

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION

1974-75

SEVENTH REPORT



HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH
MARCH, 1975.

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(III)

COMPOSITION OF THE COMMITTEE

(1974-75)

Chairman—

Shri Ram Dhari Gaur

Members—

Chaudhri Chand Ram

Rao Nihal Singh

Shri Hari Singh Nalwa

Shri Partap Singh Daulta

Shri Phool Chand (Mullana)

Shri K.N. Gulati

Advocate-General

Secretariat—

Shri Raj Kumar Malhotra, Secretary.

Shri Raj Krishan, Deputy Secretary.

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 Seventh 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 19th June, 1974 and was notified in the official Gazette *vide* notification No. HVS-LA(Sub. Leg.)-2/74/73, dated the 21st June, 1974.
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 :

RAM DHARI GAUR,

The 25th March, 1975.

Chairman.

REPORT

1. The Committee on Subordinate Legislation for the year 1974-75 consisting of eight Members including the Chairman and the 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 19th June, 1974, and was notified in the official Gazette *vide* notification No. HVS-LA(Sub.Leg.)-2/74/73, dated the 21st June, 1975.

2. Shri Ram Dhari Gaur was appointed as the Chairman of the Committee by the Speaker.

3. The Committee held 24 sittings during their term. Before scrutinising the rules and orders framed under some Acts, the Committee discussed its scope and functions and the procedure for scrutinising the rules, orders, regulations, etc.

SCOPE AND FUNCTIONS OF THE COMMITTEE

4. The scope and functions of the Committee are set down in rules 242, 250 and 251 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly. Rule 242 enjoins upon the Committee "to scrutinise and report to the House whether powers to make regulations, rules, sub-rules, bye-laws, etc. conferred by the Constitution or delegated by Legislature are being properly exercised within such delegation and consider such other matters as may be referred to it by the Speaker". Further, rule 250 of the said rules lays down that while examining any such set of rules, sub-rules, bye-laws, etc., the Committee shall, in particular, consider :—

- (i) Whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made ;
- (ii) Whether it contains matters which in the opinion of the Committee should more properly be dealt within an Act of Legislature ;
- (iii) Whether it contains imposition of any tax ;
- (iv) Whether it directly or indirectly bars the jurisdiction of the Courts ;
- (v) Whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power ;
- (vi) Whether it involves expenditure from the Consolidated Fund of the State or the Public Revenue ;

- (vii) Whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made ;
- (viii) Whether there appears to have been unjustifiable delay in the publication or laying it before Legislature ; and
- (ix) Whether for any reason its form or purport calls for any elucidation.

Rule 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 by the Government 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, select some set of rules framed under the 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 observe that the Government framed certain rules, orders, etc. long after the relevant Acts have come into force. In this connection a few instances may be quoted. The Punjab Opium Prohibition Rules, 1959, the Punjab Opium Orders, 1956 and the Punjab Opium Confiscation and Rewards Rules, 1954 were framed under the Opium Act, 1878. Similarly, the Punjab Relief of Indebtedness Act was enacted in the year 1934 and the Punjab Debt Conciliation Rules thereunder were framed in the year 1935. The Haryana Land Holdings Tax Act, 1973 was enacted and notified on the 27th April, 1973 whereas the Haryana Land Holdings Tax Rules, 1973 were framed and notified on the 9th November, 1973 i.e. after six months of the commencement of the Act. The Committee observe that in most of the cases there is a great time lag between the commencement of the Act and the framing of said rules and orders. The Committee observe that it is not understood how in the absence of rules and orders the provisions 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 commencement 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 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, fifth and sixth Reports. In spite of the repeated observations made by the Committee in this behalf in their previous Reports the delay has still persisted in framing certain rules. The Committee reiterate its recommendation made earlier and hope that the Departments of the Government would make all out efforts to avoid such delay in future.

(ii) Delaying in laying Rules on the Table of the House

The Committee notice that sometimes the rules or orders etc. are required to be laid on the Table of the House or before the Legislature under any particular statute "as soon as possible" after they are made or at times for a prescribed period. The purpose of laying on the Table of the House of such rules is mainly that a member can give notice of a motion seeking discussion in the House thereon and the House may statutorily modify or annual such rules. It was also noticed that some rules had been laid on the Table of the House long after they had come into force. In terms of the relevant Acts, the House could statutorily modify or annual rules normally only after they had been laid, the Legislature was precluded from exercising its statutory powers for long periods. This was considered by the Committee to be against the spirit of the parent statutes which may be the Acts or the Constitution.

The Committee recommend that where the rules, orders etc. are required to be laid on the Table of the House or before the Legislature under any statute, the same should be laid on the Table of the House as early as possible after they are published in the Gazette. If such rules are published, while the Assembly is in Session, the rules should be laid on the Table of the House during that Session. If the rules are published when the House is not in Session, the rules be laid on the Table of the House during the Session following the date of publication of such rules at the earliest opportunity available to the Government Department concerned.

The Committee also recommend that in future each Government Department concerned should invariably forward with each set of "Orders" such as rules, orders, regulation, bye-laws, etc., the following statement of "orders" in respect of which there has been delay in framing the orders and laying them on the Table for the information of the Committee :—

ANNEXURE

Statement of "Orders" such as rules, orders, regulation, etc., in respect of which there has been delay in framing the "Orders" and laying them on the Table

Serial No.	Name of "Order"	Description of "Order"	Date of Publication in the Gazette	Date of laying on the Table	Approximate delay and reasons of delay, if any	Department concerned
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(iii) 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 being properly exercised by the Executive within the delegation. The Committee while scrutinising the Punjab Debt Conciliation Rules, 1935 framed under the Punjab Relief of Indebtedness Act, 1934, the Haryana Requisitioning and Acquisition of Immovable Property Rules, 1973 framed under the Haryana Requisitioning and Acquisition of Immovable Property Act, 1973; the Punjab Restitution of Mortgaged Lands Rules, 1939 framed under the Punjab Restitution of Mortgaged Lands Act, 1938; the rules framed under the Punjab Medical Registration Act, 1916 and the Rules and Orders framed under the Opium Act, 1878, observed that the reference of the section under which each rule or order was framed was not indicated in the margin of each rule/order of these set of rules/orders. The Committee are of the view that giving of reference of the section under which each rule has been framed in the margin of each rule is essential to enable the Committee and all concerned to know under what precise authority each rule has been framed.

