

**HARYANA VIDHAN SABHA**

**REPORT**

**OF**

**The Committee on Subordinate Legislation**

**1976-77**

**NINTH REPORT**



**HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH  
MARCH, 1977**

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**COMPOSITION OF THE COMMITTEE**  
**( 1976-77 )**

*Chairman—*

Shri Mehar Chand.

*Members—*

Shri Hari Singh Nalwa.

Shri Fateh Singh

Shri Joginder Singh.

Shri Manphul Singh.

\*Chaudhri Rizaq Ram

Shri Dal Singh.

Shri Partap Singh Daulata.

Advocate General.

*Secretariat—*

Shri Raj Krishan, Secretary.

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\*Chaudhri Rizaq Ram, M L A , resigned from the Membership of the Committee with effect from 7th July, 1976, and in his place Shri Dal Singh, M.L.A. was nominated by the Speaker on the 12th July, 1976, vide Notification No. HVS-LA (Sub-Leg)-21/76/63, dated 12th July, 1976.

## 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 Ninth Report.
2. The Committee, consisting of eight Members including 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 7th May, 1976 and was notified in the official Gazette vide notification No HVS-LA(Sub-Leg)-1/76/31, dated the 7th May, 1976.
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 29th March, 1977.

MEHAR CHAND,  
Chairman.

## REPORT

1. The Committee on Subordinate Legislation for the year 1976-77 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 7th May, 1976 and was notified in the official Gazette *vide* notification No. HVS-LA (Sub-Leg)-1/76/31, dated the 7th May, 1976.

2. Chaudhri Mehar Chand was appointed as the Chairman of the Committee by the Speaker.

3. The Committee held 35 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 the Legislature ;
- (iii) whether it contains imposition of any tax ;
- (iv) whether it directly or indirectly bars the jurisdiction of the Courts ;
- (v) whether it gives retrospective effect to any of the provision 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 ;
- (ix) whether for any reason its form or [purport calls for any elucidation.

Rule 251 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 finds that any rule is beyond the scope of the powers delegated under the Act by the Legislature the committee can recommend that the rule be suitably amended or omitted.

There are certain rules which are required by the Statute to be laid before the Legislature. But, the Committee is competent to examine all the Rules/Regulations 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. Generally, the Committee, from time to time, selects certain set of rules framed under the various Acts for their scrutiny and examine them at the first instance at its 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 prepares the report and presents it to the House.

Some of the Parliamentary Conventions established in connection with the scrutiny of rules, regulations, bye-laws, etc , are given below :—

- (1) The Committee would scrutinise only such rules as had already been framed and published in the Gazette and not the draft rules.
- (2) The Committee should 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, 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 power delegated by Legislature. If the rules go beyond the power

delegated by the Legislature, the Committee may examine the same and report to the House.

- (4) The Executive should be impressed upon that whenever rules are framed or amendments are made in the existing rules, 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

### Delay in framing the Rules

The Committee observes 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 Haryana Municipal Common Lands (Regulation) Act was enacted in March, 1974 and the Haryana Municipal Common Lands (Regulation) Rules were framed and published in May, 1976. The Haryana Canal and Drainage Act was enacted in the year 1974 where the Haryana Canal and Drainage Rules were framed in the year 1976. The Haryana Ceiling on Land Holdings Act was promulgated in the year 1972 whereas the Haryana Ceiling on Land Holdings Rules were made in the year 1973. The Committee observes 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 thus there has been inordinate delay in framing the rules. The Committee observes that it is not understood how in the absence of the rules and orders the provisions of the Act could exactly be carried out and is 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 on Subordinate Legislation of the Haryana Vidhan Sabha in its First Report for the year 1968-69 recommended that ordinarily rules should be framed 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.

The Committee reiterated the said recommendations in its all of its earlier Reports. In spite of the repeated observations made by the Committee in this behalf in the previous Reports the delay has still persisted in framing certain rules. The Committee reiterates the recommendations made in its previous reports and observes that ordinarily Rules should be framed 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.

The Committee on Subordinate Legislation of the Haryana Vidhan Sabha in its Eighth Report for the year 1975-76 has also made certain general observations/recommendations in addition to the said observation and the Chief Secretary to Government, Haryana (Political and

General Administration Branch) *vide* its U.O. No. 4226-Pol. (4)-76, dated the 7th September, 1976 circulated the following recommendations/observations of the Committee to the Financial Commissioner and All Administrative Secretaries to Government, Haryana for information and necessary action —

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

The Committee reiterated the recommendations made in its 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 to the Section(s) under which each rule has been framed, Government Department may invariably supply a memorandum 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.

#### **Certificate regarding supply of copies of the Rules corrected uptodate.**

The Committee while reiterating its recommendations hoped that the Government Departments concerned would in future supply invariably to the Committee a certificate alongwith every set of rules and Act that these are corrected and amended up-to-date.

#### **Supply of printed and uptodate corrected copies of the rules.**

The Committee observed that certain Departments supplied cyclostyled 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/spelling mistakes in these cyclostyled copies. With the result that it was difficult for it to determine whether the errors were typographical or they actually existed in the Rules, as originally published in the Gazette.

The Committee, therefore, recommended that copies of the Rules to be supplied to it by the Departments should be in the printed form or in the form of Gazette in which they are published. If, however, it is not possible for the Departments to do so it should be ensured that the copies of the rules, orders etc. are up-to-date, meticulously prepared and duly corrected before supplying them to the Committee.

#### **Supply of copies of Codes, Acts and Rules etc.**

The Committee observed that the copies of the Codes which are now published by the Law Department only contain the Acts and those do not contain the rules, orders regulations etc framed under those Acts. The Committee observed that in future such rules, orders, regulations etc framed under the Acts should be published alongwith the Acts in the Codes.

The Committee further recommended that the Legal Remembrancer may be asked to supply up-to-date copies of the Act for studying them with a view to scrutinising the rules framed thereunder.



## **Framing of Rules/Laws under Article 309 of the Constitution.**

The Committee felt that after a long period of 26 years it is improper to continue to enforce the Service Rules framed under the powers conferred by the proviso to Article 309 of the Constitution of India, which is a transitory provision empowering the State Government to frame Rules till they do not have their own Legislation. The Committee was constrained to observe that the time had come rather the State Government is late in not enacting an Act as envisaged in Article 309 and recommended that law under Article 309 of the Constitution of India should be enacted to regulate the conditions of service of the employees relating to recruitment, punishment etc. of Government servants in replacement of the existing rules and necessary steps should be taken in that direction by the State Government at the earliest.

## **System for serially and centrally numbering the statutory rules, orders and Notifications etc.**

The Committee recommended that all the Administrative Departments, when any rules, orders, regulations and notifications under any Act or ordinance are framed, should assign a number to such rules, orders, regulations and notifications in accordance with the above said observations in consultation with the Law Department.

