finally published on 28th of April, 1972. The mere fact that the Act was enforced by means of a Notification dated 1st May, 1972 does not invalidate the Rules which were finally published on 28th of April, 1972, *i.e.* two days before the enforcement of the Act. The only effect will be that the Rules also will be deemed to come into effect on the date the Act came into force. In support of the said opinion, the Advocate General, Haryana invited the attention of the Committee to the following section 20 of the Punjab General Clauses Act, 1898 :—

“20. Making of rules or by-laws and issuing of orders between passing and commencement of enactment— Whereby, by any Punjab Act, which is not to come into force immediately on the passing thereof, a power is conferred to make rules or by-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, then that power may be exercised at any time after the passing of the Act, but rules, by-laws or orders so made or issued shall not take effect till the commencement of the Act”.

The Committee concur with the opinion of the Advocate General, Haryana, in the matter and recommend that to avoid any complication in future rules should not be notified prior to the date of the enforcement of an Act.

Rule 2—

✓ “2. (c) “Government” means the Government of the State of Haryana”.

The Committee observe that in clause (c) of rule 2, the expression “Government” has been defined, but in rules 3(4), 6(2)(b), 23 (2) to 23 (5), 25, 27, 28 and 29, the expression ‘State Government’ has been used and in rule 3(7) the expression “Government” has been used. The Committee recommend that instead of two, one expression be used and desire that this rule be got examined and appropriate expression be used and the Committee informed accordingly.

Rule 3—

“3.(1) A person desiring to obtain authorisation under section 2 to solicit or receive money, food or gifts for any purpose shall make an application to the Deputy Commissioner of the district in which the applicant resides or the Government

(2) The application shall contain the following particulars, namely:—

(a) full name of the applicant.

(b) his age;

(c) his occupation;

(d) his address;

(e) the period, the purpose and the manner of collection of money, food and gifts, and

(f) the method of its disposal and the area within which the disposal is to be made.

(3) xxx xxx xxx xxx

(4) The holder of an authorisation shall carry the authorisation with him while soliciting, or receiving money, food or gifts and shall on demand by a Police Officer or an officer authorised in this behalf by the State Government produce it for inspection.

(5) xxx xxx xxx

(6) If the authority receiving the application is of the opinion that an authorisation should not be issued to the applicant, he shall reject the application and inform the applicant accordingly.

(7) xxx xxx xxx

(8) xxx xxx xxx”.

3 The Committee observed that in rule 3(1) for “or the Government” substitute “or to the Government” and in rule 3(2), after clause (e), add “(cc) the circumstances which compelled him to adopt the profession of begging”.

The departmental representative agreed to the proposal of the Committee.

4 The Committee further desired to know the names and designations of the the Officers who had been authorised by the Government to demand authorisation slips from the beggars under rule 3(4).

The departmental representative stated during the oral examination that all Police Officers not below the rank of Assistant Sub-Inspector and all officers of the Social Welfare Department not below the rank of Deputy Director were authorised to arrest the beggars and, therefore, the powers to demand the authorisation slips might be deemed to be vested with such officers only. However, instructions in this regard would be issued separately.

The Committee recommend that a copy of the notification authorising the officers of the Social Welfare Department under rule 3(4) may be supplied to the Committee for information. 5

The departmental representative agreed to the suggestion of the Committee.

The Committee further observed that in rule 3(6), line 4, for the words "accordingly" substitute "together with the grounds therefor". 6

The departmental representative agreed to the proposal of the Committee.

The Committee recommend that rule 3 be amended in the light of the aforesaid observations.

Rule 7—

"7. A person received in Reception Centre on remanded by a Court shall, as far as possible, be kept in such centre apart from persons undergoing a term detention therein and shall be allowed all reasonable facilities in connection with the hearing of his case."

The Committee recommend that in rule 7, line 3, after "term" insert "of". 7

Rule 8—

"8. (1) * * * * *

(2) On a person being received in such Centre or Institution, the money, valuables or effects, if any, found with or on him, on search under section 15 and taken possession of by the Superintendent shall be entered in such registers, and the entries in the register shall be read over to him, and in token of the correctness of such entries, his signature should be taken in the presence of the Superintendent.

(3) * * * * *

The Committee recommend that in rule 8(2), after "Signature" insert "or thumb impression" and for "should" substitute "Shall". 8

The departmental representative agreed to the proposal of the Committee.

The Committee recommend that rule 8 be amended accordingly.

Rule 14—

“14: (1) * * *

- (2) The permission granted under sub-rule (1) may at any time be cancelled by an order in writing by the Superintendent and the inmate may be recalled by him without giving any reasons therefor.

(3) * * *

(4) * * *

(5) * * *

The Committee observed that the words “without giving any reasons therefor” occurring at the end of rule 14(2) be deleted.

The departmental representative agreed to the proposal of the Committee.

The Committee recommend that rule 14 be amended accordingly.

Rule 17—

“17: (1) * * *

- (2) The Chief Inspector shall inspect every Reception Centre and Certified Institution, functioning under the Act at least once in every six months.

(3) * * *

(4) * * *

(5) * * *

The Committee observed that at the end of sub-rule (2), after “six months” add “and record in general visit-book his observations/recommendations”.

The departmental representative agreed to the suggestion of the Committee.

The Committee recommend that rule 17 be amended accordingly.

Rule 22—

“22. (i) * * *

(ii) * * *

- (iii) forfeiture of privileges, if any;
- (iv) confinement in the lock-up for a period not exceeding three days;
- (v) imposition of handcuffs, except in the case of a female;
- (vi) Solitary confinement not exceeding ten days at a time;
- (vii) penal diet for a period not exceeding three days at a time with intervals of not less than 12 days between every two such periods :

Provided that the penalty specified in clause (i) shall not be combined with a penalty other than that specified in clause (ii) and the penalties specified in clauses (v) and (vii) shall not be carried out in combination even when awarded at different times and for different offences."

