

HARYANA VIDHAN SABHA
REPORT
OF
THE COMMITTEE
ON
SUBORDINATE LEGISLATION
FIFTIETH REPORT
2022-2023



(Presented to the Haryana Vidhan Sabha on 22nd March, 2023)

HARYANA VIDHAN SABHA SECRETARIAT
CHANDIGARH
2023

CONTENTS

	Pages
I. Composition of the Committee	(iii)
II. Introduction	(v)
III. Report	1
IV. Scope and Functions of the Committee	2-4
V. General observations/recommendations of the Committee	5-7
VI. Further observations/recommendations made by the Committee on Subordinate Legislation in respect of non-implementation of its earlier recommendations in respect of: -	8
1. THIRTY NINTH REPORT (2010-2011)	
(FOREST & WILDLIFE DEPARTMENT)	
The Wild Life (Protection) Haryana Rules, 1974 framed under the Wild Life (Protection) Act, 1972.	8
2. FORTIETH REPORT (2011-2012)	
(FOOD & SUPPLIES DEPARTMENT)	
The Haryana Public Distribution System (Licensing and Control) Order, 2009 framed under the Essential Commodities Act, 1955.	9
3. FORTY SECOND REPORT (2013-2014)	
(TOWN & COUNTRY PLANNING DEPARTMENT)	
The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.	10
4. FORTY THIRD REPORT (2014-2015)	
(MINES AND GEOLOGY DEPARTMENT)	
The Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 framed under the Mines and Minerals (Development and Regulation) Act, 1957.	11
5. FORTY FOURTH REPORT (2015-16)	
(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)	
The Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1992 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953.	12
6. FORTY FIFTH REPORT (2016-17)	
(TOWN & COUNTRY PLANNING DEPARTMENT)	
(i) The Haryana Apartment Ownership Rules, 1987 framed under the Haryana Apartment Ownership Act, 1983.	13

(ii)

(ii)	The Haryana Development and Regulation of Urban Areas Rules, 1976 framed under the Haryana Development and Regulation of Urban Areas Act, 1975.	14
7.	FORTY SIXTH REPORT (2017-18)	
	(DEVELOPMENT & PANCHAYATS DEPARTMENT)	
(i)	The Punjab Village Common Lands (Regulation) Rules, 1964 framed under the Punjab Village Common Lands (Regulation) Act, 1961.	15
	(CO-OPERATION DEPARTMENT)	
(ii)	The Haryana Co-operative Societies Rules, 1989 framed under the Haryana Co-operative Societies Act, 1984.	16
8.	FORTY SEVENTH REPORT (2018-19)	
	(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)	
	The Punjab Warehouses Rules, 1958 framed under the Punjab Warehouses Act, 1957.	17
9.	FORTY EIGHTH REPORT (2020-21)	
	(HIGHER EDUCATION DEPARTMENT)	
(i)	The Haryana Affiliated Colleges (Security of Service) Rules, 2006 framed under the Haryana Affiliated Colleges (Security of Service) Act, 1979.	18
	(HOME DEPARTMENT)	
(ii)	The Haryana Home Guards Rules, 1980 framed under the Haryana Home Guards Act, 1974.	19
10.	FORTY NINTH REPORT (2021-22)	
	(DEVELOPMENT & PANCHAYATS DEPARTMENT)	
(i)	The Haryana Rural Development Fund Rules, 1987 framed under the Haryana Rural Development Fund Act, 1986.	20
	(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)	
(ii)	The Haryana State Seed Certification Agency Rules, 1976	21
11.	Scrutiny of Rules and Observations/Recommendations thereon: -	
1.	The Haryana Legislative Assembly (Medical Facilities to Members) Rules, 1988, framed under the Haryana Legislative Assembly (Medical facilities to member) Act 1986.	22-23
2.	The Haryana Legislative Assembly (Facilities to Members) Rules, 1979, framed under sub-section (1) of section 8 of the Haryana Legislative Assembly (facilities to member) Act 1979.	24-31
3.	The Punjab Fruit Nurseries Rules, 1961 framed under the Punjab Fruit Nurseries Act, 1961	32-36
4.	The Haryana School Education Rules, 2003 framed under the Haryana School Education Act, 1995.	37-80

(iii)

COMPOSITION OF THE COMMITTEE

(2022-23)