## **Implementation of recommendations of the Committee.**

The Committee observed with great regret that the work regarding the implementation of recommendations/observations made by the Committee in its previous Reports is very slow. The Committee which works on behalf of the House, felt that the object with which it was constituted would be defeated if its recommendations are either not implemented at all or are implemented after a long time. The Committee, therefore, reiterated its earlier recommendations made in its 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 its recommendations/observations within the prescribed period an exhaustive memorandum should be sent to the Committee explaining the reasons for not implementing the recommendations within that period.

The Committee further recommended that in case a recommendation is implemented by the Govt., the Department concerned should supply a copy of the notification containing the amendment in the set of rules alongwith the statement showing the action taken by the Government in the implementation of its recommendations/observations".

The Committee hopes that these recommendations of the Committee will be meticulously followed and implemented.

## **III SCRUTINY OF RULES**

The Committee Scrutinised the following rules: —

1. The Haryana Municipal Common Lands (Regulation) Rules, 1976 framed under the Haryana Municipal Common Lands

2. The Haryana Relief of Agricultural Indebtedness Rules, 1976, framed under the Haryana Relief of Agricultural indebtedness Act, 1976.
3. The Haryana Ceiling on Land Holdings Rules, 1973, framed under the Haryana Ceiling on Land Holdings Act, 1972.
4. The Haryana Canal and Drainage Rules, 1976, framed under the Haryana Canal and Drainage Act, 1974.
5. The Punjab Gram Panchayat Rules, 1965, framed under the Punjab Gram Panchayat Act, 1952.

**THE HARYANA MUNICIPAL COMMON LANDS (REGULATION) RULES, 1976, FRAMED UNDER THE HARYANA MUNICIPAL COMMON LANDS (REGULATION) ACT, 1974.**

*Local Govt.*

The Committee, after going through the Haryana Municipal Common Lands (Regulation) Act, 1974, and the Haryana Municipal Common Lands (Regulation) Rules, 1976, framed the questionnaire and considered the replies thereto furnished by the Local Government Department, made the following observations/recommendations :—

**General.**

The Committee observed that the Haryana Municipal Common Lands (Regulation) Act, was enacted by the State Legislature in March, 1974, but the Haryana Municipal Common Lands (Regulation) Rules were made and published in May, 1976, which came into force on the 14th May, 1976. The Committee wanted to know the reasons for the time lag of two years in framing the rules and how in the absence of the Rules the purposes of the Act were carried out.

The Department in their written reply stated that in order to finalize the Rules, draft rules were prepared and comments of Administrators Class I Municipalities were invited. In the light of the comments received from them the draft rules were again examined and a meeting of the Administrators was called at Chandigarh for discussion. As a result of the discussion the draft rules were given final touches by the department and these were then sent to L.R. for vetting. The Legal Remembrancer, however, sought clarifications with regard to certain clauses of the draft rules and their legal implications. This being legal matter it remained under correspondence with L.R. for some time and ultimately the rules were finalised and published in May, 1976. The resultant delay was thus unavoidable. As regards the question as to how in the absence of the rules the purposes of the Act were carried out, it may be stated that no problem cropped during this period.

The Committee observes that the Local Government Department has taken more than two years in framing the rules and the matter remained under correspondence between the Local Govt., Department and the Legal Remembrancer and Secretary to Government Haryana. The Committee observes that ordinarily rules should be framed as early as possible after the commencement of the Act and in no case this period should exceed six months in future and the delay in framing such

## Rule 4

- 4 (1) The Committee may lease out land by auction after making publicity in the manner specified in sub-rule (10), subject to the previous sanction of—
- (i) the Deputy Commissioner when the term of lease does not exceed five years;
  - (ii) the Commissioner when the term of the lease exceeds five years but does not exceed ten years; and
  - (iii) the Government when the term of the lease exceeds ten years; provided that one-third of the cultivable land proposed to be leased shall be reserved for being given on lease by auction to the Members of the Scheduled Castes and if on two different dates fixed for auction, no such person is forthcoming or the competent authority refuses to confirm auction, the reservation shall cease to have effect.
- (2) No employee or member of the Committee or the member of his family such as father, grandfather, mother, grandmother, wife, son, grandsons, great grandson of any other relative dependent on him shall be allowed to bid in the auction and to take land on lease.
- (3) The land used for industrial purposes may be auctioned one month before the expiry of the previous lease.
- (4) All ponds used for plantation of Shingaras and for stocking fish shall be auctioned in the month of September every year.
- (5) The leases of land for extraction of shora, sand, stone, Kankar, bajri and other minor minerals as defined in the Punjab Minor Mineral Concession Rules, 1964, and grass, Kahi and similar other products shall be auctioned at a time to be determined by the Deputy Commissioner when it may be considered to be of maximum advantage.
- (6) The Committee may auction every year the surplus and useless trees. All trees standing on the land shall be marked with numbers of those numbers shall be specifically mentioned in the auction notice and the lease deed.
- (7) the leases of cultivable land in shamlat deh shall be auctioned for rent-in-cash ordinarily in the month of October or November and the annual lease monty shall be paid as under :—
- (a) for the first year of the lease, one fourth of the annual rent shall be paid by the bidder on the spot and the remaining three-fourth before the possession of the land is delivered to him:

Provided that the possession of the land shall not be delivered by the Committee to the lessees concerned earlier than February next. Where in any land or in any part thereof uncut or ungathered crops of the previous lessees are standing, the possession of such land or part thereof, shall be delivered when the crops have ripened and the lessees concerned have been allowed reasonable time to harvest them;

- (b) for the remaining years of lease, if any, the annual rent shall be paid in advance in February every year.
- (8) In every case of lease, a lease deed shall be duly executed by the lessee and he shall surrender to the committee possession of the land leased to him if he makes default in the payment of rent subject to the provisions of the Punjab Tenancy Act, 1887.
- (9) The Committee may, by resolution passed in this behalf, depute any officer to conduct the auction after giving due publicity in the manner specified in sub-rule (10).
- (10) The publicity to auction lease shall be given at least fifteen days before the date of auction by specifying the description of land, the date, time and place fixed for the auction :—
  - (a) through any local Hindi newspaper and where the auction of stone, quarries, bajri or other minor minerals etc., is to be held also through an English newspaper;
  - (b) by posting a copy of the auction notice on notice-board of the offices of the Deputy Commissioner, Sub-Divisional Officer (Civil), Committee and the other conspicuous places; and
  - (c) by the beat of drum.
- (11) The terms and conditions of auction shall be announced at the time of auction".

#### Sub-rule (1).

2 The Committee observed that in sub-rule (1) of Rule 4 a provision should be made for reserving land for the dependents of the defence personnel as had been done in the case of the Punjab Village Common Lands (Regulation) Rules, 1964, to which the department in their written reply stated that this matter would be examined by the Government.

The Committee observes that this matter be examined thoroughly and the Committee be informed at the earliest.