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 or set of rules has/have been framed should also be mentioned in the margin of each rule.

If in the margin of each set of rules there is no reference of the section (s) under which each rule has been framed, Government Departments may invariably supply a memoranandum containing the reference to the relevant section in the Act under which each rule has been framed so that the Committee may be able to understand under what precise authority each rule has been framed and whether in any case the Government has transgressed the powers delegated by the Legislature.

(iv) Supply of printed and up-to-date corrected copies of the Rules

During the scrutiny of the rules the Committee came across a large number of typographical/printing and spelling mistakes in the cyclostyled

as well as printed copies of the rules supplied by the Government Departments, 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 Departments supplied cyclostyled/printed copies of the rules without comparing them with the rules originally 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 Departments concerned in the form in which the rules are published/re-published in the Government gazette. If it is necessary to supply the cyclostyled copies of the rules, the Government Departments concerned should ensure that the cyclostyled copies are compared with the original rules as published in the official gazette and the same are duly corrected and amended up-to-date.

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

The Committee reiterate their recommendation made in the earlier Reports and hope that the Government Departments concerned would continue to supply to the Committee a certificate alongwith every set of Rules and Acts that these are corrected and amended up-to-date.

(vi) Supply of copies of Code, Acts and rules etc.

The Committee observe that 25 copies each of the Haryana Code and the Acts as amended up-to-date would continue to be supplied by the Law Department to them soon after their publication to enable the Committee to function more efficiently and effectively. The Committee have been supplied the requisite number of copies of the Haryana Code Volumes II, III, IV and V containing the Acts upto 1960 of the Punjab State which are applicable to the State of Haryana. But these codes do not contain the rules, orders, regulations etc. framed under those Acts. The Committee observe that in future such rules, orders, regulations etc. framed under the Acts should be published alongwith the Acts in the Haryana Codes those may be published hereinafter. The Committee also recommend that the Government should issue necessary instructions to Government Departments to supply for their use 25 copies each of the notifications containing rules, orders, regulations, bye-laws etc. and amendments thereto soon after their publication in the Gazette.

(vii) 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 observe with regret that in certain cases the Departmental representatives promised to send the requisite information by the end of November/December, 1974 but the same has not been supplied to the Committee upto the writing of the Report. It may be impressed upon the Government Departments that they should be prompt in supplying the information asked for by the Committee.

(viii) 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. The recommendations of the Committee lose their importance if they are not implemented at all or are implemented after a long time. The Committee, therefore, reiterate their earlier recommendation made in their previous Reports that normally their 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.

III SCRUTINY OF RULES/ORDERS

The Committee scrutinised the following rules/orders etc :—

1. (i) The Punjab Debt Conciliation Rules, 1935, and, (ii) the Punjab Relief of Indebtedness (Deposit in Court) Rules, 1935 framed under the Punjab Relief of Indebtedness Act, 1934.
2. The Haryana Children Rules, 1974, framed under the Haryana Children Act, 1974.
3. The Haryana Land Holdings Tax Rules, 1973, framed under the Haryana Land Holdings Tax Act, 1973.
4. The Haryana Requisitioning and Acquisition of Immovable Property Rules, 1973, framed under the Haryana Requisitioning and Acquisition of Immovable Property Act, 1973.
5. The Rules framed under the Punjab Medical Registration Act, 1916
6. The Punjab Restitution of Mortgaged Lands Rules, 1939, framed under the Punjab Restitution of Mortgaged Lands Act, 1938.
7. The Punjab Opium Orders, 1956, framed under the Opium Act, 1878.
8. The Punjab Opium Confiscation and Rewards Rules, 1954, framed under the Opium Act, 1878
9. The Punjab Opium Prohibition Rules, 1959, framed under the Opium Act, 1878.

Revised

1. (i) THE PUNJAB DEBT CONCILIATION RULES, 1935,
FRAMED UNDER THE PUNJAB RELIEF OF
INDEBTEDNESS ACT, 1934.

Rule 3

"3 The Chairman and members of the Board shall draw such salaries and travelling allowances as shall be from time to time prescribed by the Punjab Government."

The Committee recommend that in rule 3, for the word "Punjab" the word "Haryana" be substituted.

Rule 5

"5. It may hold its sittings on all days except those which are allowed as local holidays or as holidays to all public offices in the province, but nothing in this rule shall operate to invalidate proceedings taken by a Board on a sanctioned holiday."

The Committee recommend that in rule 5, line 3, for "Province" substitute "State of Haryana".

Rule 8

"8. (1) Every application for settlement between a debtor and his creditors shall be presented by an applicant in person or sent by registered post to the Chairman or to a member of the Board or to any person authorised by the Deputy Commissioner in this behalf. On receipt of the application the Board shall order the relevant details to be entered in the Register of applications for Settlement of Debts.

(2) . x x x x x x x x x x x
(3) x x x x x x x x x .".

The Committee recommend that in rule 8(1), after "registered post" insert "acknowledgement due".

Rule 9

"9. If the Board does not dismiss the application, it shall send to all persons concerned, at the expense of the applicant, a notice by registered post (acknowledgement due) issued under the provisions of section 12(2) of the Act of the date and place fixed for hearing of the application."

The Committee recommend that in rule 9, line 4, after "date" insert "time".

Rule 10

"10. If the applicant is a debtor, and the Board does not dismiss the application the Board shall as soon as convenient cause to be posted in a prominent place at the office of the Board a notice in Form I attached to these rules. It shall

similarly cause to be published, at the cost of the applicant, the same notice in some vernacular newspaper, commonly read in the area in which the Board has jurisdiction, at least twice within one month."

The Committee recommend that in rule 10, for "some vernacular" substitute "a Hindi".

Rule 11

"11. (i) x x x x x x x x x

(ii) On receiving the written statement the Board shall send by registered post (acknowledgement due) a notice of the date and place fixed for hearing the application to all creditors mentioned by the debtor in his statement.

The cost of issuing these notices shall be recovered by the Board from the applicant in advance."

The Committee recommend that in rule 11(ii), after "date" insert "time".

Rule 13

"13. (i)(a) x x x x x x x x x
(b) x x x x x x x x x

(c) A copy of the notice shall be sent by registered post (acknowledgement due,) to those creditors who have been named by the applicant or debtor are not present before the Board. The cost shall be borne by the applicant, but shall be recoverable at the discretion of the Board, from a creditor who has had previous notice of the date fixed.