COMMITTEE ON SUBORDINATE LEGISLATION

[The Committee was constituted w.e.f. 20.04.2022 vide Haryana Vidhan Sabha Secretariat Notification No. HVS-SLC-1/2022-23/39, dated 20th April, 2022]

1.	Shri Ram Niwas, MLA	Chairperson
2.	Shri Jagbir Singh Malik, MLA	Member
3.	Shri Jaiveer Singh, MLA	Member
4.	Shri Bishamber Singh, MLA	Member
5.	*Shri Sanjay Singh, MLA	Member
6.	Shri Ram Kumar Kashyap, MLA	Member
7.	Shri Amit Sihag, MLA	Member
8.	Shri Balbir Singh, MLA	Member
9.	**Shri Induraj, MLA	Member
10.	Advocate General, Haryana	Member

Special Invitees

***Shri Laxman Singh Yadav, MLA

Secretariat

Shri Rajender Kumar Nandal, Secretary

Shri Vishnu Dev, Under Secretary

*	Shri Sanjay Singh, M.L.A. resigned from the Membership of the Committee on 10.05.2022, vide Notification No. HVS-SLC-1/2022-23/53, dated 11.05.2022.
**	Shri Indu Raj, M.L.A. nominated as a Member of the Committee dated 11.05.2022, vide Notification No. HVS-SLC-1/2022-23/54, dated 11.05.2022.
***	Shri Laxman Singh Yadav, M.L.A. nominated as special invitee of the Committee dated 11.07.2022, vide Notification No. HVS-SLC-1/2022-23/60, dated 11.07.2022.

(v)

INTRODUCITON

1. I, the Chairperson of the Committee on Subordinate Legislation having been authorized by the Committee to present the Report on their behalf, present this Fiftieth Report to the House.
2. The matters covered by this Report were finally considered by the Committee at their sitting held on 15.03.2023 and adopted this Report.
3. A brief record of the proceedings of each meeting of the Committee has been kept on record of the Haryana Vidhan Sabha Secretariat.
4. The Committee also places on record their high appreciation for whole hearted co-operation and valuable assistance given by the Secretary, Under Secretary and Staff of the Legislation Branch.

Chandigarh:
The 15th March, 2023

RAM NIWAS,
CHAIRPERSON

REPORT

1. The Committee on Subordinate Legislation for the year 2022-23 was nominated by the Hon'ble Speaker, Haryana Vidhan Sabha under Rule 249(1) of Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 20th April, 2022 and was notified in the official Gazette vide Notification No. HVS-SLC-1/2022-23/39, dated 20th April, 2022.
2. Shri Ram Niwas, M.L.A. was appointed as Chairperson of the Committee by the Hon'ble Speaker.
3. The Committee held 56 sittings till the presentation of the Report.
4. Besides watching the implementation work relating the earlier Reports, the Committee scrutinized the following Rules: -
 1. The Haryana Legislative Assembly (Medical Facilities to Members) Rules, 1988 framed under the Haryana Legislative Assembly (Medical facilities to member) Act 1986.
 2. The Haryana Legislative Assembly (Facilities to Members) Rules, 1979 framed under sub-section (1) of section 8 of the Haryana Legislative Assembly (facilities to member) Act 1979.
 3. The Punjab Fruit Nurseries Rules, 1961 framed under the Punjab Fruit Nurseries Act, 1961.
 4. The Haryana School Education Rules, 2003 framed under the Haryana School Education Act, 1995.

The Committee also orally examined the concerned Departments of the State Government and made its observations/recommendations on the relevant Rules under scrutiny.

SCOPE AND FUNCTIONS OF THE COMMITTEE

The scope and functions of the Committee are set down in rules 248, 256 and 257 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly. Rule 248 enjoins upon the Committee “to scrutinize and report to the House whether powers to make regulations, rules, sub-rules, bye-laws, etc. conferred by the Constitution or delegated by the legislature are being properly exercised within such delegation and consider such other matters as may be referred to it by the Speaker.” Further rule 256 of the said Rules lays down that while examining any such set of rules, bye-laws, etc. the Committee shall, in particular consider: -

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

Rule 257 lays down as follows: -

257(1). If the Committee is of opinion that any order should be annulled wholly or in part or should be amended in any respect, it shall report that opinion and the grounds thereof to the House.