3 The Committee observes that in rule 4(1) (i), for "the Deputy Commissioner" the words "the Deputy Commissioner" be substituted.  
Sub-rule (6)

4 The Committee recommends that in sub-rule (6) of rule 4 for the words "those numbers shall be specifically mentioned in the auction notice and the lease deed", the words "marked numbers of surplus and useless trees shall be specifically mentioned in the auction notice and

sale deed", be substituted in consultation with the Legal Remembrancer and Secretary to Government, Haryana.

#### Sub-rule (7).

The Committee recommends that in sub-rule (7) of rule 4, for the word "monty", substitute the word "money".

The Committee further recommends that in the proviso to clause (a) of sub-rule (7), for the word "ripen", the word "ripen" be substituted.

#### Sub-rule(10)

The Committee recommends that in clause (a) of sub-rule (10), after the word "stone", the sign ",", be inserted

The Committee further recommends that in clause (b) of sub-rule (10), for the word "offices", the word "offices" be substituted.

### THE HARYANA RELIEF OF AGRICULTURAL INDEBTEDNESS RULES, 1976, FRAMED UNDER THE HARYANA RELIEF OF AGRICULTURAL INDEBTEDNESS ACT, 1976.

#### General

The Committee wanted to know whether any survey had been made regarding the implementation of the Haryana Relief of Agricultural Indebtedness Act, 1976, if so, in how many cases and to what extent Relief had been given under the said Act.

The departmental representative in their written reply and at the time of oral examination stated the position as under :—

No survey has been conducted regarding the effect of the Haryana Relief of Agricultural Indebtedness Act. The number of beneficiaries as also the quantum of benefit accrued to them in monetary terms cannot be quantified in the absence of a detailed survey. Further more, even such a survey might not yield accurate results because debtors have been taking loans from private sources and unregistered money lenders and may not divulge full information in this regard. It is stated here that the Haryana Relief of Agricultural Indebtedness Act, 1976 came into force on the 30th March, 1976 and the rules framed thereunder were notified on the 12th May, 1976. By virtue of sections 5 and 6 of the said enactment, the debts in respect of specified categories of debtors have been discharged/scaled down in the following manner :—

- (1) The whole liability on account of debt of an agricultural labourer, rural artisan, marginal farmer, whose annual household income did not exceed Rs. 2,400, has been discharged.
- (2) The liability of the above mentioned categories of persons and small farmers, whose annual income exceeded Rs. 2,400/- has been discharged if they had paid double the amount of

principal (debt) or pay it after the commencement of the Act.

- (3) The liability of a debtor to repay the debit, together with any interest payable thereon, shall not exceed twenty percent of the gross value of his annual household income multiplied by seven.
- (4) The maximum amount of interest, payable on debt, would be six percent per annum.

It will be seen that the operation of sections 5 and 6 of the Act is automatic and the debts owed by the persons falling in any of the aforesaid categories stand automatically discharged/scaled down and will not be revived even after the date of the expiry (i.e. 30.9.76) for submission of applications regarding redemption of debts etc if none of the parties approached the Debt Settlement Officer under section 8 of the Act.

It may be added that some of the debtors/creditors filed applications within a period of six months from the commencement of the Act before the Debt Settlement Officers. As a result, thirteen debtors (11 Harijans and 2 others) have been given relief till the 31st October, 1976. Besides, one creditor was also given dispensation. 11 Harijans debtors got monetary benefit to the extent of Rs. 13,829/- and 2 other debtors received a benefit of Rs. 31,000/-. One creditor received relief to the extent of Rs. 5438.50P".

The Committee recommends that complete survey be made regarding the implementation of the Haryana Relief of Agricultural Indebtedness Act, 1976 and maximum relief should be given to the low income groups falling under the Act, such as an agricultural labourer, rural artisan, marginal farmer, etc.

### Rule 3

" 3 (1) An application for debt settlement under section 8 shall be signed by the applicant and shall be verified by the applicant, who shall specify by reference to the numbered paragraphs of the application what he verifies of his own knowledge and what he verifies upon information received and believed to be true. The verification shall be signed by the applicant and shall state the date and the place where it was signed.

(2) Every application for settlement shall be presented by the applicant, or by his agent authorised in writing, in person or sent by registered post acknowledgement due, to the debt settlement officer.

- |         |     |       |
|---------|-----|-------|
| (3) XXX | XXX | XXX   |
| (4) XXX | XXX | XXX   |
| (5) XXX | XXX | XXX." |

The committee recommends that in sub-rule (2) of rule 3, after the word "post" the sign "," be inserted.

**Rule 5.**

"5 (1) Notice under section 12 shall be in Form IV and shall be published—

- (i) conspicuously at the office of the debt settlement officer; and
  - (ii) in some Hindi newspaper having wide circulation in the area in which the creditor resides at least twice a month
- (2) The notice shall be read out and explained in open session by the debt settlement officer to all creditors who are present, and a note of this fact shall be made in the record. The names of the creditors present shall also be recorded.
- (3) 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 but are not present before the debt settlement officer
- (4) The postal and publication expenses in respect of the notices shall be borne by the applicant".

The Committee recommends that in rule 5,—

- (i) in sub-rule (1), in clause (ii), for the words "in some Hindi newspaper" the words "in an English and a Hindi newspapers" be substituted; 4
- (ii) in sub-rule (3), before and after the words "acknowledgement due", the sign "," be inserted. 5

**Rule 6**

"6 (1) For every registered notice to be sent by the debt settlement officer under the Act and these rules, the person at whose expense it has to be sent shall pay to the debt settlement officer before the issue of the notice, postage charges or present a cover adequately stamped for the purpose of despatch of the notice by registered post acknowledgement due".

The Committee recommends that in sub-rule (1) of Rule 6, after the words "registered post," the sign "," be inserted. 6

**FORM IV**

The Committee recommends that in the said rules, in Form IV in paragraph 2, for the word "reply," the word "rely" shall be substituted. 7

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

**Rule 2,**

*Revised*

- (i) 'Act' means the Haryana Ceiling on Land Holdings Act, 1972;
- (ii) 'A category land' means the land under assured irrigation capable of growing atleast two crops in a year and irrigated by a canal or State tubewell as mentioned in section 4(1)(a);
- (iii) 'AA category land' means the land under assured irrigation capable of growing atleast two crops in a year and irrigated by private tubewells/pumping sets as mentioned in section 4(1)(a) read with section 4(5);
- (iv) 'B category land' means the land under assured irrigation capable of growing atleast one crop in a year as mentioned in section 4(1)(b);
- (v) 'C category land' means land of all other types including land under orchard as mentioned in section 4(1)(c);
- (vi)
- (vii)
- (viii)

### Rule 5.

“5(1) The land held by a person shall be evaluated by converting various categories into C category land according to the following formula :—

<b>1 Unit of A category land.</b>	<b>1.25 Units of AA category land.</b>	<b>1.5 Units of B category land.</b>	<b>3 Units of C category of land.</b>
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Such person shall be allowed to select an area equivalent to 21.8 hectares of C category land as permissible area and the remaining land shall be treated as surplus area.