(ii) If the Board has reason to believe that the applicant has not disclosed the names of all creditors, it shall further cause the notice Form II to be published at the cost of the applicant in some vernacular newspaper commonly read in the area in which the Board has jurisdiction, at least twice within one month of the order."

The Committee recommend that in rule 13(i) (c), for the words "or debtor" substitute the word "and".

The Committee recommend that in rule 13(ii), after "notice" insert "in" and further for "some vernacular" substitute "a Hindi".

Rule 14

"14. A certificate granted under section 20(2) of the Act by a Board to a debtor in respect of debts due from him to any creditor shall be in Form III annexed to these rules, and shall be signed by the Chairman and members of the Board present and sealed with the seal of the Board. The certificate shall be prepared in triplicate, one copy shall be delivered to the debtor, one copy shall be sent to Record Room of the district in which the Board is working, to be filed in

accordance with rules framed by the Punjab Government, and the third copy shall be attached to the record of the proceedings."

9 The Committee recommend that in rule 14, for "Punjab" substitute "Haryana".

Rule 15

"15. Every application for settlement made under section 9 of the Act and every application for review made under section 23 of the Act shall be stamped by the applicant with a court-fee stamp of the value of eight annas."

10 The Committee recommend that in rule 15, for "eight annas" substitute "fifty paise".

Rule 15.A

"15.A Certified copies of all documents produced by creditors alongwith their statement of debts under sub-section (1) of section 14 of the Act shall not be charged with any fee either under the Court Fees Act or under the Stamp Act.

Provided that this rule shall not operate against any of the provisions of the Stamp Act with regard to the legal stamping of any original document."

11 The Committee recommend that in rule 15-A, for sign "." occurring after "Stamp Act" insert ":",.

Rule 16

"16.(i) for every registered notice to be sent by the Board under the Act and these rules the person at whose expense it has to be sent shall pay to the Board before the issue of the notice, the sum of six annas or present a cover adequately stamped for the purpose of the despatch of the notice by registered post, acknowledgement due.

(ii) x x x x x x x."

12 The Committee recommend that in rule 16(i), for "six annas" adequate postal registration charges be prescribed.

Rule 17

"17. The Chairman of the Board shall send quarterly returns of the work done by Board to the Collector in Form IV annexed to these rules."

13 The Committee recommend that in rule 17, between the words "by" and "Board", insert "the".

Rule 19

"19. Every Chairman of the Board on receipt of an application stamped by the applicant with a court-fee stamp of the value of two annas shall cause to be given a copy of any settlement

made under section 17 of the Act together with a certificate written at the foot of such copy that it is a true copy of such settlement, and such copies so certified shall be certified copies within the meaning of the Indian Evidence Act, 1872."

The Committee recommend that in rule 19, for the words "two annas" substitute "twelve paise" or such reasonable rate as the Government may consider proper.

Forms I, II and III

The Committee recommend that in Forms I, II and III, the word "caste" be omitted.

(ii) THE PUNJAB RELIEF OF INDEBTEDNESS (DEPOSIT IN COURT) RULES, 1935, FRAMED UNDER THE PUNJAB RELIEF OF INDEBTEDNESS ACT, 1934

Revenue

Rule 3

"3. Sums less than one thousand rupees may be deposited in any stipendiary Civil Court having jurisdiction within the district in which the debtor resides.

Provided that where there is more than one such Court in the same town, the deposit shall be made in the Court exercising the highest power pecuniary jurisdiction."

The Committee recommend that in rule 3, for the sign "." substitute ":",

2 THE HARYANA CHILDREN RULES, 1974, FRAMED UNDER THE HARYANA CHILDREN ACT, 1974

Social welfare

Rule 2

"2. In these rules unless the context otherwise requires —

(a)	x	x	x	x	x
(b)	x	x	x	x	x
(c)	x	x	x	x	x
(d)	x	x	x	x	x
(e)	x	x	x	x	x
(f)	x	x	x	x	x
(g)	x	x	x	x	."

The Committee recommend that after the word "rules" insert "," and for "—" occurring after "requires" substitute "—".

Rule 3

- "3. The competent authority shall hold its sittings on the premises of an observation home on such days and at such time as may be fixed by the Government from time to time."

2 The Committee desired to know the need of delegating the power to the Government for fixing days and time for holding sittings of the competent authority on the premises of an observation home and whether such days and time had been fixed by the Government, if so, the copies of the notifications be supplied. The Committee further desired to know if this power could not be delegated to the competent authority instead of the Government.

The departmental representative stated during the course of his oral examination that this matter would be examined afresh and make a report to the Committee at the latest by the 31st January, 1975. The Committee regret to observe that the Department has not forwarded the said report till the writing of this Report and desire that it may be expedited.

Rule 9

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

3 The Committee recommend that in rule 9, after the words "the Board may order" insert the sign ",".

Rule 14

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

4 The Committee recommend that in rule 14, for the word "attention" substitute the word "intention".

Rule 15

- "15. A child shall not be received into an institution after the date of the receipt by the manager of the institution of a notice of withdrawal of the recognition or after the date of notice of resignation of the recognition."

Provided that the obligation of the manager to teach, train, lodge, clothe and feed any children detained in the institution at the respective dates aforesaid shall, except so far as the Government otherwise direct, continue until the withdrawal of resignation of the recognition takes effect."

The Committee recommend that in line 5 of the proviso to rule 15, for the word "of" appearing between the words "resignation" and "the recognition" substitute "or".

Rule 20

"20. (1) Every institution including its departments shall be liable to inspection, at least once in every quarter, by the Chief Child Welfare Officer, Probation Officers or such other officers, as may be appointed by the Government.

(2) x x x x x x x

(3) In case the institution is for the reception of girls mainly and the fit person is such in whose care mainly the girls are placed, and the inspection is not made by the Chief Child Welfare Officer, the visitors shall, where-ever be practical, be a woman.

(4) x x x x x x x

(5) x x x x x x x."

The Committee recommend that in sub-rule (1) for "shall be liable to inspection" substitute "shall be inspected".

The Committee further recommend that in sub-rule (3), for "practical" substitute "practicable".