(2). If the Committee is of the opinion that any other matter relating to any order should be brought to the notice of the House, it may report that opinion and matter to the House.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) As far as possible, guidelines/criteria to be followed by the authority concerned for the exercise or discretionary power vested in it should be laid down in the rules.
 - (ii) In case where the authority concerned deviates from a norm it should be required to record in writing the reasons for such deviation.
 - (iii) Before any adverse action is taken against a party, it should be given a reasonable opportunity of being heard; and after a decision adversely affecting a party has been taken it should have the right of appeal or representation, as the case may be.
 - (iv) In order that the persons similarly placed are not treated differently; the powers of exemption/relaxation should be exercisable in respect of categories or class of persons, as contra distinguished from individuals.
 - (v) In cases where an authority concerned is vested with the power to suspend a license or supplies, pending institution or regular proceedings a maximum time-limit for suspension should be laid down in the rules.
 - (vi) The provisions of rules which may make a citizen liable to a penalty should be well defined and not worded vaguely.
 - (vii) In case of seizures and searches, suitable safeguards like the presence of witness, preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided.
 - (viii) In case of rules relating to disciplinary proceedings not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority be also laid down in the rules.
 - (ix) Statutory rules should be amended by Statutory rules only and not by executive orders.
 - (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic, sketchy or skeleton or needing further interpretations. It should be in simple language so that different people cannot put different interpretations. For example, expressions like unreasonable, 'large quantity' 'reasonable intervals' etc. should be avoided.
 - (xi) Generally, Rules should not be made applicable from retrospective effect adversely affecting the rights of any class or category unless specifically permitted by the Act.
-

GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

1. Delay in framing the Rules

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

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

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

2. Reference of Section under which Rules are framed

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

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

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

3. (i) Supply of printed and up-to-date corrected copies of the Rules

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

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

(ii) Footnote in the Act and Rules

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

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

4. Publishing the Act and Rules in Hindi

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

5. Delay in laying on the Table of the House

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

6. Implementation of recommendations of the Committee

Implementation of recommendations of the Committee has not been prompt, comprehensively by the Department, So intended results are not being achieved fully. A new Rule 256 A of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly, in this regard is added, reads as under:-

“256 A The Department of Government to send statement of action taken on recommendations of the Committee.

(1) The Department of Government concerned with the recommendations made by Committee shall furnish within 30 days to the Haryana Vidhan Sabha Secretariat, statement of final action taken by Government on the recommendations.

(2) Where it is considered by any Department of Government that the final action is likely to take long time, it shall give an interim reply stating the position at that time, and the approximate time likely to be taken in taking the final action.

(3) The statement of action taken shall be accompanied by a copy of the order, if any, issued by the Government to implement the recommendations of the Committee.

As per prevailing practice and convention, the Departments are required to furnish from time to time statements of action taken or proposed to be taken by them on the recommendations/observations of the Committee made in its Reports. With a view to ensuring speedy implementation of their recommendations, the Departments should implement the recommendations expeditiously.

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

7. Availability of Copies of Acts and Rules to Public

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

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

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

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

39TH REPORT 2010-2011

(THE FORESTS AND WILD LIFE DEPARTMENT)

The Wild Life (Protection) Haryana Rules, 1974 framed under the Wild Life (Protection) Act, 1972.

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Wild Life (Protection) Haryana Rules, 1974 framed under the Wild Life (Protection) Act, 1972 as contained in its 39th to 49th Reports.

The 47th Report was sent to the Department concerned vide letter dated 09.04.2019 to implement the observations/recommendations at the earliest. In respect to the aforesaid communication, the department supplied the reply of recommendations/observations of the Committee vide their memo No. 1365-Ft-4-2019/5900, dated 25.04.2019 and the same was placed before the Committee in its meeting held on 15.05.2019. A letter received from the Principal Chief Conservator of Forests & Chief Wildlife Warden, Haryana, Panchkula, enclosed annotated comments of Forest & Wildlife Department, Haryana on the recommendations contained in the 39th Report of the Committee on Subordinate Legislation of Haryana Vidhan Sabha, along with the draft Wildlife (Protection) Rules, Haryana, 2020 and the same was placed before the Committee in its meeting held on 19.08.2020. The 48th Report was sent to the Department concerned vide letter dated 06.04.2021 and 49th Report was sent to the Department concerned vide letter dated 30.03.2022 and a reminder also sent on 18.01.2023. In respect to the aforesaid communication the department supplied the reply vide their memo No. 273-Ft-4-2023/848, dated 03.02.2023 and the same was placed before the Committee in its meeting held on 08.02.2023. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances, the rules have not been amended so far, and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

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

40TH REPORT 2010-2011

(FOOD AND SUPPLIES DEPARTMENT)

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

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Public Distribution System (Licensing and Control) Order, 2009 framed under the Essential Commodities Act, 1955 as contained in its 40th to 49th Reports.