(2) land irrigated by Canal/Government Tube-wells :—In case the land is irrigated by canal or Government tubewells or both by canal and private tubewell :—

- (a) the extent of the area which received irrigation during 5 or 6 crops according to the records of the Girdawari conducted by the Cunal Department for charging abiana during the period of 3 years immediately preceding the appointed day, shall be treated as A category land;
- (b) the extent of the area which received irrigation for 2, 3 or 4 crops, during the aforesaid period, shall be treated as B category land;



one crop or did not receive any irrigation, during the aforesaid period, shall be treated as C category land :

Provided that the extent of area mentioned in clauses (a) & (b) which is described in the revenue record as "Thur" or "Kallar" shall respectively be treated as B & C categories land".

The Committee, after having examined clauses (ii), (iii) & (iv) of Rule 2 and Rule 5 of the Haryana Ceiling on Land Holdings Rules, 1973, alongwith Section 4 of the Haryana Ceiling on Land Holdings Act, 1972, observed that while framing rule 5 neither the intensity of irrigation and factor of water allowance nor the quantum of water supply to a land were taken into consideration. The Committee further observed that the number of crops entered as nehri in the records of the Canal Department should not form the basis for the categorisation of land in 'A' and 'C' categories but it should be categorised on the basis of the quantum of water supplied capable of growing atleast two crops in a year or at least one crop in a year

The Revenue Department in its written reply stated that Rule 5(2) of the Haryana Ceiling on Land Holdings Rules, 1973 had been amended and notified in the Haryana Government Extraordinary Gazette dated the 4th August, 1976. The Department further stated that in the amended rule the intensity of irrigation, the factor of water allowance etc. had been taken into consideration and accordingly the determination of categories of a particular land would now depend upon the irrigation intensity ratio of the canal or the Government tubewell from which such land received irrigation. Rule 5(2) had been further amended and notified in the Haryana Government Extraordinary Gazette dated 15-10-1976.

During the course of oral examination the departmental representative stated that rule 5 had been amended by the Government in the light of the observations made by the Committee keeping in view the intensity of irrigation and factor of water allowance and also the quantum of water supply to a land and amended rule 5(2) reads as under :—

"(2) Land irrigated by Canal/Government tubewells.—In case the land is irrigated by canal or Government tubewell,—

- (a) where land is commanded for irrigation by a perennial canal, the area of such land shall be multiplied by half of the irrigation intensity ratio specified against such canal in Schedule 'A' appended hereafter. The figure thus arrived at shall be treated as 'A' category land and the remaining area of such land shall be treated as 'C' category land :—

Provided that where the whole or part of the land so commanded is described in the revenue record as 'Thur' or 'Kallar' the area so described shall be multiplied by half or the irrigation intensity ratio specified against such canal in Schedule 'A'. The figure thus arrived at shall be treated as 'B' category land and the remaining area of such land shall be treated as 'C'.

- (b) where land is commanded for irrigation by a non-perennial restricted perennial canal, the area of such land shall be multiplied by the irrigation intensity ratio specified against such canal in Schedule 'A'. The figure thus arrived at shall be treated as 'B' category land and the remaining area of such land shall be treated as 'C' category land :

Provided that the extent of land described in the revenue record as 'Thur' or 'Kallar' shall be excluded from the commanded area for the purpose of calculations and shall be treated as 'C' category land ;

- (c) where land is commanded for irrigation by a Government tubewell, the area of such land shall be multiplied by half of the irrigation intensity ratio specified against Government tubewell in Scheduled 'A'. The figure thus arrived at shall be treated as 'C' category land and the remaining area of such land shall be treated as 'C' category land ;
- (d) where irrigation by canal water or Government tubewell is supplemented by water drawn from privately owned tubewell, pumping set, well or other sources, the area treated as 'AA' category land in accordance with the provisions of sub-rule (3) or sub-rule (4) shall be added to the land determined under the aforesaid clause (a), clause (b) or clause (c) as the case may be".

During the course of oral examination the Committee wanted to know the formula for determining the permissible area where irrigation by canal water is supplemented by Government tubewell or irrigation by Government tubewell is supplemented by canal water, as the rules are silent on this point

The departmental representative promised to send the reply in writing within a period of one week. The Committee has not received the reply in the matter till the writing of this Report. The Committee recommends that the matter be examined thoroughly and the reply be furnished at the earliest.

#### Rule 8.

"8(1)

xx

xxx

- (2) One copy of the statement in Form IV shall be sent to the landowner and the tenant of the landowner by registered post ; and also to the Tehsildar and Collector of the District.

(3)

xx

xx

xx. "

The Committee observed that in sub-rule (2) of rule 8 for the words "the landowner and the tenant of the landowner," substitute the words "the landowner, mortgagees with possession, tenant and the tenant of the landowner and the mortgagee with possession."

The Department stated in written reply that suitable amendment on this point had been made in sub-rule (2) of Rule 8 of the Rules vide Haryana Ceiling on Land Holdings (Fourth Amendment) Rules, 1976 which had been notified on 15.10.1977.

The Committee observed that the Haryana Ceiling on Land Holdings Rules, 1973 had been amended from time to time. The Committee recommends that all the amendments so far been made be consolidated and published again for the convenience of the public and the Legislators. 3

#### Rule 10.

"10(1) When the statement under section II has been finalised, the prescribed authority shall as soon as thereafter as may be practicable, prepare the statement for the payment of amount, in accordance with the provisions of section 16, in Form VI, after taking into account the market value of the building, structure, tubewell, water-courses including its subsidiary works, or crop, if any, on the land as determined by the Collector.

(2)	xx	xx	xx
(3)	xx	xx	xx
(4)	xx	xx	xx."

The Committee observed that in sub-rule (1) of Rule 10, for the words "or crop", substitute "crop or trees including fruit trees". 4

The Departmental representatives stated that that was acceptable and would be implemented.

The Committee recommends that rule 10 be amended accordingly and the Committee informed. 5

#### THE HARYANA CANAL AND DRAINAGE RULES, 1976, FRAMED UNDER THE HARYANA CANAL AND DRAINAGE ACT, 1974. *Notification*

The Committee on Subordinate Legislation of the Haryana Vidhan Sabha scrutinised the Haryana Canal and Drainage Rules, 1976, framed under the Haryana Canal and Drainage Act, 1974, in its meetings held on the 24th June, 1976, 19th July, 26th July, 10th August, 16th August, 23rd August, 30th August, 31st August, 27th September and 26th November, 1976, and forwarded the observations of the Committee to the Irrigation and Power Department, Haryana, but the Committee is constrained to report that the Government did not furnish the replies to these observations till the writing of the Report. The Committee observed that the replies to the following observations of the Committee may be expedited:—

#### THE HARYANA CANAL AND DRAINAGE ACT, 1974.

##### Section 1 (3). *Noted*

The Committee would like to know the date on which the said Act came into force and also like to have a copy of the notification issued by the State Government in this behalf. 1

4. **Section 2.**

✓ The committee would like to have a copy each of the notifications, issued under sub-sections (2), (3) and (4) of Section 2, authorising to exercise the powers of a "Canal Officer", "Collector" and "Commissioner".