The Committee was of the opinion that the powers conferred upon the Superintendent under clauses (iv), (v) and (vi) are ultra vires of the Act and if it is considered that these are not ultra vires, even on the ground of propriety the Committee strongly feel that these powers should not be given to the Superintendent. 11

The Committee also observed that part (vii) of rule 22 regarding the Penal diet might be deleted and the proviso to rule 22 be amended accordingly. 12

The departmental representative stated during the course of oral examination that these matters would be got examined from the Legal Remembrancer and thereafter the action would be taken accordingly.

The Committee recommend that the entire matter be examined in consultation with the Legal Remembrancer, Haryana, and rule 22 be amended accordingly. 13

Rule 23—

- "23. (1) * * *
- (2) * * *
- (3) Out of non-official members of a Visiting Committee to be appointed by the State Government for a Certified Institution, not less than two shall be women.
- (4) * * *."

The Committee observed that at the end of sub-rule (3), add "and one shall be a member of the Haryana Legislative Assembly". 14

The departmental representative agreed to the suggestion of the Committee.

The Committee recommend that rule 23 be amended accordingly.

Rule 24—

"24.(1) (g) to recommend to the Chief Inspector the name of Societies and responsible person willing to take charge of or private work for persons so released ;

15 The Committee observed that in sub-rule (1) (g), for "private" substitute "provide".

The departmental representative agreed to the suggestion of the Committee.

16 The Committee recommend that rule 24 (1) (g) be amended accordingly.

Rule 27—

"27.(3) The non-official members shall be nominated by the State Government out of whom not less than two shall be women.

17 The Committee observed that at the end of sub-rule (3), add "and one shall be a member of the Haryana Legislative Assembly representing that area".

The departmental representative during his oral examination suggested that the words "and one shall be a member of Haryana Legislative Assembly", be added at the end of sub-rule (3).

18 The Committee agreed to the suggestion of the Committee. The Committee recommend that rule 27(3) be amended accordingly.

Rule 31—

"31. The scale of diet, clothing and bedding for inmates of Reception Centres and Certified Institutions maintained by the State Government under the Act shall be such as Government may notify from time to time."

The Committee desired to know the details of the diet, clothing and bedding prescribed for the inmates under this rule.

The departmental representative stated that the matter regarding details of the diet, clothing and bedding for the inmates was still under examination. It would be done in due course of time.

The Committee recommend that the matter be expedited. 19

Rule 33—

"33. The Police Officer seizing or receiving an animal under section 25 of the act shall detain such animal in the local infirmary or pinjrapole. Pending orders of the Court."

The Committee observed that in line 3, for the sign "." between the words "pinjrapole" and "Pending" substitute "," and the word "Pending" be written with small letter "p". 20

The Departmental representative agreed to the proposal of the Committee.

The Committee recommend that rule 33 be amended accordingly.

6. THE HARYANA CEILING ON LAND HOLDINGS
RULES, 1973 FRAMED UNDER THE HARYANA
CEILING ON LAND HOLDINGS ACT, 1972. *Remuneration*

GENERAL

The Committee while going through the provisions of the Act for the sake of scrutiny of the Rules framed thereunder, observe that—

1. In section 3(f), the expression "family" has been defined to mean 'husband, wife and their minor children, or any one or more of them' But in section 4(1) it has been provided that the family for purposes of permissible area in relation to landowner or tenant or mortgagee with possession would consist of husband, wife and up to three minor children. Rule 4 of the Rules framed under the Act, excludes children from the definition of a tenant.

The Committee sought clarification from the Department as to whether the definition of the term 'family' was not an artificial one because the family could not hold the property as a unit and whether Government proposes to amend the definition of the expression 'family' in the light of the recent judgment of the Punjab and Haryana High Court in a Punjab case. The departmental representative, during oral examination, stated that there had been a recent verdict by the Punjab and Haryana High Court on this point and the Government would examine the implication of this judgment and take appropriate action at the appropriate time.

Accordingly, the Committee recommend that as and when the action is taken in this matter, the same may be communicated to the Committee.

2. In section 29, the State Government has been empowered to delegate, by notification, the powers exercisable under the Act to any officer subordinate to the State Government.

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Haryana Restrictions on (Development and Regulation of) Colonies Act, 1971, and made the following observation;

General—

Act

The Committee are of the view that in Section 5 of the Act for the words "extract therefrom" "the words" extracts therefrom copied" be substituted.

2. The Committee are of the view that ordinary division of property and construction of building thereon by the head of a family falls under the definition of a "Colony" which are not exempted under any provision of the Act. Therefore, the Committee desires that necessary amendment be brought in the provisions of the Act so that an individual who desires to construct building on his private land may not be penalised in any manner whatsoever,

Rules

The Committee observe that the Haryana Restrictions on (Development and Regulation of) Colonies Act came into force on 18th November, 1971, whereas the Haryana Restrictions on (Development and Regulation of) Colonies Rules came into force on the 19th January, 1973. The Committee would like to know the reasons of delay-time lag of 1½ years in framing the Rules. The Committee would also like to know as to how the purposes of the Act were carried out in the absence of these Rules.

Rule 3—

In the margin of rule 3, after "Section 3 (1)" add "and Section 23 (2) (a)".

Rule 4—

The Committee are of the view that the words "financial position" and the "experience" of the applicant should be defined in Rules. Along with these two expressions, the Committee are further of the view that details should be given as to what "necessary and relevant" things are required to be given by the applicant which are to be considered by the Director for accepting or rejecting an application for the grant of licence.

Rule 5—

At the end of sub-rule (1), add "after recording the reasons therefor".

Rule 7—

The Committee are of the view that at the end of sub-rule (1) after the words "reject the application", add the words "after recording the reasons thereof".

Rule 9—

- 7 In the proviso to sub-rule (1), for the words "a figures" substitute the words "a figure".

Rule 10—

Clauses (h) and (j) of section 2 of the Act define 'external development works' and 'internal development works', but rule 10 covers only the internal development works. The Committee would like to know the reasons for not including in rule 10 the external development works such as electricity and roads etc. defined in section 2 (h).