The Committee observed that 47th Report was sent to the Department concerned vide letter dated 09.04.2019 to implement the recommendations/observations of the Committee at the earliest. In respect to the aforesaid communication, the department supplied the reply of recommendations/observations of the Committee vide their memo No. FG-1-2019/9172, dated 09.05.2019 and the same was placed before the Committee in its meeting held on 15.05.2019 in which intimate that the Department constituted a committee regarding the necessary amendments to be incorporated in the existing PDS Control Order, 2009. The constituted Committee has gone through the entire Control Order, 2009, identified the necessary amendments and the same are incorporated in the new PDS Control Order (amended).

The 49th Report was sent to the Department concerned vide letter dated 30.03.2022 to implement the recommendations/observations of the Committee at the earliest. In respect to the aforesaid communication, a letter No. FG-1-/2022/1037 dated 19.01.2023 received from the Director Food Civil Supplies & Consumer Affairs Department and the same was placed before the Committee in its meeting held on 25.01.2023. The Committee noted the contents of the letter alongwith notification and find that the necessary amendments has been made by the Department as recommended by the Committee.

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

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

42ND REPORT 2013-2014

(TOWN & COUNTRY PLANNING DEPARTMENT)

The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 as contained in its 42nd to 48th Reports.

The Committee observed that 49th Report was sent to the Department concerned vide letter dated 30.03.2022 and a reminder sent on 10.01.2023 to implement the recommendations/observations made by the Committee at the earliest.

The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances, the rules have not been amended so far, and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

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

43RD REPORT 2014-2015

(MINES & GEOLOGY DEPARTMENT)

The Haryana Minor Mineral Concession, Stocking, Transportation Minerals and Prevention of Illegal Mining Rules, 2012 framed under the Mines and Minerals (Development and Regulation) Act, 1957.

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Minor Mineral Concession, Stocking, Transportation Minerals and Prevention of Illegal Mining Rules, 2012 framed under the Mines and Minerals (Development and Regulation) Act, 1957 as contained in its 43rd to 49th Reports.

The 49th Report was sent to the Department concerned vide letter dated 30.03.2022 to implement the recommendations/observations of the Committee at the earliest. In respect to the aforesaid communication, a letter No. DMG/Hy/HVS-SLC/5351 dated 07-09-2022 received from the Director, Mines and Geology Department and the same was placed before the Committee in its meeting held on 7.09.2022. The Committee noted the contents of the letter alongwith notification and find that the necessary amendments has been made by the Department as recommended by the Committee.

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

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

44TH REPORT 2015-2016

(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)

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

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1992 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953 as contained in its 44th to 48th Reports.

The Committee observed that 48th Report was sent to the Department vide letter dated 30.03.2021 to implement the recommendations/observations made by the Committee at the earliest. The Committee orally examined the departmental representatives on dated 04.08.2021. A communication No.CC/ADO-II/2021/2924 dated 13.08.2021 received on 16.08.2021 and the same has been placed before the Committee on 28.08.2021.

The Committee noted the contents of the letter alongwith notification and find that the necessary amendments has been made by the Department as recommended by the Committee.

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

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

45TH REPORT 2016-2017

(TOWN & COUNTRY PLANNING DEPARTMENT)

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

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Apartment Ownership Rules, 1987 framed under the Haryana Apartment Ownership Act, 1983 as contained in its 45th and 49th Report.