3 **Section 3.**

Who are the Officers of the State Government or of the Haryana State Minor Irrigation (Tubewells) Corporation Limited appointed by the State Government, by notification, for the purposes of Section 3 ? Please supply a copy of such notification.

4 **Section 4.**

9 (a) A copy of the notification, if any, issued under Section 4 (1) for utilisation of water for public purposes, be supplied.

5 (b) Has any manner been prescribed for giving public notice under Section 4 (2) of the Act?

*Examined* **Section 5.**

Has the State Government, by notification, prohibited the installation of any tubewell other than a State tubewell within the distance(s) mentioned in Section 5 ? If so, please supply a copy thereof.

**Section 27.**

7 The words "Competent authority" used in clause (a) of Sub-Section (1) of Section 27 has not been defined which may be done.

**Section 58.**

9 In Section 58 (a) for "Constructs" substitute "obstructs".

**THE HARYANA CANAL AND DRAINAGE RULES, 1976.**

**Rule 1.**

*Noted.*

**Rule 2.**

9 The Committee would like to know the water allowance, intensity and capacity factors fixed on various canals/channels as also the number of days in different months, on which the water in canals/channels runs in full capacity in the State.

**Rules 3, 4, 5 & 6.**

*Noted.*

**Rule 7.**

10 The Committee suggested that the existing rule 7 may be substituted as under :—

7 (1). All schemes prepared under Section 17 shall be published for inviting objections and suggestions.

- (2) A copy of the scheme containing the sketch plan, the names of the village or villages, the name of the distributary and RD of outlet, shall be placed in the offices of Divisional Canal Officer, S.D.O. (Canal), Panchayat Ghar, Patwari and at the residence of Lambardar concerned for inspection.
- (3) (a) The Divisional Canal Officer or the Sub-Divisional Canal Officer shall cause the notice, for inviting objections and suggestions on the said scheme, served on each landowner of the village/villages affected by this scheme. The landowner will also be informed of the date on which the scheme will be explained verbally by the Divisional Canal Officer.
- (b) When the landowner cannot be found, then the notice shall be served in the following manner :—
  - (i) on any adult male member of his family;
  - (ii) on any authorised manager/agent of the landowner ;
  - (iii) by affixing a copy of the notice on the outer door or some other conspicuous part of the house in which the landowner ordinarily resides.
- (c) When the notice cannot be served in any of the manner mentioned in clauses (a) & (b), above then the service be effected, by beat of drum or any other customary manner, announcing the place where the details of the scheme can be inspected.

#### Rule 9.

In rule 9, the Superintending Canal Officer has been vested with the powers of confirming or modifying the decision taken by the Divisional Canal Officer under Sub-Section (1) of Section 18.

However, on perusal of Sections 18, 19 and 20, it appears that rule 9, is not consistent with the provisions of the above-mentioned Sections. In section 18, the Divisional Canal Officer has been conferred with the powers of finalising the scheme after hearing the objections and under Section 20 (1) an appeal is provided against the decision of the Divisional Canal Officer to the Superintending Canal Officer and under Sub-Section (2) of Section 20 a further appeal has been provided to the Chief Canal Officer against the decision of the Superintending Canal Officer passed under Sub-section (1) of Section 20 in regard to any of the matters covered under clauses (a), (b), (c), (d), (e) and (f) of sub-section (1) of Section 17.

The Superintending Canal Officer or the Chief Canal Officer has further been empowered to call *suo-motu* for the record of any case, pending before, or disposed of by any subordinate authority for the purpose of satisfying himself as to the legality or propriety of any proceedings or of any order made therein. In view of these provisions, investing the Superintending Canal Officer with the powers to confirm, modify or reject the scheme approved by the Divisional Canal Officer does not seem to be consistent with the provisions of the above mentioned sections, because such powers are also exerciseable by the Chief Canal

Officer, as a whole. It appears that this rule has been drafted keeping in view the old section where the Superintending Canal Officer was required to confirm or modify the scheme under sub-section (2) of Section 30-B of the old Act. Rule 9, therefore, requires to be re-cast as under :—

11 "9. The Superintending Canal Officer or the Chief Canal Officer, while exercising the powers under Sub-Section (3) of Section 20 of the act may make an order confirming or modifying such decisions or may direct further enquiry and report on the point or points specified by him to be made by the Divisional Canal Officer :  
 Procedure for exercising power under Sub-section (3) of section 20 by the Superintending Canal Officer, Chief Canal Officer :  
 Provided that no such order or direction shall be made unless the objector or the persons affected, if any, have been given an opportunity of being heard by giving a notice of not less than fifteen days mentioning therein the date, time and place at which the objections will be heard".

### Rule 10.

Rule 10 purports to have been framed under Sections 15 & 17 of the Act, but a reading of these Sections indicate that no such power has been prescribed for carrying out the purposes of these sections. The rule does not seem to be consistent with the provisions of the said Sections.

12 Sections 15 and 17 clearly indicate the intention of the Legislature that the farmers should not be deprived of water supplies because of default in carrying out essential works as mentioned in those Sections and a duty has been cast upon the Divisional Canal Officer to have such works completed at Government cost recoverable from the beneficiaries concerned. To invest the Divisional Canal Officers with the power of non-releasing the water supply till the completion of such works would amount to give the officer, a latitude to delay the completion of the work, which is not at all the intention of the Legislature. What was intended is to complete the work as expeditiously as possible so that the production may not suffer for want of supply.

Therefore, the Committee is of the view that rule 10 be deleted.

### Rules 11 & 12.

Noted.

### Rule 13.

13 The Committee observed that the words "within three kilometres", occurring in line 3 of sub-rule (2) of Rule 13, are rather vague and need clarification which may be done.

### Rules 14 to 16.

Noted.

**Rule 17**

1. The words "without injury to the cultivation dependent on any canal", appearing in sub-rule (1) and clause (ii) of sub-rule (1) should be deleted.

2. In line 2 of clause (iv) of sub-rule (1), the word "age" occurring in between the words "drainage" and "is", be deleted.

3. The power of suspending the licence for a period of one year given in clause (vi) of sub-rule (1) would be a source of great hardship to the people and their cattle. The Committee felt that the supply of water to the tanks should not be stopped and as such clause (vi) of sub-rule (1) be deleted.

4. In clause (vii) of sub-rule (1) delete the words "or during the period of its suspension under clause (vi)".

5. In clause (viii) of sub-rule (1), line 1, after the words "the Divisional Canal Officer" the words "or the Sub-Divisional Canal Officer" be inserted.