- 9 The Committee feel that in case of small plot holder when such a plot is sub-divided into 3 or 4 plots only, for carrying out works provided in rule 10 or in clause (h) of section 2 of the Act, some fees should be levied by the Department which may be in proportion to the size of the land intended to be sub-divided

Rule 11—

- 9 The Committee are of the view that the Colonies should be classified into various types just as 'A', 'B', 'C' and so on and then the rate of fee which has been left at the discretion of the Director under rule 11, should be fixed according to the classification.

Rule 12—

- 10 The Committee are of the view that in rule 12 line 5, after the word 'applicant' insert 'alongwith the grounds for returning the application' so that the applicant may come to know of the grounds of returning the application and meet those objections.

Rule 15—

In sub-rule (1), in the last line :—

- (a) for the words "from the date of notice" substitute "from the date of the service of notice"; and
- (b) the words "given to him under a registered cover" occurring after words "in the form PC-III" be deleted.

- 11 In the Proviso to sub-rule (1), line 3, for the words "extend such time upto thirty days" substitute "extend such time as he deems fit."

Rule 16—

Keeping in view the fact that all taxes are realised either by the Municipal Committee or by the local Government in the form of property tax/house tax respectively, it will be very difficult for a

Coloniser to maintain the services mentioned in clause (d) of rule 16 and to meet the recurring expenses therefor. The Colony should be taken over by the Municipal Committee if it is adjacent to some Municipal Committee. The Colony which is not adjacent to any Municipal Committee should be maintained by the colonizer concerned. 12

Rule 20—

In proviso to sub-rule (2) of rule 20, for "head" substitute "heard", 13

Rule 21—

The Committee do not think it desirable that once a permission sought be transferred to another person with the permission of the Director. The Committee would like to know what will be consequences if the words "without the prior approval of the Director" are omitted from this rule. 13

Rule 26—

In sub-rule (2), line 2, after "registered post", insert "with acknowledgment due". 15

Rule 30—

For the existing rule, substitute the following.—

- "30. Form and manner of appeal,—(1) Every memorandum of appeal shall be written on a standard water marked judicial paper in the form of narration and it shall set forth concisely and under distinct heads the grounds of objections to the order appealed from and also the relief claimed. 16
- (2) The memorandum of appeal shall be accompanied by a certified copy of the order appealed against.
- (3) The memorandum of appeal shall be presented to the Secretary to Government, Haryana, Town and Country Planning Department, by the appellant or his duly authorised agent and it shall be signed and verified in the manner in which plaints are signed and verified."

The aforesaid observations were sent to the Government for forwarding the replies thereto. The Commissioner and Secretary to Government, Haryana, Town and Country Planning Department, vide his letter No. 12024 LA-73/5785, dated the 2nd November, 1973, stated that "the vires of the Haryana Restrictions on (Development and Regulation of) Colonies Act, 1971 and the Rules framed thereunder have been challenged through more than one dozen civil writs in the Punjab and Haryana High Court. These writ petitions are to be heard by the Hon'ble High Court very soon. It would, therefore, be appropriate, if the decision of the Hon'ble High Court is awaited on the

said writ petitions before the information asked for in respect of the observations made by the Committee on Subordinate Legislation in respect of the aforesaid Rules is furnished." Thereupon, the Committee at their meeting held on the 8th November, 1973 decided to postpone the oral examination of the Department till the decision of the High Court on the writ petitions filed in the matter. The Commissioner and Secretary to Government, Haryana, Town and Country Planning Department, *vide* his letter No. 1842-LA-(TCP-74/8203, dated the 4th March, 1974, informed that no decision has so far been arrived at by the Punjab and Haryana High Court on the various writ petitions whereby provisions of the Haryana Restrictions on (Development and Regulation of) Colonies Act, 1971 and the Rules framed thereunder have been challenged. Most of these writ petitions are now fixed for hearing before Division Bench of the High Court. These are likely to come up for actual hearing very soon.

In view of the circumstances stated by the Government, the Committee decided that their aforesaid observations may be implemented by the Government in accordance with the judgement on the said writ petitions as and when delivered by the Punjab and Haryana High Court and the committee be informed accordingly.

8. THE PUNJAB PANCHAYAT SAMITIS (PRIMARY MEMBERS)
ELECTION RULES, 1961 FRAMED UNDER THE PUNJAB
PANCHAYAT SAMITIS AND ZILA PARISHADS ACT, 1961,

The Committee, after examining the written replies to the observations of the Committee in respect of the aforesaid Rules and orally examining the departmental representative, made the following recommendations:—

Rule 3—

“3(1) As soon as the notification to constitute Panchayat Samitis in a district, under sub-section (1) of section 3, has been issued the Deputy Commissioner shall, for every block in his district, prepare an electoral roll, in Form I, of the Panches and Sarpanches of the Gram Panchayats in the block and invite objections from the public by posting a notice along with the copies of the said electoral roll at conspicuous places in the offices of:—

- (1) Deputy Commissioner;
- (2) Sub-Divisional Officer (Civil);
- (3) District Development and Panchayat Officer;
- (4) Tahsildar;
- (5) Block Development and Panchayat Officer and;
- (6) Social Education and Panchayat Officer.

- (2) The notice referred to in sub-rule (1) shall specify, for each block:—

- (a) the officer who will hear and decide objections; and
(b) the date, time and place of hearing objections ;

Provided that not less than four days shall intervene between publication of the preliminary electoral roll and date of hearing objections."

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**,"

The Committee recommend that in line 2, between the words "issued" and "the", the sign ",", be inserted. 1

The Committee further recommend that in line 1 of the proviso to sub-rule 2, for the words "four days" the words "seven days" be substituted. 2

Rule 4.—

"4(1) ** ** ** ** ** ** ** "

(2) ** ** ** "

- (3) The Government or the Deputy Commissioner may, by an order in writing, amend, vary or modify the election programme at any time :

Provided that, unless the Government otherwise directs, no such order shall be deemed to invalidate any proceedings taken before the date of order.