Rule 28

"28 (1) The competent authority making an order placing a child under the care of a parent, guardian or other fit person, as the case may be under sub-section (1) of Section 15 or under clause (b) of sub-section (1) of Section 20, may direct such parent, guardian, relative or fit person to enter into a bond in form X, with or without sureties and in such sum of money as the competent authority may think fit, to keep the child under proper care and control, and to be responsible for his good behaviour. In addition to the conditions prescribed in form X, the competent authority may impose such other conditions as it may think fit for securing that the child is properly cared for and leads an honest and industrious life.

(2) x x x x x x x."

The Committee recommend that in rule 28(1), after "as the case may be" insert "," and further for "competent" substitute "competent".

Rule 30.

"30. (1) In the case a child whose ordinary place of residence lies outside the jurisdiction of the competent authority and the competent authority deems it necessary to take action under section 33 it shall direct a probation officer to make enquiries as to the fitness and willingness of the relative or other person to receive the child at his ordinary place of residence and whether such relative or other fit person can exercise proper care and control over the child.

(2) On being satisfied on the report of the probation officer, the competent authority may send the child, if necessary on execution of a bond by the child as early as in form XI, to the said relative or fit person on giving an undertaking by the said relative or fit person in form XII.

(3)	x	x	x	x	x	x	x
(4)	x	x	x	x	x	x	x
(5)	x	x	x	x	x	x	x."

The Committee recommend that at the end of rule 30(1) add "." and in rule 30(2), after "if necessary" insert ",".

Rule 34

"34. While dealing with children under the provisions of the Act or these Rules, except at the time of arrest, the Police Officers shall wear plain clothes and not the police uniform."

The Committee recommend that in rule 34, for "lothes" substitute "clothes".

Form V.

In Form V, line 8, for "(name of the child)", substitute "(name and parentage of the child)".

The Department in their written reply agreed to all these proposals of the Committee.

Accordingly, the Committee desire that their aforesaid recommendations be implemented at the earliest and the Committee be informed.

**THE HARYANA LAND HOLDINGS TAX RULES,
1973, FRAMED UNDER THE HARYANA LAND
HOLDINGS TAX ACT, 1973.**

The Committee, after going through the provisions of the Haryana Land Holdings Tax Act, 1973 and the Haryana Land Holdings Tax Rules, 1973, made the following observations/recommendations :—

Rule 4.

- "4. (1) The Assessing Authority shall cause to be prepared a list in form I (Parts A and B) and get it checked by an official not below the rank of a Kanungo.
- (2) The Assessing Authority shall, after satisfying himself as to the correctness of the particulars given in the list, cause the same to be displayed in the offices of the Tehsildar and the Gram Panchayat, if any. The fact of the list having been displayed shall also be got announced by a beat of drum in the village and certified by attestation of a Lambardar and two other non-official witnesses in form II and the Patwari shall make an entry in this regard in the daily diary.
- (3) The notice, in respect of the date and time of disposing of the objections by the Assessing Authority under Sub-section (3) of section 7, shall be in form III.
- (4) The notice in form III shall be displayed at least seven days before the date of disposing of the objections at the offices of the :—
- (a) Assessing Authority ;
 - (b) Block Development and Panchayat Officer ; and
 - (c) Gram Panchayat, if any.

The announcement in respect of the contents of the notice shall be got made by a beat of drum and the fact that the announcement has been made shall be certified by the attestation of two non-official witnesses in form IV. The Patwari shall also make an entry in this regard in the daily diary."

1. The Committee observed that in rule 4(2), after the word "displayed" the signs and words, "at a conspicuous place," be inserted.

During the course of oral examination the departmental representative stated that the office of the Gram Panchayat in the gram area was generally a prominent and conspicuous place and, therefore, the amendment was not considered necessary. However, he assured the Committee to issue administrative instructions in this regard.

The Committee, accordingly, recommend that Government may issue suitable Administrative instructions to the Assessing Authority to cause the list in Form I to be displayed at a conspicuous place in the offices of the Tehsildar and the Gram Panchayat, if any, to enable the effected persons of a village to file objections.

2. The Committee were of the view that the following new sub-rule (2A) be added to rule 4 —

“(2A) In addition to the procedure mentioned in sub-rule (2), the Assessing Authority shall cause the details of the tax and particulars of the land got served on the affected land-owners personally.”

In the written reply the Revenue Department stated that it would involve considerable labour and expense to effect personal service on lakhs of assessees.

During the course of oral examination the departmental representative agreed to follow it in principle, but did not agree to incorporate the same in the form of rule 2A

The Committee, however, recommend that provisions of the rules be strictly followed by the Revenue Department

3. The Committee were of the view that the following sub-rule (3A) be added to rule 4 —

“(3A) In addition to the action taken under sub-rule (3), the notice in respect of the date and time of disposing of the objections by the Assessing Authority shall also be served on the persons who have filed objections.”

During the course of oral examination the departmental representative stated that the procedure laid down in sub-rule (3), was quite elaborate and there appeared to be no necessity for making any addition in the existing sub-rule. However, he assured the Committee that the requirements of the rules would be properly followed by the officers of the department.

The Committee, accordingly, recommend that the Government may issue suitable administrative instructions that the requirements of the rules be properly followed by the officers concerned.

4. The Committee were of the view that in rule 4(4), for the word “seven” the word “twenty-one” be substituted, as the period of seven days for giving notice in form III was quite inadequate.

In the written reply the Revenue Department stated that this minimum period of seven days was considered adequate. During the course of oral examination of the departmental representative the Committee were not satisfied with the written reply of the Department and was of the opinion that the period of seven days notice should be extended to at least fifteen days.

The departmental representative promised to examine this rule afresh and inform the Committee about the decision/opinion of the Government in this regard.

The Committee, accordingly, recommend that this matter be examined afresh threadbare and the Committee be informed of the decision of the Government at the earliest.

4. THE HARYANA REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY RULES, 1973, FRAMED UNDER THE HARYANA REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY ACT, 1973.

General

The Committee observed that in the margin of each rule, the reference of the section, under which each rule had been framed, had not been indicated properly, and this might be done when the rules are got re-published.

During the course of oral examination the departmental representative stated that it would be difficult to indicate such references at the re-printing stage.

The Committee recommend that whenever the rules are re-published the reference of the section of the Act under which each rule has been framed be indicated in the margin of each rule to enable the Legislators in particular and the public in general to know under what precise authority each rule has been framed.