6. In sub-rule (2) of Rule 17, lines 2-3, for the words "Chief Canal Officer" substitute the words "Divisional Canal Officer".

**Rule 18,**

The marginal heading of Rule 18 and the section of the Act under which it has been framed have not been given, which should be done now,

**Rule 19.**

*Noted.*

**Rule 20,**

In line 7, for the words "Divisional Canal Officer", substitute "Divisional Canal Office".

2. In line 9, for the word "it", substitute "its".

**Rule 21.**

In line 3 of section 21, between the words "himself" and "that" insert the words, "by inspection on the spot",

2. At the end of Rule 21, add the following:—

"and shall remain in force for a period of three days.

At the time of the order of stoppage of supply of water to any water course, a notice shall be served on the shareholders to get the necessary repairs effected within a period of three days, failing which the Divisional Canal Officer shall get the necessary repairs done and

**Rule 22.***Noted.***Rule 23.**

In Rule 23 or where a large part of an estate is affected no right has been given to the shareholder to file an application for remission. The Committee, therefore, suggest that the word "shareholders" be inserted in between the words "the" and "Lambardar."

2. Under Sub-rule (1) of Rule 23, the Lambardar or Sarpanch of the Gram Panchayat of the affected area is required to inform the Collector or the Divisional Canal Officer of the Kharaba of the affected area before the crop is cut and not later than ten days previous to such date as may be fixed by the Commissioner and the Superintending Canal Officer jointly for commencing the Kharaba inspection of the crops in question.

The Committee observed that neither the procedure for intimating the Lambardar or Sarpanch of the Gram Panchayat as to when the Commissioner and Superintending Canal Officer would commence their inspection jointly to inspect the Kharaba of the crops in question nor the conditions under which the joint inspection by the Commissioner and the Superintending Canal Officer are to be conducted have been prescribed.

25 The Sub rule (1), therefore, needs clarification and re-casting.

26 3. In explanation to sub-rule (1) of Rule 23, for the word "aball" substitute the word "shall"

4. The scale of remission provided under sub-rule (3) of Rule 23 should be the same as is prescribed in the Land Administration Manual for the purposes of remission of land revenue i.e.,

27 (Crop 100 paise normal)	Degree of relief
37 paise, and less than 50 paise	25 per cent.
25 paise, and less than 37 paise	50 per cent.
Less than 25 paise	100 per cent.

28 5. A schedule indicating the normal yield of various crops in different tracts should be appended to Rule 23.

**Rule 24.**

1. In the marginal heading of Rule 24, reference of the section under which it has been framed, has not been given, which may be done.

2. The quantum of special charges as provided under Sub-rule (1) of Rule 24 are excessive, and these should not exceed five times the ordinary water rate.

29 Therefore, for the words "twenty time" wherever occurring in



**Rule 25.**

The existing Sub-rule (1) of Rule 25, be substituted by the following :—

“(1) The Sub-Divisional Canal Officer shall, on receipt of any information by him that the water supplied through a canal is being used in an unauthorised manner under Section 28 or is suffered to run to waste under Section 29, immediately take steps to get the works repaired and shall, within a period of twenty four hours of the receipt of such information, inform the Divisional Canal Officer, empowered under Sub-section (2) of Section 30, in writing giving the date, time and place of such use or waste of water and all other information relevant thereto. The Sub-Divisional Canal Officer shall simultaneously make preliminary investigation alongwith the Block Development and Panchayat Officer/Tehsildar concerned in the presence of the representatives of the Panchayat/Panchayats of the villages concerned and also issue instructions to his subordinates for the measurement of the area for the preparation of special charges case. The Sub-Divisional Canal Officer shall also serve a notice to the persons chargeable with special rate”.

32

**Rule 26.**

Keeping in view Sub-sections (3) and (4) of Section 30 of the Act, Rule 26 seems redundant and should be deleted.

33

**Rule 27.**

In line 2, rule 27, insert the sign “,” after the word “appearing”.

37

**Rule 28.**

The Committee would like to know the justification for charging enhanced water rate in the areas situated within the limits of a notified area, municipalities of the Second/First class or cantonment. The Committee further proposes that the words “or within a distance of eight kilometres on all sides of the outer boundary thereof” wherever occurring in this rule should be deleted.

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**Rule 29.**

*Noted.*

**Rule 30.**

In rule 30, for “crop:—” substitute “crop:”.

36

**Rule 31.**

For Sub-rule 1 of Rule 31, substitute the following :—

37

“(1) The water rate in respect of any area on which mixed crops are sown, shall be assessed at the rate specified in the schedule of water rates in respect of the main crop”.

**Rule 32.**

32 In line 2 of Rule 32, for "fesh" substitute "fresh"

**Rule 33.**

*Noted.*

**Rule 34**

39 In Rule 34, line 6, for "soure" substitute "source".

**Rule 35.**

*Noted.*

**Rule 36.**

40 The Committee would like to know whether the State Government has prescribed any reduced rate in respect of the area irrigated by escape channels where the supply is intermittent and, if so, please supply a copy of the same.

**Rule 37.**

*Noted.*

**Rule 38.**

41 In lines 2 & 3 of Rule 38 for the words "Panchayat Ghar or in a conspicuous place in the village" substitute the words "A copy of the rate of assessment shall be supplied to the Panchayat of the village concerned under the signatures of the Sarpanch or a member of the Panchayat with the date thereon".

**Rule 39.**

*Noted.*

**Rule 40.**

42 In line 2 of Rule 40, for the word "Commissioner" substitute the words "Deputy Commissioner".

**Rules 41 to 43.**

*Noted.*

**Rule 44.**

43 For Sub-rule (1), the following may be substituted—

"(1) As soon as the demand statement (Khatauni) in respect of a village under the charge of the Irrigation Booking Clerk is complete, he shall prepare demand slips and inform the Lamber

on which the same will be distributed in the village. The Lambardars shall call upon the irrigators to attend and receive demand slips from the Irrigation Booking Clerk. The Irrigation Booking Clerk shall deliver the demand slips to the irrigators against dated acknowledgement of the irrigators within ten days of the completion of the demand statement of the *Halqa*. The record of such acknowledgements shall be maintained in the office of the Irrigation Booking Clerk at least for a period of two years. The undistributed demand slips, if any, shall be entrusted to the Lambardars of the village who shall distribute the same to the concerned irrigators against the dated signatures and the said statement of demand slips shall be passed on to the Booking Clerk for record".

#### Rule 45.

Rule 45 be substituted as under—

Filing of objections in respect of entries relating to Khasra Nehri and Khatauni Sections 31 & 65 (2) (f).