(4) ** ** ** "

The Committee recommend that in Sub-rule (3) of rule 4 the following be substituted— 3

"The Government or the Deputy Commissioner may, after reasons to be recorded in writing, by order in writing amend, vary or modify the election programme at any time:

Provided that, unless the Government otherwise directs, no such order shall be deemed to invalidate any proceedings taken before the date of the order".

Rule 7—

- "7 (1) Any Panch or Sarpanch whose name appears in the electoral rolls established under sub-rule (3) of rule 3 may be nominated as a candidate for election to the Panchyat Samitis of that block, provided he delivers in person to the Returning Officer a nomination paper completed in all respects on the date, time and place fixed under rule 4.

(2) *** * *** ***

(3) *** *** *** ***

7 The Committee recommend that in line 4, for the words "provided the" substitute "provided he" and after the word "person" the words "or through his duly authorised agent", be inserted.

Rule 12—

"12. The Returning Officer shall immediately after symbols have been allotted to each contesting candidate, prepare and publish by posting outside his camp office the name and description of candidates in alphabetical order in the regional language, a list in Form III, showing against each contesting candidate, the symbol allotted to him".

5 The Committee recommend that for "in the regional language" substitute "in Hindi language".

Rule 15—

"15 (1) The Deputy Commissioner shall also appoint Polling Officers and Polling Assistants to assist the Returning Officers, and, if before or at the time of the poll, the Polling Officer or the Polling Assistant refuses to act or becomes incapable of acting as such, the Deputy Commissioner shall appoint another person to act as Polling Officer or Polling Assistant, as the case may be, and the Deputy Commissioner may, at any time, if he thinks fit, appoint another person to act in place of any person previously appointed in this behalf.

(2) *** *** ***

*** *** ***

8 The Committee recommend that the following provisio be added to Rule 15 (1) on the analogy of Rule 6 (1) of the Rules:—

"Provided that no Block Development and Panchayat Officer shall be appointed as Polling Officer and Polling Assistant".

Rule 16—

"16(1) *** *** ***

(2) *** ***

(3) Every elector wishing to vote shall bring with him a certificate of identity in Form IV from the Block Development and Panchayat Officer or Social Education and Panchayat Officer, or Extension Officer, Co-operation Agriculture/Industries/Animal Husbandry, or the Revenue Officer having jurisdiction in the block. After his identity has been so established, he shall be supplied with a ballot-paper on which the names of contesting candidates along with the symbols allotted to them shall

be printed, typed or eligibly written in English, or Regional Languages in Form V.

The Returning Officer shall also affix on the ballot-paper, before supply to the voters, a stamp or his signature so as to indicate its authenticity.

- (4) The voter shall then proceed to the place set apart for voting and there place a cross mark (x) in column (4) of the ballot-paper, against the name of the candidate for whom he wishes to vote with a red or blue pencil. Each voter shall have one vote only.

(5)	***	***	***	***
	***	***	***	***

- (6) In the case of an elector who is illiterate or is physically incapacitated from voting, the Returning Officer shall, at the request of the elector, take him or her to the place set apart for voting, ascertain his or her choice, accordingly mark the ballot paper, fold it up so as to maintain secrecy and deposit the same in the ballot-box—

(7)	***	***	***	***
(8)	***	***	***	***
(9)	***	***	***	*** "

The Committee recommend that in Rule 16 (3) for "English, or Regional Languages" substitute "English or Hindi Language" and in Rule 16 (4) after the words "or blue pencil" insert the words "or with seal".

The Committee further recommend that for sub-rule (6) of rule 16, the following sub-rule be substituted:—

"6(a) If an elector is unable to read the ballot paper or to record his vote thereon by reason of illiteracy; blindness or other infirmity, the presiding officer shall, on being satisfied about such illiteracy, blindness or infirmity, permit the elector to take with him a companion of not less than twenty-one years of age who is able to read the ballot paper and record the vote thereon on behalf of, and in accordance with the wishes of, the elector and, if necessary, to fold the ballot paper so as to conceal the vote and insert it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare that he will keep secret the

vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

- (b) The Presiding Officer shall keep a record appended to the proceeding in Form V-A of all the cases under this rule.
- (c) The presiding officer shall, when he is so requested by the companion of an elector, explain to him the instructions for the recording of votes".

Rule 19—

"19 Immediately after the results of election have been declared under rule 16, the Returning Officer shall—

- (a) prepare in Form VII a record of the proceedings of election and sign it, attesting with his initials every correction made therein and also permit every contesting candidate, if he expresses his desire to do so, to affix his signature of thumb-mark to such record;
- (b) ***

9 The Committee recommend that in rule 19(a) for "of" occurring between the words "signature" and "thumb-mark" substitute "or".

Rule 21—

"21(1) As soon as the notification to constitute Panchayat Samitis in a district, under sub-section (1) of section 3, has been issued, the Assistant Registrar shall—

- (a) draw up an election programme in Form IX for the election under sub-clause (ii) of clause (a) of sub-section (2) of section 5, of two representatives of Co-operative Societies, within the jurisdiction of every Panchayat Samiti to be constituted in the district;
- (b) prepare a list of Co-operative Societies within the jurisdiction of every Panchayat Samiti to be constituted in the district;
- (c) publish the list of Co-operative Societies prepared under clause (b) by posting its copies at conspicuous places in the offices of—
 - (1) Deputy Commissioner;
 - (2) Sub-Divisional Officer (Civil);
 - (3) District Development and Panchayat Officer;
 - (4) Tahsildar;
 - (5) Block Development and Panchayat Officer;
 - (6) Social Education and Panchayat Officer.

- (2) Any member of Co-operative Society which is not included in the list published under clause (c) of sub-rule (3) may apply to the Assistant Registrar, not later than 25 days prior to the date fixed for filing of nomination papers to include such Co-operative Societies in the list and the Assistant Registrar after satisfying himself about the validity of the application shall include the Society in the list".