Rule 3

"3. A notice under clause (a) of sub-section (1) and an order under clause (b) of sub-section (1) of section 3 shall be in form A."

Rule 4

"4. The order of requisition under sub-section (2) of section 3 and the notice under sub-section (1) of section 4 shall be issued in form E."

The Committee were of the view that service should be effected by registered letter with acknowledgement due and, therefore, suggested that at the end of the rules 3 and 4, the words "and send to the person concerned under registered cover, acknowledgement due" be added.

During the course of oral examination the departmental representative stated that this provision might be kept flexible and discretionary to effect either personal or substituted service and, if a person lived in the locality where the personal service was to be effected, the personal service would be better instead of service by registered letter, with acknowledgement due.

The Committee observed that it was implied in the rules that there would be personal service and registered service both. Therefore, it was necessary that registered letter be also issued in each case. The departmental representative agreed to re-examine this matter

The Committee recommend that this matter be re-examined and rules 3 and 4 may suitably be amended.

Form A.

The Committee recommend that in form A, for the brackets, words and figure "(See Rule 13)" the brackets, words and figure "(See Rule 3)" be substituted.

5. RULES FRAMED UNDER THE PUNJAB MEDICAL REGISTRATION ACT, 1916

General.

The Committee wanted to know the reasons due to which the Medical Council had not been constituted in Haryana State despite the fact that more than eight years had lapsed since the formation of Haryana State and the Treasurer had not been appointed thereto

The departmental representative during the course of oral examination stated that there had been a difference of opinion between the Law Department and the Health Department about the formation of the Medical Council in the State. The Law Department were of the view that the elections could not be held without the existence of the parent body. On the other hand the Health Department were of the view that firstly an *ad-hoc* Medical Council be constituted in the State and thereafter the electoral college be formed to hold the elections to the Medical Council. The said protracted controversy has since been resolved and the electoral college will be prepared within next two months and the elections to constitute the Medical Council will be conducted within six months. The Government in the Health Department have now appointed a Registrar who has already undertaken the work of preparing the electoral college for elections to the Medical Council. The Treasurer will also be appointed after the constitution of the Medical Council

The Committee recommend that the Medical Council be constituted within next six months and the Treasurer be also appointed.

The Committee further recommend that the necessary amendments in the Schedule may also be made soon after the Medical Council is constituted.

2. The Committee observe that rules have not been given a "short title" to indicate in which year they were framed and published for the first time.

The Committee further observe that the rules, as framed, suffer from the following defects :—

(1) The Rules are not centrally and serially numbered ;

(2) No marginal heading has been given to majority of the Rules ;

(3) No reference of the Section has been indicated in the margin of each rule, in the absence of which it is difficult to under-

stand under which provision of the Act each rule has been framed. and

- (4) There is no proper arrangement of the rules and the Appendices.

During the course of oral examination, the departmental representative agreed to the above suggestions of the Committee. The Committee recommend that the aforesaid formalities may be complied with by the Government when the rules are published/re-published.

Rule 1

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

- (1) "the expression" the Act means the Punjab Medical Registration Act, 1916 ;

(2) x x x x x x x

(3) x x x x x."

The Committee recommend that in rule 1(1), for, 'the expression' the Act', the sign and the words 'the expression "the Act", may be substituted.

Rule 2

- "2. The Haryana Medical Register shall be maintained in Form No. 1 in the Appendix to these rules."

The Committee recommend that the forms appended to the rules should also be made available to the practitioners in Hindi language also.

Rules 6, 6-A, 6-B and 7

- "6. Every person other than a person registered under the British Medical Acts or a person already registered under any Medical Registration Act in force in any other Province in India applying for registration under the Act, shall pay a fee of Rs. 20 which shall accompany the application for registration.

6-A. Every registered practitioner who applies to the Registrar for a duplicate copy of his registration certificate shall pay a registration fee of Rs. 3 (including cost of stamp affixed on Registration certificate).

6-B. Every registered practitioner who applies to the Registrar for an alteration in his name other than the additions of recognised titles shall pay a fee of Rs. 5 and furnish such particulars as the Council may desire. Lady doctors whose names are changed on account of marriage shall, however, be exempted from the payment of the fee.

7. Every registered practitioner who applies to the Registrar in respect of any additional qualification obtained subsequent to registration or for any alteration shall under the Act pay a fee of Rs. 5 for each addition or alteration unless the additional qualification has already been registered under any Medical Registration Act in force in any other Province in India."

9 The Committee recommend that in rules 6, 6-A, 6-B and 7 and in subsequent rules wherever occurring, for the word "Province" substitute "State".

10 The Committee was of the opinion that the fee of Rs. 20 etc. was fixed in the year 1916 when the rules were framed for the first time. Now the economic position has undergone a great change and as such the rates of fees as provided in rules 6, 6-A, 6-B and 7, may be suitably increased.

During the course of oral examination, the departmental representative stated that they would examine this matter after making the comparative study of rates of fees existing in other States and if the rates of fees in other States are lower, the Medical practitioners will be more attracted for registration in other States, *vice versa*.

11 The Committee recommend that this matter may be examined by the Government threadbare after making a comparative study of the rates of fees prevalent in other States and the Committee be informed at the earliest.

Rule 7-A.

"7-A. The Registrar is empowered to erase from the Register with the written approval of the President the name of any registered person with whom he is unable to establish communication provided that any name so erased may be re-entered in the Register by direction of the Medical Council upon payment of a fee of Rs. 10."

12 The Committee was of the view that under the Act, the Registrar was not empowered to erase the name of any Registered Practitioner from the register, but rule 7-A empowers the Registrar for erasing the name of a practitioner.

During the course of oral examination, the departmental representative stated that this rule seems to have been framed under Section 11 of the Act and the Committee would examine it in the light of the Punjab Government Notification No. 21774, dated the 19th August, 1933, with which this rule was notified, and promised to supply a copy of the same to the Committee.

13 The Committee recommend that a copy of the said notification may be supplied to the Committee at the earliest and the matter may also be examined by the Government with a view to substituting the word "remove" for the word "erase".

Rule 13

"13. A vacancy occurring in any manner whatsoever in relation to an elected member shall be filled by election in the manner hereinafter provided.

The State Government shall appoint any person as a Returning Officer :—

- (i) x x x x x x x
- (ii) x x x x x."