"If a cultivator desires to contest the correctness of the entries relating to him in the demand statement or Khasra Nehri whether as to the fact of the land having been irrigated or of its being charged "flow" or "lift" or as to the measurement and entries of crop or class or amount, he must file an objection before the Divisional or Sub-Divisional Canal Officer or Deputy Collector or Zilledar, within twenty-one days of the date on which the demand slips were distributed or if he has been charged without having done any irrigation from the canal during the harvest under assessment, or, if no demand slip has been delivered to him within ten days of the date on which he first become acquainted with the claim against him and the claim shall be investigated on the spot within fifteen days of filing the objection and shall be promptly decided. On an objection being filed before a Zilledar, he will immediately make local enquiry and report the circumstances of the case to the Sub-Divisional Canal Officer or Divisional Canal Officer or the Deputy Collector for orders. The order of the Divisional or Sub-Divisional Canal Officer or Deputy Collector in such cases shall forthwith be communicated to the objector and shall be subject to appeal to the Deputy Commissioner".

#### Rule 46.

In line 1 of rule 46 insert the sign " , " after the word "If".

#### Rule 47.

Rule 47 be substituted as follow :—

"47 Objections to the demand made before the Collector shall be referred by him to the Divisional Canal Officer, the Collector shall suspend the collection only on the receipt of an intimation from the Divisional Canal Officer that an objection has been

admitted by him or if he feels that there is special justification for the immediate suspension thereof".

**Rule 48.**

97 In line 3 of rule 48, delete the word "by" occurring between the words "such" and "Lambardar".

**Rule 49.**

98 The Committee would like to know whether any rate has been prescribed by the State Government, by notification, for the use of water supplied from a State tubewell; if so, a copy thereof be supplied to the Committee.

**Rule 50.**

1. The Committee would like to know the dates normally fixed by the Financial Commissioner under Rule 50.

2. The Committee would also like to know why different rates of remuneration to the Lambardars have been fixed under Rule 50.

3. In lines 6 & 7 of sub-rule (1) of Rule 50, for the words "measurement and correct report of irrigation" substitute the words "measurement, correct report of irrigation and distribution of demand slips etc".

52 4. In line 5 of sub-rule (3) of Rule 50 for the word "filed" substitute the word "fixed".

**Rules 51 & 52.**

*Noted.*

**Rule 53.**

53 The Committee would like to know whether any rate for navigation has been prescribed by notification published in the official gazette by the State Government, if so, a copy thereof may be supplied to the Committee.

**Rule 54.**

*Noted.*

**Rule 55.**

55-1 54 1. In rule 55, line 1, delete the word "canal" occurring for the second time.

56 2. The Committee would like to know the schedule of rates now enforced.

**Rules 56 & 57.**

**Rule 58.**

In line 6 of rule 58, insert the word "in" between the words "metres" and "width".

57

**Rules 59 to 64.**

*Noted.*

**Rule 65.**

The Committee would like to know whether any register has been maintained under rule 65 for the removal of the rafts under section 39.

58

**Rules 66 to 72.**

*Noted.*

**Rule 73.**

In line 1 of rule 73, for "sunken of" substitute "sunken or."

59

**Rule 74.**

*Noted.*

**Rule 75.**

In line 7 of rule 75, for the word "the" substitute "be".

60

**Rule 76 .**

*Noted.*

**Rule 77.**

In the marginal heading of rule 77, for "Section 36" appropriate section of the Act, be inserted.

61

**Rule 78.**

*Noted.*

**Rule 79.**

The Committee feels that the farmers should not be burdened with the departmental charges as also the interest charges while calculating the total cost of the construction of drainage works. Both these charges should be excluded from the said cost.

62

**Rules 80 to 82.**

*Noted.*

**Rule 83.**

In line 4, sub-rule (1), for the word "or" substitute the word "for".

63

**Rule 84.**

The Committee decided to scrutinise the Financial Commissioner's Standing Order No. 28 referred to in this rule. The Committee desired that

64

also desired that the Financial Commissioner's Standing Order No. 28 should form part of the rules as an Annexure.

# **Rules 85 & 86.**

*Noted.*

# **Rule 87.**

65 The Committee feels that the rate of labour should be fixed with reference to the quantum of work done.

# **Rule 88.**

66 At the end of the rule, the words "Fresh demand slips shall be issued by the Zildedar or Tehsildar to the assesseees, to whom the same could not be distributed, against acknowledgements" be added.

# **Rules 89 to 95.**

*Noted.*

# **Rule 96.**

67 (1) In the marginal heading of the rule, for the word "proca-  
matins" substitute the word "proclamations".

68 (2) In Sub-Rule (4), the words, "whenever possible" occurring in lines 2-3, be deleted.

# **Rule 97.**

66 71 The Committee observes that before the words "Divisional Canal Officer", wherever occurring in this rule, insert the words "Sub-Divisional Canal Officer or".

# **Rule 98.**

69 In line 1, for the word "deligation", substitute the word "delegation".

# **Rule 99.**

70 The object of this Rule is not clear and may be clarified.

# **Rule 100.**

*Noted.*

# **Rule 101.**

71 In line 4, for the word "on", substitute the word "or".

# **Rules 102 & 103.**

*Noted.*

# **Rule 104.**

72 In line 3 of sub-rule (3), between the words "of" and "decision",

**Rules 105 to 112.***Noted.***Rule 113.**

In line 4, for the word "lowest", substitute the words "the lowest", 73

**Rules 114&115.***Noted.***Rule 116.**

In line 4 of the marginal heading, delete the word "but". 74

**Rule 117.***Noted.***Rule 118.**

In line 2, for the word "granted", substitute the word "supplied", 75

**Rule 119.**

In line 5, between the words "permit" and "to", insert the word "him". 76

**Rule 120.**

In line 1, for the word "of", substitute the word "or". 77

**Rules 121 to 124.***Noted.***FORM I***Noted.***FORM II**

The last sentence "Appeal against the orders of the Divisional Canal Officer shall lie to the Superintending Canal Officer", appears to be redundant and may be deleted. 78

**FORM III**

In condition No 10, the last sentence "Appeal against the order of the Divisional Canal Officer shall lie to the Superintending Canal 79

## FORMS IV TO VI

*Noted.*

## FORM VII

- 80 1. In Sr. No. 1, for the word "adess", substitute "address".
- 9 2. In Sr. No. 6, for the word "asea", substitute "area".

## Schedule of Water Rates.

## PART I—A

*Noted.*

## PART I—B

- 82 1 The Committee would like to know the significance of the words "the part of" appearing in the heading
- 83 2. The Committee would also like to know the head and tail of the Lower Chautang Nala Canal and the areas irrigated by the said Canal.

## PART II

The Committee would like to know as to how the assessment is made for the area meant for "Brick making and pisewall buildings" mentioned in Sr. No. 1.

The Committee observes that taking into consideration the high cost of production including land taxes and the continued fall in prices of agricultural produce at the harvest time, the rates of water charges for sugarcane, rice, cotton, barley, wheat and guara are rather on the higher side. The Committee, therefore, feels that these rates should at least be reduced by 25%.