The Committee observed that 48th Report was sent to the Department vide letter dated 06.04.2021 to implement the recommendations/observations made by the Committee at the earliest. In this regard the Committee orally examined the departmental representatives on dated 11.08.2021 and the representatives of the department assured to the Committee that the complete amendments to be present in the next Session. 49th Report was sent to the Department vide letter dated 06.04.2022 and a reminder sent on 18.01.2023. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances, the rules have not been amended so far, and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

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

45TH REPORT 2016-2017

(TOWN & COUNTRY PLANNING DEPARTMENT)

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

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Development and Regulation of Urban Areas Rules, 1976 framed under the Haryana Development and Regulation of Urban Areas Act, 1975 as contained in its 45th and 49th Report.

The Committee observed that 49th Report was sent to the Department vide letter dated 06.04.2022 and a reminder sent on 18.01.2023 to implement the recommendations/observations made by the Committee at the earliest. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances, the rules have not been amended so far, and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

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

46TH REPORT 2017-18

(DEVELOPMENT & PANCHAYATS DEPARTMENT)

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

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Village Common Lands (Regulation) Rules, 1964 framed under the Punjab Village Common Lands (Regulation) Act, 1961 as contained in its 46th and 49th Reports.

The Committee observed that 47th Report was sent to the Department vide letter dated 09.04.2019 to implement the recommendations/observations made by the Committee at the earliest. In response to the aforesaid communication, the Director General, Development & Panchayats Department, Haryana sent a letter No. SBA-4-2019/28660 dated 24.04.2019 vide which enclosed the 25 copies of the reply to the observations of the Committee in an annotated the same was placed before the Committee in its meeting held on 15.05.2019.

The 49th Report was sent to the Department vide letter dated 30.03.2022 and a reminder sent on 10.01.2023. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances, the rules have not been amended so far, and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

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

46TH REPORT 2017-18

(CO-OPERATION DEPARTMENT)

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

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Co-operative Societies Rules, 1989 framed under the Haryana Co-operative Societies Act, 1984 as contained in its 46th and 49th Report.

The Committee observed that 49th Report was sent to the Department vide letter dated 06.04.2022 and a reminder sent on 10.01.2023 to implement the recommendations/observations made by the Committee at the earliest. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances, the rules have not been amended so far, and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

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

47TH REPORT 2018-19

(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)

The Punjab Warehouses Rules, 1958 framed under the Punjab Warehouses Act, 1952.

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Warehouses Rules, 1958 framed under the Punjab Warehouses Act, 1952 as contained in its 48th Report.

The Committee observed that 49th Report was sent to the Department vide letter dated 06.04.2022 and reminder sent on 24.01.2023 to implement the recommendations/observations made by the Committee at the earliest. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances, the rules have not been amended so far, and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

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

48TH REPORT 2020-21

(HIGHER EDUCATION DEPARTMENT)

- (i) The Haryana Affiliated Colleges (Security of Service) Rules, 2006 framed under the Haryana Affiliated Colleges (Security of Service) Act, 1979.**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Affiliated Colleges (Security of Service) Rules, 2006 framed under the Haryana Affiliated Colleges (Security of Service) Act, 1979

The Committee observed that 49th Report was sent to the Department vide letter dated 06.04.2022 and a reminder sent on 24.01.2023 to implement the recommendations/observations made by the Committee at the earliest. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances, the rules have not been amended so far, and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

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

48TH REPORT 2020-21

(HOME DEPARTMENT)

(ii) The Haryana Home Guards Rules, 1980 framed under the Haryana Home Guards Act, 1974.

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Home Guards Rules, 1980 framed under the Haryana Home Guards Act, 1974. The Committee observed that 49th Report was sent to the Department vide letter dated 06.04.2022 and sent a reminder on 24.01.2023 to implement the recommendations/observations made by the Committee at the earliest. In response to the aforesaid communication, the Commandant General, Home Guards & Director Civil Defence Haryana, sent a letter No. CG/23/HG-IV/1013 dated 15.02.2023 in respect of the observations/recommendations made by the Committee and the same was placed before the Committee in its meeting held on 1.03.2023. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances, the rules have not been amended so far, and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

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

49TH REPORT 2021-22

(DEVELOPMENT & PANCHAYATS DEPARTMENT)

- (i) The Haryana Rural Development Fund Rules, 1984 framed under the Haryana Rural Development Fund Act, 1983.**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Rural Development Fund Rules, 1984 framed under the Haryana Rural Development Fund Act, 1983.