The Committee recommend that at the end of para 1, after the word "provided", for the sign "-" substitute";-" ?

Rule 14

"14. The following procedure shall be adopted for the filling of vacancies by election :—

- (1) xx xx xx xx xx xx
- (2) xx xx xx xx
- (3) xx xx xx xx xx xx

- (4) Every proposal for nomination shall be in writing and shall be signed by the proposer and seconder, and sent by registered post or delivered personally to the Returning Officer so as to reach him not less than twenty-eight days before such date as may be notified under rule 13 of these rules.

- (5) xx xx xx xx xx xx
- (6) xx xx xx xx
- (7) xx xx xx xx xx
- (8) xx xx xx xx

- (9) Before such date, as may be appointed by the Returning Officer in this behalf, every elector, desirous of voting, shall send by registered post his ballot paper to the Returning Officer after recording his vote or votes and affixing his signatures thereon in the manner prescribed therein.

Provided that any ballot paper which is not received by the Returning Officer before 12 noon on the date preceding the date fixed for the counting of votes or which does not in any way conform to these rules shall be rejected.

- (10) xx xx xx xx xx xx

(11) When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected and shall forthwith inform the successful candidates by letter of his having been elected to the Council

(12) When an equality of votes is found to exist between any candidates and the addition of the vote will entitle any one or more of the candidates to be declared elected, the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot, to be drawn by the Returning Officer in the presence of the candidates or their representatives who may be present at the time of the counting of votes.

(13) XX XX XX XX XX XX

(14) XX XX XX XX."

15 The Committee, after going through this rule and having the departmental representative examined, recommend that :—

16 (i) In rule 14 (4), delete the words "sent by registered post or" and after "delivered personally" insert "or by any proposer or seconder of a candidate";

17 (ii) In rule 14(9), after "registered post" insert "with acknowledgement due" and for sign "," occurring after "therein", insert " .";

18 (iii) In rule 14(9), in the proviso, after "rejected" insert "after recording the grounds of such rejection". However, the grounds of rejection are required to be mentioned only when the ballot paper is rejected in any manner other than the receipt of the ballot paper after 12 noon; and

19 (iv) In rule 14(11), for "letter" substitute "registered letter"; and

20 (v) In rule 14(12), line 1, for "an equality" substitute "equality".

Rule 15

"15. The State Government may, of its own motion, or on an objection made before it, declare any election that has been held to be void on account of corrupt practice or any sufficient cause and may call upon the electorate to make a fresh election. The decision of the State Government under this rule shall be final."

21 The Committee are of the view that the words "corrupt practice" should have been mentioned in the body of the Act. Hence, this rule seems to be *ultra-vires* and as such the Committee recommend that appropriate action be taken.

Rule 17 -

- "17. After the declaration of the election of any member, and when the President himself is not the Returning Officer, after the receipt by him of notice of such election from the Returning Officer the President shall publish the notice of the election in the Haryana Government Gazette and send a copy of the State Government."

The Committee recommend that in rule 17, for "copy of" the words "copy to" be substituted. 22

Rule 18

- "18. (1) No election of a Vice-President of the Council shall be held at a meeting unless not less than fourteen days notice of the holding of such meeting has been given to all members of the Council by delivery at their ordinary place of resident of a notice, which shall specify that such election is to take place at the meeting in question.

(2) x x x x x x x

(3) x x x x x."

The Committee are of the view that in rule 18(1), for the word "resident" substitute "residence". 23

During the course of oral examination, the departmental representative stated that they would examine this matter after having the opinion of the Legal Remembrancer in this behalf

The Committee recommend that this matter may be examined at the earliest in consultation with the Law Department and the Committee be informed. 24

Rule 24

- "24. The notice referred to in rule 23 shall be in form III in the Appendix to these rules with such variations as circumstances may require. It shall be sent three weeks before the date of the inquiry, and shall be accompanied by a copy of sections 13 or 16 of the Act, as the case may be and of the rules to regulate the procedure for conducting an inquiry referred to in these sections."

The Committee recommend that in rule 24, after "as the case may be" the sign "," be inserted. 25

Rule 29

- "29. Where a complainant appears personally or by legal practitioner the order of procedure shall be as follows :—

- (i) The Registrar will read to the Council the notice of the inquiry addressed to the medical practitioner.

- (ii) The complainant will than be invited to state his case by himself or by his legal representative and to produce his proof in support of it. At the conclusion of the complainant's proofs his case will be closed.

(3)	*	*	*	*
(4)	*	+	*	*
(5)	*	*	*	*
(6)	*	*	*	*."

26 The Committee recommend that for "(i)" and "(ii)", substitute "(1)" and "(2)" respectively.

Rule 31

"31. (1) Upon the conclusion of the case, the Council will deliberate thereon in private and at the conclusion of the deliberations the President shall call upon the Council to vote on the question whether the medical practitioner charged is guilty of infamous conduct in a professional respect.

(2) If the Council by a majority, voting at the meeting find the medical practitioner guilty of infamous conduct in a professional respect, the President shall direct the Registrar not to register his name if he be an applicant for registration or to erase his name from the register of registered practitioners if he is already a registered practitioner.

27 The Committee observe that the last words of rule 31 (1) are not clear and create ambiguity. The Committee, therefore, recommend that this rule be re-examined and this sub-rule may be suitably amended.

28 The Committee further recommend that in rule 31 (2) for the word "erase" the word "remove" be substituted.

Form III

The Committee recommend that in Form III of "signature of the seconder" the words "signatures of the proposer" be substituted.

6. THE PUNJAB RESTITUTION OF MORTGAGED LANDS RULES, 1939, FRAMED UNDER THE PUNJAB RESTITUTION OF MORTGAGED LANDS ACT, 1938.

Rule 12

"12. After determining the amount of compensation due, the Collector shall fix a time, which may for sufficient reasons be subsequently extended, within which the petitioner shall

deposit the amount in the Government treasury for disbursement to the mortgagee.”.

The Committee observed that the Collector was empowered under the rules to fix a time and then to extend it on sufficient grounds for depositing the amount in the Government Treasury for disbursement to the mortgagee.

The Revenue Department in their written reply stated that it was expected that the Collector would exercise his discretion in that regard judicially and, therefore, prescribing any time limit was not considered necessary. It was further stated that an aggrieved party could always seek redress in appeal and revision.