The Committee desired that the observations of the Committee made on the Haryana Canal and Drainage Rules, 1976, be sent to the Department immediately and the Department be requested to supply 25 copies of its reply thereon, in annotated form, by the 20th September, 1976, positively.

87 The Committee further desired that the Department be also requested to supply 20 copies of a map showing the location of various canals/channels in Haryana, clearly indicating the head and tail of each canal/channel.

**Further Scrutiny of Rules framed under the Haryana Canal and Drainage Act 1974.**

94 The Committee observed that it is presumed that failure of crops due to flood, hail storm, severe dust storm, drought, rats, locusts or other pests or crop diseases and other calamities are covered under rule 23 of the Haryana Canal and Drainage Rules, 1976.



90. 10. 74

# **AUTHORITY TO SANCTION TEMPORARY OUTLETS UNDER THE CANAL AND DRAINAGE ACT, 1974.**

The Committee would like to know the authority under which the Divisional/Chief Canal Officer is empowered to sanction temporary outlets or shoots for a particular period in special cases under the Canal and Drainage Act, 1974. If there is no such provision either in the Act or the Rules framed under the said Act, the needful may now be done.

89

## **THE PUNJAB GRAM PANCHAYAT RULES, 1965, FRAMED UNDER THE PUNJAB GRAM PANCHAYAT ACT, 1952.**

3 + Panchayat

The Committee scrutinised the Punjab Gram Panchayat Rules, 1965, framed under the Punjab Gram Panchayat Act, 1952, and forwarded the observations of the Committee to the Panchayat and Development Department, Haryana, but the Committee is constrained to report that the Government did not furnish the replies to these observations till the writing of the Report. The Committee observes that the replies to the following observations of the Committee may be expedited:—

1

### **Rule 1.**

*Noted.*

### **Rule 2.**

*Noted.*

### **Rule 3.**

*Noted.*

### **Rule 4.**

In proviso to Rule 4, a Sarpanch in emergent cases can purchase/sell moveable property of a value not exceeding Rs. 50/-. The Committee feels that this amount is too meagre and it should be raised to Rs. 250/-. Hence the Committee recommends that in place of Rs. 50/- Rs. 250/-, be substituted.

2

### **Rule 5.**

In clause (b) of Sub-rule 7 of Rule 5 for the word "passed," the word "decided" be inserted.

In clause (b) of Sub-rule 9 of Rule 5 for the words "In any such case", the words "in such a case" be substituted.

In clause (b) of Sub-rule 10 of Rule 5 for the word "discussions", the word "decisions" be substituted.

### **Rule 6.**

*Noted.*

### **Rule 6—A.**

In clause (f) of Sub-rule 3 of Rule 6—A for the word "name" the word "number" be substituted.

6

- 7 In clause (g) of Sub-rule 3 of Rule 6—A for the word "name" the word "number" be substituted.

#### Rule 7.

- 8 In clause (ii) of Rule 7 there is a provision that "the record of proceedings of a Gram panchayat shall be signed by the Sarpanch and all other panches attending the meeting of the Panchayat and by the Chairman and members of the Executive Committee of the Sabha attending the meeting in the case of a Sabha". The Committee would like to know as who is to function as Chairman of the Executive Committee and who are to function as members of the Executive Committee of the Sabha, who have been mentioned in the above said clause.

#### Rule 8.

*Noted.*

#### Rule 8—A.

- 9 In clause (b) of rule 8-A for the words "holdings meeting" substitute "holding a meeting".

#### Rule 9.

- 10 In clause (b) of Sub-rule 1 of Rule 9 it has been mentioned that "no person shall be employed by the Gram Panchayat if he is a near relative of any of its members". The Committee feels that a person should not be debarred from joining the service of the Gram Panchayat only on the reason that he happens to be a near relative of a member of Gram Panchayat. The Committee also feels that this portion of clause (b) should be deleted.

#### Rule 9.

*Noted.*

#### Rule 10.

- 11 In clause (a) of Rule 10, it is mentioned that the Gram Panchayat may call upon the servants to contribute thereto (Provident Fund) and may supplement such contribution out of the Sabha Fund, but in the proviso it is mentioned that Provident Fund shall not be more favourable than that prescribed for persons in the service of the Government.

Almost all the Government servants of Haryana Government are entitled to pension after their retirement and the system of contribution to provident fund is not in force. Therefore, there seems to be some contradiction between clause (a) and the proviso.

- 12 The Committee desires that the Department should specifically mention in the rules all the conditions of the Provident Fund applicable to the employees.

#### Rules 11 to 16.

*Noted.*

**Rule 17.**

In line 4, for the word "excution", substitute "execution".

13

**Rules 18 to 19.**

*Noted.*

**Rule 20.**

In item (iii) of clause (b) of Sub-rule (1) for the words "railway fare at III or II class rate" substitute "railway fare at II class rate", because class III has been abolished.

14

**Rule 21.**

*Noted.*

**Rule 22.**

*Noted.*

**Rule 23**

In proviso to clause (i) of Sub-rule (1) of Rule 23, substitute Rs.250/- in place of Rs.50/- wherever it occurs in this clause as Rs.50/- is a meagre amount during these days.

15

In proviso to clause (i) of Sub-rule (1) of Rule 23, the spelling of the word "withdrawl" in line 6 be corrected.

16

In Sub-clauses (a),(b),(c),(d),(e) and (f) of Sub-rule (2) of Rule 23 it would be appropriate that the department should fix a limit of expenditure on the items referred to in Sub-clauses (a),(b),(c),(d),(e) and (f).

17

**Rule 24.**

In clause (a) of Sub-rule (4) of Rule 24, the Committee feels that the power to hear an appeal should vest either in the Deputy Commissioner or Sub-Divisional Officer concerned.

18

**Rule 25.**

At the end of Rule 25 (a), after the word "concerned" add";".

19

**Rule 26.**

*Noted*

**Rule 27.**

*Noted*

**Rule 28.**

In heading above Rule 28 for "an" between the words "Records" and "Registers" substitute "and"

20

**Rule 28 (1).**

21 In Rule 28 (1), for "fee one rupee" substitute "a fee of one rupee".

**Rule 28 (4).**

22 In Rule 28 (4), line 4, for "fee or" substitute "fee of".

**Rule 29.**

*Noted.*

**Rule 30.**

*Noted.*

**Rule 31.**

*Noted.*

**Rule 32.**

*Noted.*

**Rule 33 (1).**

23 In Rule 33 (1), line 3, delete the words "as far as possible".

**Rule 33 (2).**

24 In rule 33 (2), for the word "Punjab" substitute the word "Haryana".

**Rule 34.**

*Noted.*

**Rule 35.**

*Noted.*

**FORMS.**

25 In form X, delete the word "Caste" and further for "evidenced" substitute "evidence".

26 In form XI, delete the word "caste".

27 In form XXVII, for "withdrawls" substitute "withdrawals".