The Committee observed that 49th Report was sent to the Department vide letter dated 24.01.2023 to implement the recommendations/observations made by the Committee at the earliest. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances, the rules have not been amended so far, and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

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

49TH REPORT 2021-22

(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)

(ii) The Haryana Seed Certification Agency Rules, 1976

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Seed Certification Agency Rules, 1976

The Committee observed that 49th Report was sent to the Department vide letter dated 24.01.2023 to implement the recommendations/observations made by the Committee at the earliest. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances, the rules have not been amended so far, and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

**SCRUTINY OF THE HARYANA LEGISLATIVE ASSEMBLY
(MEDICAL FACILITIES TO MEMBERS), RULES, 1988**

The Committee scrutinized of the Haryana Legislative Assembly (Medical Facilities To Members), Rules, 1988 framed under section 4 of the Haryana legislative Assembly (Medical facilities to Members) Act 1986 and made the following observations/recommendations as under:-

RULE- 2

- (1) Every member shall be entitled for himself and for the members of his family, to the same medical facilities as were admissible to a Haryana Government prior to the to the issue of instruction issued by the Haryana government, health Department letter No. 2/231/81-IHBIII, dated the 6th May, 1986.
- (2) Every member shall also be entitled to the facilities of reimbursement of all such medicines, tonics and artificial limbs. etc. which may be prescribed to him but are not available in the Government hospital free if cost:

Provide that only such tonics which are prescribed by the doctor “as medicine” for the treatment of the patient and not “as food” shall be admissible.

Note.- Member of his family means the wife or the husband as the case may be, of a member, his legitimate children, his legally adopted children his parents and his widowed daughters residing with the wholly dependent on him.

- (3) Notwithstanding anything contained in sub-rule (1) and sub-rule (2). A member and the members of his family may get medical treatment in case of emergency as indoor patient who hold at least an MBBS degree. He shall also be entitled to the facility of reimbursement of expenditure incurred in connection with this Medical treatment subject to the following conditions.

Room rent, operation fee or procedure fee shall not exceed the charges prevailing in Medical College Hospital, Rohtak/Post Graduate Institute of Medical Education and Research, Chandigarh or All India Institute of Medical Science, New Delhi.

Explanation----

- (i) If the treatment has been taken from a private hospital/institution or Medical Practitioner situated in Haryana State then the room rent, operation fee or procedure fee being charged in Medical College Hospital, Rohtak, shall be taken into consideration;
- (ii) If the treatment has been taken from a private hospital, institution/ medical practitioner situated in Chandigarh, the room rent, operation fee or procedure fee being charged in Post Gradus Institute of Medical Education and Research Chandigarh shall be taken into consideration;]
- (iii) If the treatment has been taken from a private hospital, institution/ medical practitioner situated in Delhi, the room rent operation fee or procedure fee being charged in All India Institute of Medical Sciences, New Delhi shall be taken into consideration.

- (iv) If the treatment has been taken from a private hospital, institution/ medical practitioner situated outside the State of Haryana, Chandigarh and Delhi, the room rent, operation fee or procedure fee being charged in All India Institute of Medical Sciences New Delhi shall be taken into consideration;
- (b) Consultation fee shall not exceed Rs. 200 (Two Hundred Rupees Only) per day.
- (C) The claimant shall have to produce a certificate from the doctor concerned to the effect that the treatment was taken in emergency.

Observations made by the Committee:-

Rule 2

The Committee recommends that the words “a Haryana Government Class-I officer prior to the issue of instructions issued by the Haryana Government Health Department letter No.2/231/81-IHBIII, dated the 6th May, 1986” be substituted with the words “the ChiefSecretary, Haryana”.

Rule 2(3)

The Committee recommends that the words “subject to the following conditions:-” be substituted with the words “as admissible to the Chief Secretary, Haryana”.

Rule 2 (3) (a)

The Committee recommends that Sub-Section (3) (a) of Rule 2 may be deleted.

Rule 2 (3) (a) (i)

The Committee recommends that Sub-Section (3) (a) (i) of Rule 2 may be deleted.

Rule 2 (3) (a) (ii)

The Committee recommends that Sub-Section (3) (a) (ii) of Rule 2 may be deleted.

Rule 2 (3) (a) (iii)

The Committee recommends that Sub-Section (3) (a) (iii) of Rule 2 may be deleted.