The Committee are of the view that it would be desirable if maximum period be laid down in this rule for payment of the amount of compensation and subsequently extending the period for payment.

Rule 13

“13. When the mortgagee has deposited with the Collector the mortgage deed and other documents, if any, evidencing the mortgage or title to the land, or satisfied him that the documents though at one time existing had been lost, he shall be entitled to receive the amount of compensation in accordance with the rules of the treasury, and the documents of title shall be made over to the petitioner”.

The Committee observed that rule 13 was not happily worded and, therefore, desired that this rule be re-drafted.

The Revenue Department stated that the matter would be examined in consultation with the Law Department and the rule be re-drafted.

The Committee, therefore, recommend that this matter be examined by the Revenue Department in consultation with the Law Department at the earliest and this rule be suitably redrafted under intimation to the Committee.

Rule 14

“14.(1) x x x x x x.”.

(2) If any co-mortgagor fails to apply under rule 4 to be made a petitioner, or being a petitioner fails to pay his share of the compensation assessed, possession shall be given to the mortgagor by whom such compensation has been paid in full; and such co-mortgagor shall continue to be shown in the revenue records as mortgagor until such time as he has paid his share to the person who has made payment being shown as mortgagee of his share.

(3) x x x x x x

(4) x x x x x x.”.

5 The Committee observed that sub-rule (2) of rule 14 gave powers of showing the co-mortgagor as the mortgagor of the Land until he paid the share of compensation, but no provision existed in the Act giving powers to the State Government to change the ownership of the land from one mortgagee to the other mortgagee.

The Revenue Department in written reply stated that the matter would be examined.

6 The Committee recommended that sub-rule (2) of rule 14 be examined by the Administrative Secretary in consultation with the Law Department and the Committee be informed at the earliest.

Rule 17

"17. In cases covered by rule 15 above, the Collector issuing a warrant of possession under rule 14 shall issue a separate warrant for the area lying in each other district and transmit the same for execution to the Collector thereof, who shall execute the warrant as if it had been issued by himself."

7 The Committee recommend that in rule 17, in line 1, the word "above" be deleted, being superfluous

Rule 20

"20. (1) An appeal against an order by a Collector or a Commissioner under the Act shall be preferred by submitting a memorandum, accompanied by an attested copy of the order appealed against.

(2) x x x x x."

8 The Committee recommend that in rule 20 (1), line 1, the word "by" be substituted by "the word of".

7. THE PUNJAB OPIUM ORDERS, 1956 FRAMED UNDER THE OPIUM ACT, 1878.

General

1 The Committee recommend that as and when the Punjab Opium Prohibition Rules, 1959 and the Punjab Opium Orders, 1956, framed under Section 5 of the Opium Act, 1878, are revised, these may be consolidated into one set of rules as under Section 5 *ibid* only rules can be framed

✓ The Committee point out that the Punjab Opium Orders, 1956, have not been given a short title, such as "These Orders may be called the Punjab Opium Orders, 1956."

7 The Department in their written reply stated that before 1947, it was not the practice to give a short title to such Orders. However,

during the course of oral examination, the Departmental representative stated that whenever any necessity would arise, the short title to these Orders will be given.

The Committee recommend that every set of rules/order should bear a short title invariably.

Order No 1

"1. In these orders, unless there is anything repugnant in the subject or context :—

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

The Committee recommend that in Order 1, for " :-" substitute " ,—".

Order No. 5

"5. The possession of Opium (including poppy-heads) in any quantity by any person except under and in accordance with the conditions of a permit granted under the Punjab Opium Prohibition Rules, 1959, or under appropriate license or permit granted under the Opium Act, 1978, or the Dangerous Drugs Act, 1930, or the Medical and Toilet Preparations (Excise Duties) Act, 1955 is prohibited."

The Committee recommend that in Order 5, for "1978" substitute "1878" being a printing mistake.

Order No. 26

"26. Pure and excise and poppy-heads may be exported by any officer of Government under the Orders of Government".

The Committee recommend that for the words "Pure and excise and poppy heads", the words "Pure opium, excise opium and poppy-heads" be substituted.

The Committee further opined that wherever in these Orders, the words "pure and excise opium" appear, they be substituted by the words "pure opium, excise opium".

The Departmental representative stated that they had accepted the suggestion of the Committee. They would word the order as under :—

"26. Pure and excise opium and poppy-heads may be exported by any officer of the Government under the orders of the Government."

The Committee agreed to it.

8. THE PUNJAB OPIUM CONFISCATION AND
REWARD RULES, 1954, FRAMED UNDER THE
OPIUM ACT, 1878.

The Committee observe that the Rules have not been given the short title. These Rules may be given a short title, as under :—

- "1. These Rules may be called the Punjab Opium Confiscation and Reward Rules, 1954."

The Departmental representative stated during the course of oral examination that they would give a short title to the Rules.

Rules 1 and 2

"All things in regard to which an order is passed under the provisions of the Opium Act (1 of 1878) that they are confiscated shall be delivered to the Deputy Commissioner of the District in which such order is passed.

. X X X X X X X

The Government of India have agreed to bear the transport and packing expenses. The bill for packing charges may be presented separately to the Opium Agent, Ghazipur who will reimburse the Government of Haryana in due course through book transfer, alongwith the value of the contraband opium calculated at the rate applicable to "inferior Opium Class B".

The Committee observed that the opening word of rules 1 and 2 were not in the nature of rules rather these were in the form of declaration or narration of the Scheme. Therefore, the Committee recommend that the whole set of the rules require amendment, keeping in view the changed circumstances and the principles of the drafting rules.

The Departmental representative during the course of oral examination stated that the later part of rule 2 beginning with the words "The Government..... applicable to "inferior Opium Class B", will be converted with a note under rule 2.

The Committee agreed to it.

Rule 3

- "3. Rewards in relation to offences under the Opium Act or rule thereunder may be granted to the following persons :—

- (1) To an informer after a successful raid or after the result of the trial or appeal where the Deputy Commissioner is satisfied that the case was genuine and its detection took place on the information supplied by him. A statement of the informer shall however be recorded by the Officer receiving information before the raid is conducted and it shall be kept in the custody of the Excise and

Taxation Officer who shall verify it at the time of the disbursement of the reward.