The Committee observe that there should be provision in Rule 21 for an appeal or revision against the decision of Assistant Registrar. 10

Rule 22—

"22 (1) The Assistant Registrar shall then send a copy each of the programme and list mentioned in rule 21 to the President or Chairman, as the case may be, of every Co-operative Society in the block along with a notice in Form X, calling upon the Chairman or President of each Society to:—

- | | | | | |
|-----|-----|-----|-----|-----|
| (a) | *** | *** | *** | *** |
| | *** | *** | *** | *** |
| (b) | *** | *** | *** | *** |
| | *** | *** | *** | *** |

- (c) to direct the Society's representatives to present himself with a copy of the Society's resolution authorising him to represent it before the Returning Officer at the time and place specified in the programme in Form IX, for election of two members to represent Co-operative Societies within the Samiti's jurisdiction;

- | | | | | |
|-----|-----|-----|-----|-----|
| (2) | *** | *** | *** | *** |
| (3) | *** | *** | *** | *** |

- (4) The Assistant Registrar shall prepare a separate list of the names of representatives of the Co-operative societies in that Block received by him under clause (b) of sub-rule (1). He shall post a copy of this list outside his office and shall also send a copy thereof to each Returning Officer".

The Committee observe that in rule 22(1) the words and figures "list mentioned in rule 21" be deleted and the words "final list" be substituted, and in rule 22(1) (c), delete the first word "to" as it appears to be superfluous and further for "representatives" substitute "representative". 11

The Committee further recommend in rule 22(4), after the words "this list" insert "at least three days before the day the election is held" and also at the end of rule 22(4) add "he shall also send a copy 12

of this list to the Sub-Divisional Officer (Civil) and the Office of the Panchayat Samiti concerned at least three days before the day of election is held".

Rule 22—A—

"22-A (1) The Government may, or the Assistant Registrar, Co-operative Societies when so directed by the Deputy Commissioner shall, by an order in writing, amend, vary or modify the election programme at any time."

* * * * *

13 The Committee recommend that in rule 22-A(1), after "shall" insert "after recording the reasons".

Rule 23—

"23 (1) Any person who is a member of a Co-operative Society within the jurisdiction of the Panchayat Samiti may be nominated as a candidate for the election of two members under sub-clause (ii) of clause (a) of sub-section (2) of section 5; provided he delivers in person, or sends through the representative of that Society, a nomination paper completed in all respects on the date, time and place specified in the election programme."

* * * * *

14 The Committee recommend that in rule 23(1), for the words "representative of that society" substitute "proposer or seconder".

15 The Committee further recommend that in rule 23(5) and (6) Notes (1) and (2) appearing between sub-rules (5) and (6) be deleted and the notes should appear in the bottom as foot-note.

Rule 24—

"24 (1) * * *

* * *

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made at that time to any nomination by any candidate or his proposer or seconder and may, either on such objections, or on his own motion and after such summary enquiry, if any, as he may deem necessary, reject any nomination :

* * *

The Committee recommend that in rule 24(2), after "reject any nomination", insert "after recording the reasons thereof". 12

Rule 29 and 29-A—

The Committee recommend that the words "PART III" occurring between rules 29 and 29-A be deleted.

Rule 31—

"31. (1)

(2) The notice shall be sent to every member of the Market Committees at his ordinary place of residence either by post or in such other manner as the Deputy Commissioner may consider expedient

(3)

The Committee recommend that in rule 31(2), for the words "Market Committees" substitute "Market Committee." 17

Rule 31-A—

"31-A (1) The Government or the Deputy Commissioner may, by an order in writing, amend, vary or modify the election programme at any time :

(2)

The Committee recommend that in rule 31-A(1), line 1, after "may" insert "on sufficient grounds". 18

Rule 33—

"33 (1) Every candidate for election as Member of a Panchayat Samiti under this Part shall be proposed by means of a nomination paper in form XIV which shall be signed by two members as proposer and seconder. The candidate shall also sign a declaration on the nomination paper expressing his willingness to stand for election and shall present the same to the Presiding Officer before the time fixed for that purpose.

(2)

(3)

(4)

(5)

(6)

19 The Committee recommend that in rule 33(1), after "may" insert "by himself or his proposer or seconder".

Rule 35—

"35 (1) Any candidate may withdraw his nomination by a notice in writing which shall be subscribed by him and delivered to the (Presiding Officer) before the expiry of the time allowed for the withdrawal of nomination papers.

(2)

20 The Committee recommend that in rule 35(1), after "delivered" insert "by him or his proposer or seconder, if so authorised".

Rule 37-A—

"37-A (1)

(2) The packets shall be retained in safe custody in the office of the Deputy Commissioner concerned for a period of three years and shall, then unless otherwise directed by the Government for the authority prescribed under section 121, be destroyed."

21 The Committee recommend that in Rule 37-A (2), for the word "for" occurring after the word "Government" substitute "or".

Rule 38—

"38. When a vacancy occurs among the members of a Panchayat Samiti elected under these rules by death, resignation or removal of any member and a new member is to be elected in his place in accordance with the provisions of section 12, such election shall be held within sixty days of the occurrence of the vacancy in accordance with these rules :

22 The Committee recommend that in Rule 38, for the words "or removal" substitute "removal or otherwise".

Rule 42—

"42 In the case of a person who is elected as Member of Panchayat Samiti under more than one sub-clause (a) of sub-section (2) of section 5 the period for the purposes of giving notice to the Deputy Commissioner,

23

23

List of illiterate, Blind and Infirm Voters.

Election to the _____ from the _____

S No. and Name of Polling Station/Name of Place of Poll—

Part No. of elector	Serial No.	Full name of elector	Full name of companion	Address of companion	Signature of companion
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Signature of Presiding
Officer".

Dr. B. Chatterjee

9. THE PUNJAB ZILA PARISHADS ELECTION RULES, 1961,
FRAMED UNDER THE PUNJAB PANCHAYAT SAMITIS
AND ZILA PARISHADS ACT, 1961

Rule 2—

"2 In these rules the context otherwise requires,—

- (a) ***
- (b) ***
- (c) ***
- (d) ***

The Committee recommend that in rule 2, after the words "in these rules" insert "unless".

Rule 7—

- "7 (1) ***
- (2) ***
- (3) Every member wishing to vote shall be supplied with a ballot paper in Form B on which names of the contesting candidates shall be printed, typed or legibly written in English and the Regional languages, in an alphabetical order. The ballot paper shall be signed by the presiding Officer before being handed over to the member.
- (4) ***
- (5) ***
- (6) In the case of a member who is illiterate or is physically incapacitated from voting, the presiding officer shall, at the request of the member, take him to the place set apart for voting, ascertain his choice, accordingly mark the ballot paper and place it in the ballot box in the presence of the member concerned.

The Committee recommend that in rule 7 (3) for the words "English and the Regional languages" substitute "English and Hindi languages".

3 The Committee further recommend that for sub-rule (6) of Rule 7, the following sub-rule be substituted:—

- “(6) (a) If a member is unable to read the ballot paper or to record his vote thereon by reason of illiteracy, blindness or other infirmity, the presiding Officer shall, on being satisfied about such illiteracy, blindness or infirmity, permit the member to take with him a companion of not less than twenty-one years of age who is able to read the ballot paper and record the vote thereon on behalf of, and, if necessary, to fold the ballot paper so as to conceal the vote and insert it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one member at any polling station on the same day :

Provided further that before any person is permitted to act as the companion of a member on any day under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the member and that he has not already acted as the companion of any other member at any polling station on that day.

- (b) The presiding Officer shall keep a record in Form-BB of all the cases under this rule
- (c) The presiding Officer shall, when he is so requested by the companion of a member, explain to him the instructions for the recording of votes”.

Rule 8—

- “8. Any ballot-paper, which bears any mark or signature by which the voter can be identified or (on) which the mark (X) is placed against more than (the number of persons to be elected) or in an ambiguous manner or which does not bear the signature of the presiding Officer prescribed in sub-rule (3), of rule 7, shall be invalid.”.

The Committee recommend that in rule 8, line 4, after the word “signature” insert “and seal”. 5

Rule 9—

“9. Immediately after the results have been declared the presiding officer shall—

- (a) prepare a record, in Form C, of the proceedings and sign it, attesting with his initials every correction made there in, and also permit any member present at the meeting to affix his signature or thumb-mark to such record, if he express his desire to do so ; and

(b) ***

The Committee recommend that in rule 9 (a), for "express" substitute "expresses".

In view of the observations already made to amend rule 7 (6), the Committee recommend that after the existing Form B, the following Form be inserted, namely.—

"Form BB

List of illiterate, Blind and infirm Voters.

(See sub-rule (6) of rule 7).

Election to the _____ from the _____

Constituency _____ (State).

S.No and Name of Polling Station/Name of Place of Poll _____

Part No of Member	Serial No.	Full name of Member	Full name of companion	Address of companion	Signature of companion

Dated _____

Signature of Presiding
Officer".

10. THE PUNJAB PANCHAYAT SAMITIS AND ZILA
PARISHADS CHAIRMAN AND VICE-CHAIRMAN
(ELECTION) RULES, 1961, FRAMED UNDER
THE PUNJAB PANCHAYAT SAMITIS
AND ZILA PARISHADS ACT, 1961.

Rule 4—

"4 (1) The Presiding Officer shall issue a notice in writing in

Form A to the Member specifying the date and time of the meeting.

(2)

The Committee recommend that in sub-rule (1) of rule 4, for the words "and time", substitute, "time and place".

Rule 5—

"5 (1) As soon as the Members have assembled at the appointed time and place, the Presiding Officer shall call upon the members present to propose candidates for the two offices and every proposal shall also be seconded by a member. The names of candidates, their proposers and seconders shall then be recorded in Form B and read out by the Presiding Officer to the members present.

**:

* *

The Committee recommended that in sub-rule (1) of rule 5, line 2, for the words "time and place" substitute "date time and place" and also recommend that for the words "two offices" substitute "offices of the Chairman and Vice-Chairman."

Rule 6—

"6. A candidate may withdraw his candidature any time before the commencement of the poll by openly declaring his intention to do so at the meeting and the fact shall be recorded in Form B and his signature of thumb-mark taken in token thereof

The Committee recommend that in rule 6, after the word "candidature" insert "at" and further for "of" occurring between the words "signature" and "thumb-mark" substitute "or".

Rule 8—

"8. (1)

*:

~**

(2)

* *.

* * *

(3) Every member wishing to vote shall be supplied separately with two ballot-papers in Form C, one each for the office of Chairman and Vice-Chairman, on which names of the contesting candidates shall be printed, typed or legibly written in English and Regional Languages in an alphabetical order. The ballot-papers shall be signed by the Presiding Officer before being handed over to the members. The ballot-papers for the election of Vice-Chairman shall be supplied after the member has exercised his right to vote for the Chairman.

- (4) The member shall, on receiving the ballot-paper, proceed to the place set apart for voting and there place a cross mark "(x)" in column (3) of the ballot-paper against the name of the candidate for whom he wishes to vote, with a red or blue pencil.

(5) * * * *

- (6) In the case of a member who is illiterate or is physically incapacitated from voting, the Presiding Officer shall, at his or her request, take him or her to the place set apart for voting to ascertain his choice, accordingly mark the ballot-paper, fold it to ensure secrecy and deposit it in the ballot-box.

(7) * * * *

(8) * * * *

(9) * * * *.

7 The Committee recommend that in sub-rule (3) of rule 8, for the words "Regional languages in an alphabetical", substitute "Hindi language in Hindi alphabetical"

5 The Committee further recommend that in sub-rule (4) of Rule 8, after "Pencil" insert "or seal, as the case may be".

6 The Committee also observe that for sub-rule (6) of Rule 8, the following shall be substituted :-

"6(a) If an elector is unable to read the ballot-paper or to record his vote thereon by the reasons of illiteracy, blindness or other infirmity, the Presiding Officer shall, on being satisfied about such illiteracy, blindness or infirmity, permit the elector to take with him a companion of not less than twenty-one years of age who is able to read the ballot-paper and record the vote thereon on behalf of, and in accordance with the wishes of, the elector and, if necessary, to fold the ballot-paper so as to conceal the vote and insert it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day.