(ii) x x x x x x x

(iii) To the Excise Officers or Officials for conduct displaying extraordinary address acuteness industry fidelity or courage in a case."

The Committee recommend that —

(1) In rule 3, for "or rule thereunder" substitute "or rules thereunder".

(2) In rule 3(i), for "th" substitute "the".

(3) In rule 3(iii), for the word "extroordinary" substitute "extraordinary".

(4) In rule 3(iii) insert "," after "extraordinary address" and "acuteness industry".

9. THE PUNJAB OPIUM PROHIBITION RULES, 1959, FRAMED UNDER THE OPIUM ACT, 1878.

Rule 1

"1. (1) x x x x x x x

(2) They shall extend to the whole of the State of Haryana and shall come into force on the 1st April, 1959."

The Committee observed that for sub-rule (2) of Rule 1, the following be substituted :—

"(2) These rules shall extend to the whole of the State of Haryana. /

(3) These rules shall come into force on the 1st April, 1959." 2

The Department in their written reply stated that it would be done when the Rules are revised.

The Committee recommend that it may be done when the rules are revised or amended.

Rule 2

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

(a) x x x x x x x

(b) x x x x

- (c) the expression 'Excise Officer' means and includes every officer invested with the power of an Excise officer under the Punjab Excise and Act 1914 (1 of 1914) ;

(d) x x x x x x x

 x x x x

 x x x x x x x."

3 The Committee recommend that in rule 2(1), for "—" substitute "—."

4 The Committee further recommend that in rule 2(1) (c), delete the word "and" occurring between the words "Punjab Excise" and "Act".

Rule 3

- "(3) The possession of opium in any quantity by any person except under and in accordance with the conditions of his permit granted under these rules or under an appropriate license or permit as the case may be granted under the Opium Act, 1878 (1 of 1878) or the Dangerous Drugs Act, 1930 (II of 1930) or the Medical and Toilet preparations (Excise Duties) Act, 1955 (16 of 1955) is prohibited."

5 The Committee recommend that for the signs and figures "(3)" in the beginning of the rule substitute the figure and sign "3." and in rule 3 insert "3" before and after the words "as the case may be".

Rule 4

"(1) x x x x x x x

- (2) On receipt of an application under sub-rule (I), the Chief Medical Officer shall make such enquiries as he deems necessary and if he is satisfied that there is no objection to the grant of the permit applied for, he may, subject to the orders of the Excise Commissioner, if any, grant the applicant a permit in Form O.P.I. on payment of a fee of one rupee :

Provided that no such permit shall be granted —

- (i) except on the recommendation of the Medical Board or the Medical Officer, as the case may be, appointed on that behalf ;
- (ii) to a person who was not registered as an opium addict under the Punjab Opium (Restriction on Oral Consumption) Rules, 1956, and if registered was not receiving supplies of opium regularly.

3. (3) Notwithstanding anything contained in sub-rule (2), the Excise Commissioner or the officer empowered by him in this behalf may authorise the Chief Medical Officer concerned to issue permit, in form O.P.I., on payment of a fee of one rupee for the possession on medical grounds of such minimum quantity of opium as he may think proper in each case, to such opium addicts who could not get themselves registered under the Punjab Opium (Restriction on consumption) Rules, 1956, and regarding whom the Chief Medical Officer certifies that opium is essential for their life.

Provided that no such permit shall be granted to a person who does not explain the reason for not getting himself registered under the said rules to the satisfaction of the Chief Medical Officer."

6 The Committee recommend that —

- (i) in clause (1) of proviso to sub-rule (2) of rule 4, for "on" appearing between "appointed" and "that behalf", substitute "in".
- 7 (ii) in sub-rule (3) of rule 4, delete "3" being superfluous and further in sub-rule (3) of rule 4, between the words "on" and "consumption" insert "Oral" and the "c" of "consumption" should be written in capital "C".
- 8 (iii) at the end of sub-rule (3) of rule 4, for the sign "." appearing before the proviso, substitute the sign ".".

Rule 4-A.

"4-A. Notwithstanding anything contained in rule 3 an opium addict may import into Haryana and possess opium obtained by him on the authority of a permit issued in his favour by another State in India, upto the extent of the quantity authorised in the permit provided that ,

- | | | | | | | | |
|-------|---|---|---|---|---|---|-----|
| (i) | x | x | x | x | x | x | x |
| (ii) | | x | | x | | x | |
| (iii) | x | x | x | x | x | x | x." |

The Committee recommend that at the end of first para of Rule 4-A, for "permit provided that ;", substitute "permit ; provided that-". 9

Rule 10

"10. (1) Any person desirous of transporting opium which he is authorised to possess shall apply for the grant of a pass to the Excise and Taxation Officer concerned ;

- | | | | | | | | |
|-----|---|---|---|---|---|---|---|
| (2) | x | x | x | x | x | x | x |
|-----|---|---|---|---|---|---|---|

- (3) Transport passes in cases not covered by sub-rule (1) and (2) shall be granted in form O.P. 5.”

The Committee recommend that —

- 10 8 (a) at the end of sub-rule (1) of rule 10, for “;” substitute “.”.
11 9 (b) in sub-rule (3) of rule 10, for “sub-rule” substitute “sub-rules”.

Rule 13

“13. Any person may without any permit, purchase, possess and transport opium on behalf of an infirm or invalid person, who is physically unfit to purchase, possess and transport opium, provided that :—

- (a) the infirm or invalid person holds a permit in form O.P.1 ;
(b) the person purchasing, possessing and transporting opium on behalf, of the infirm invalid person possess a written authority in form O.P.6 from the infirm or invalid person to do so on his behalf, and the Chief Medical Officer has given his prior approval to such authorisation.”.

The Committee recommend that —

- 12 10 (a) at the end of first para of rule 13, for “opium, provided that :—” substitute “opium ; provided that—”.
13 11 (b) in clause (b) of proviso to rule 13, for “on behalf, of the infirm invalid” substitute “on behalf of the infirm or invalid”.

FORM O.P. 1.

The Committee recommend that —

- 14 12 (a) in Form O P 1, in condition No. 3(1), for “Rule” substitute “Rules”.
15 13 (b) in Form O.P. 1, in condition No. (4), for “(4)” substitute “4”.

FORM O.P. 2.

- 17 2” The Committee recommend that in the heading, for “FORM No. substitute “FORM O.P 2”.