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

- (b) The Presiding Officer shall keep a record in Form—D of all the cases under this rule.

- (c) The Presiding Officer shall, when he is so requested by the companion of an elector, explain to him the instructions for the recording of votes".

In view of the observations already made to amend rule 8(6) the Committee recommend that after the existing Form—C, the following Form be inserted, namely :—

"Form D

List of Illiterate, Blind and Infirm Voters.

(See sub-rule (6) of rule 8.)

Election of the-----from the-----

Constituency----- (State)

Sr No. and Name of Polling Station/Name of Place of poll-----

Part No. of elector	Serial No,	Full name of elector	Full name of companion	Address of companion	Signature of companion
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Dated-----

Signature of Presiding
Officer."

11. THE PUNJAB PANCHAYAT SAMITIS (CO-OPTION OF MEMBERS) RULE, 1961, FRAMED UNDER THE PUNJAB SAMITIS AND ZILA PARISHADS ACT, 1961.

Rule 2—

In these rules unless the context otherwise requires,—

- | | | | | |
|-----|---|---|---|---|
| (a) | * | * | * | * |
| (b) | * | * | * | * |
| (c) | * | * | * | * |
| (d) | * | * | * | * |

Derivations

"(e) works and expressions used but not defined in these rules shall have the meanings assigned to them in the Act."

The Committee recommend that in rule 2(e) for the words "works and expressions" substitute "words and expressions".

Rule 4

"4(1) Three-fourth members shall constitute a quorum for the co-option of persons.

(2) If at the first meeting there be no quorum present as specified in sub-rule (1), the Presiding Officer shall adjourn the meeting.

(3) When a meeting is adjourned under sub-rule (2) another meeting shall be convened by the Presiding Officer for the purpose of co-opting members by giving three days clear notice to the Primary Members.

(4) Not less than one-half of the number of Primary Members shall constitute a quorum for the second meeting.

Explanation : Where a Panchayat Samiti consist of nineteen Primary Members, ten members will constitute quorum for the second meeting

(5)	x	x	x	x
(6)	x	x	x	x
(7)	x	x	x	x"

The Committee recommend that after deleting sub-rules (1), (2), (3) and (4) of rule 4 of the existing rule, the following be substituted :—

Quorum. "4 (1) One-half members shall constitute a quorum for the co-option of persons.

Explanation : Where a Panchayat Samiti consist of nineteen Primary Members, ten members will constitute quorum for the meeting.

(2) If at the first meeting there be no quorum present as specified in sub-rule (1), the Presiding Officer shall adjourn the meeting.

(3) When a meeting is adjourned under sub-rule (2) another meeting shall be convened by the Presiding Officer for the purpose of co-opting members by giving three days clear notice to the Primary Members:

Provided that the second meeting shall be called within seven days from the adjournment of the first meeting.

- (4) No quorum shall be necessary for the second meeting”.

Rule 7—

“7(1) x x x x

(2) x x x x

- (3) Every Member wishing to vote shall be supplied with a ballot paper in Form B for the co-option of women and a ballot paper in Form C for the co-option of persons belonging to Scheduled Castes and Scheduled Tribes, on which names of the contesting candidates shall be printed, typed or legibly written in English and (Hindi in Devnagri Script) in an alphabetical order. The ballot-papers shall be signed by the Presiding Officer before being handed over to the members. The ballot-paper for the co-option of Scheduled Castes or Scheduled Tribes candidates shall be supplied after the member has exercised his right to vote for the co-option of women candidates,

- (4) The member shall, on receiving the ballot-paper, proceed to the place set apart for voting and there place a cross mark “(x)” in column (3) of the ballot paper against the name or names of the candidate for whom he wishes to vote with a red or blue pencil.

(5) x x x x

(6) x x x x

- (7) In the case of a Member who is illiterate or is physically incapacitated from voting the Presiding Officer shall, at his or her request, take him or her to the place set apart for voting, ascertain his or her choice, accordingly mark the ballot-paper, fold it to ensure secrecy and deposit it in the ballot-box

(8) x x x x

(9) x x x x

(10) x x x x

(11) x x x x

The Committee recommend that in sub-rule (3) of rule 7, for the words “an alphabetical order” substitute “Hindi alphabetical order”.

The Committee further recommend that in sub-rule (4) of rule 7, after “or blue pencil” insert “or with a seal”.

The Committee also recommend that for sub-rule (7) of rule 7, the following sub-rule be substituted :—

3

4

5

"7(a). If a Member is unable to read the ballot-paper or to record his vote thereon by reason of illiteracy, blindness or other infirmity, the presiding officer shall on being satisfied about such illiteracy, blindness or other infirmity, permit the member to take with him a companion of not less than twenty-one years of age who is able to read the ballot-paper and record the vote thereon on behalf of and, if necessary, to fold the ballot-paper so as to conceal the vote and insert it into the ballot box :

Provided that no person shall be permitted to act as the companion of more than one member at any polling station on the same day :

Provided further that before any person is permitted to act as the companion of a member on any day under this rule the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the member and he has not already acted as the companion of any other member at any polling station on that day.

- (b) The presiding officer shall keep a record in Form CC of all the cases under this rule.
- (c) The presiding officer shall, when he is so requested by the companion of a member, explain to him the instructions for the recording of votes."

In view of the observations already made to amend rule 7(7), the Committee recommend that after the existing Form C, the following Form be inserted, namely:—

"Form CC

List of Illiterate, Blind and Infirm Voters.

(See sub-rule (7) of rule 7).

Election to the _____ from the _____
Constituency _____ (State).

S. No. and Name of Polling Station/Name of Place of poll _____

Part No. of Member	Serial No.	Full name of Member	Full name of companion	Address of of companion	Signature of companion

Dated _____.

Signature of Presiding
Officer."

Dev + K. Singh

12. THE PUNJAB ZILA PARISHADS (CO-OPTION OF MEMBERS) RULES, 1961, FRAMED UNDER THE PUNJAB PANCHAYAT SAMITIS AND ZILA PARISHADS ACT, 1961

Rule 4—

"4 (1) XXXX XXXX XXX

(2) XXXX XXXX XXX

(3) When a meeting is adjourned under sub-rule (2) another meeting shall be convened by the Presiding Officer for the purpose of co-opting members by giving three days' clear notice to the Members.

(4) XXXX XXXX XXXX".

The Committee recommend that after sub-rule (3) of rule 4, add the following proviso :—

"Provided that the second meeting shall be called within seven days from the adjournment of the first meeting."

Rule 7—

"7 (1) XXXX XXXX XXX

(2) XXXX XXXX XXXX

(3) Every Member wishing to vote shall be supplied with a ballot paper in Form B for the co-option of women and a ballot paper in Form C for the co-option of persons belonging to Scheduled Castes and Scheduled Tribes, on which names of the contesting candidates shall be printed, typed or legibly written in English and Regional Languages in an alphabetical order. The ballot-papers shall be signed by the Presiding Officer before being handed over to the members. The ballot paper for the co-option of Scheduled Castes or Scheduled Tribes candidates shall be supplied after the member has exercised his right to vote for the co-option of women candidates.

(4) The member shall, on receiving the ballot-paper, proceed to the place set apart for voting and there place a cross mark "(X)" in column (3) of the ballot paper against the name or names of the candidate for whom he wishes to vote with a red or blue pencil.

(5) XXXX XXXX XXX

(6) XXXX XXXX XXX

- (7) In the case of a member who is illiterate or is physically incapacitated from voting, the Presiding Officer shall, at his or her request, take him or her to the place set apart for voting, ascertain his or her choice, accordingly mark the ballot-paper, fold it to ensure secrecy and deposit it in the ballot-box.

(8)	xxxx	xxxx	xxxx
(9)	xxxx	xxxx	xxxx
(10)	xxxx	xxxx	xxxx
(11)	xxxx	xxxx	xxxx."

2 The Committee recommend that in sub-rule (3) of rule 7, line 6, for the words "English and Regional Languages in an alphabetical" substitute "English and Hindi Languages in Hindi alphabetical".

3 The Committee further recommend that in sub-rule (4) of rule 7, after "or blue pencil" add "or with a seal".

4 The Committee also recommend that in sub-rule (7) of rule 7, the following sub-rule be substituted :—

- "(7) (a) If a member is unable to read the ballot paper or to record his vote thereon by reason of illiteracy, blindness or other infirmity, the presiding officer shall on being satisfied about such illiteracy, blindness or infirmity, permit the member to take with him a companion of not less than twenty-one years of age who is able to read the ballot paper and record the vote thereon on behalf of, and, if necessary, to fold the ballot paper so as to conceal the vote and insert it into the ballot box :

Provided that no person shall be permitted to act as the companion of more than one member at any polling station on the same day :

Provided further that before any person is permitted to act as the companion of a member on any day under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the member and that he has not already acted as the companion of any other member at any polling station on that day.

- (b) The presiding officer shall keep a record in Form CC of the cases under this rule.
- (c) The Presiding officer shall, when he is so requested by the companion of a member, explain to him the instructions for the recording of votes."

In view of the observations already made to amend rule 7(7), the Committee recommend that after the existing Form C, the following Form be inserted, namely :—

“Form CC

List of illiterate, Blind and infirm Voters.

(See sub-rule (7) of rule 7)

Election to the _____ from the _____
Constituency _____ (State).

S. No. and Name of Polling Station/Name of place of poll _____

Part No. of Member	Serial No	Full name of Member	Full Name of Companion	Address of Companion	Signature of Companion
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Dated _____

Signature of Presiding
Officer ”.

13. THE PUNJAB PANCHAYAT SAMITIS AND ZILA PARISHADS (ELECTION PETITION) RULES, 1961
FRAMED UNDER THE PUNJAB PANCHAYAT
SAMITIS AND ZILA PARISHADS ACT, 1961.

Rule 4—

“4(1) xxxx xxxx xxxx
 xxx xxx

- (2) When the period prescribed by sub-rule (1) for the presentation of election petition expires on a day, which is (observed as a holiday in the office of the Deputy Commissioner) the petition shall be considered as having been presented in due time, if it is presented on the next succeeding day which is no a holiday ”

(3) xxxx xxxx xxxx”

The Committee recommend that in sub-rule (2) of rule 4, for the word “no” substitute “not”.

Rule 6—

“6 (1) xxxx xxxx xxxx

- "(2) If the petitioner by whom the deposit referred to in sub-rule (1) was made withdraws his election petition, and, in any other case, after final orders have been passed on the election petition, the deposit shall after such amount as may be ordered to be paid as costs, charges and expenses has been deducted, be returned to the petitioner by whom it was made, and if the petitioner dies during the course of the enquiry into the election petition, any such deposit, if made by him, shall after the amount of such costs as may be ordered to be paid, have been deducted be returned to his legal representative.

(3) xxx xxXx xxxX".

✓ The Committee recommend that in rule 6(2), line 9, for "a" substitute "as".

Rule 7—

- "7. If any of the provisions of sub-rule (1) of rule 4 or sub-rule (1) of rule 6 have not been complied with the prescribed authority shall pass order dismissing the election and petition such order shall be final."

3 The Committee recommend that in rule 7, lines 3—4, for the words "election and petition" substitute "election petition and".

Rule 8—

- "8. The procedure provided under the Code of Civil Procedure, 1908, in regard to the trial of suit shall in so far as it can be made, applicable, be followed in the hearing of election petition :

Provided that—

- (a) xxx xxx xxx"
- (b) the prescribed authority shall not be required to record the evidence in full but shall make a memorandum of evidence sufficient in his opinion for the purpose of deciding the petition,
- (c) xxx xx\ xxx
- (d) the prescribed authority for the purposes of deciding any issue, shall only be bound to require the production of, or to receive so much evidence, oral or documentary, as it considers necessary :

xxx xxx xxx".

4 The Committee recommend that Clauses (b) and (d) of provision to rule 8 be deleted and the remaining clauses be re-numbered,