Rule 2 (3) (a) (iv)

The Committee recommends that Sub-Section (3) (a) (iv) of Rule 2 may be deleted.

Rule 2 (3) (b)

The Committee recommends that Sub-Section (3) (b) of Rule 2 may be deleted.

The Department in their written reply stated as under:

At least three months time is required to submit replies of observations made by the Committee.

At the end the Committee directed to the Department that monthly progress report regarding the implementation of the recommendations be sent to the Committee. The Committee also directed that the Rule “256 A” of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly be compliance strictly.

SCRUTINY OF THE HARYANA LEGISLATIVE ASSEMBLY (FACILITIES TO MEMBERS) RULES, 1979.

The Committee scrutinized of the Haryana Legislative Assembly (Facilities to Members) Rules, 1979 and made the following observations/recommendations as under: -

Rule-2

In these rules unless the context otherwise requires,

- (a) "Act" means the Haryana Legislative Assembly (Facilities to Members) Act, 1979;
- (b) "Borrower" means a person who has been sanctioned an advance under the Act;
- (c) "Deputy Commissioner" means the Deputy Commissioner of the District wherein the house '[proposed to be built. purchased or repaired]' with the aid of the advance by a borrower;
- (d) "Form" means a form appended to these rules;
- (f) "Government" means the Government of Haryana in the Administrative Department;
- (g) "Local body" means a municipality, notified area committee, a Panchayat or any other local body in whose jurisdiction the house is to be constructed;
- [(gg) "Motor car" shall have the same meaning as assigned to it in the Motor Vehicle Act, 1988,
- (ggg) "Major repairs" means the repairs, including additions and alterations the estimated cost of which is not less than twenty thousand rupees;]
- (h) "Secretary" means the Secretary of the Haryana Legislative Assembly;
- (i) the expressions not defined in these rules will have the meanings assigned to them in the Haryana legislative Assembly (Facilities to Members) Act, 1979.

Observations made by the Committee: -

Rule 2 (b)

The Committee recommended that the word, "person" be substituted with the word, "member".

Rule 2 (ggg)

The Committee recommended that the words, "twenty thousand rupees" be substituted with the word, "fifty thousand rupees".

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

Rule-3

3. (1) A member desiring to obtain an advance for building a house or flat to be constructed by the Cooperative Group Housing Society of which he is a member shall make an application to the Secretary in Form 1, in duplicate, complete in all respects and duly certified by the Deputy Commissioner/Estate Officer Haryana Urban Development Authority in case of building a house and by the President/Secretary of the Cooperative Group Housing Society of which he is a member in case of construction of a flat. He shall also furnish an affidavit to the effect that he has not availed himself of an advance for building a house or for construction of a flat or for built up house or flat,

as the case may be, under these rules or any other scheme of any State Government or of the Government of India.

(2) On receipt of the application for an advance for building a house or for construction of a flat, the Secretary shall, after satisfying himself that the application is complete in all respects and the member is eligible for the grant of advance for building a house or for construction of a flat, record a certificate in Form II, and forward the same to the Government.

(3) On receiving the application for an advance for building a house or for construction of a flat, the Government may refer application to the Finance Department, for getting the necessary funds for payment of the advance earmarked as is done in the case of a Class-I Officer of the State Government of Haryana.]

Observations made by the Committee:-

Rule 3 (1)

The Committee recommended that the words, "Haryana Urban Development Authority" be substituted with the words, "Haryana Vikas Pradhikaran Nigam" wherever occur in the rules accordingly

Rule 3 (3)

The Committee recommended that after the word, "but", the word, "up" be inserted to make the rule grammatically correct.

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

Rule 3 (A)

[3-A (1) A member desiring to obtain an advance for purchasing a built-up house or flat shall make an application to the Secretary in Form II-A, in duplicate. Complete in all respects, duly certified by the Deputy Commissioner/Estate Officer Haryana Urban Development Authority in case of built-up house and by the President/Secretary, Cooperative Group Housing Society of which he is a member in case of flat. He shall also furnish an affidavit to the effect that he has not availed himself of any advance for purchasing a built-up house or flat or for building a house or for construction of a flat, as the case may be, under these rules or any other scheme of the State Government or of the Government of India.

(1-A) A member who has drawn repayable advance for building a house or for purchasing a built-up house under sub-rule (1) of rule (3) or sub-rule (1) of this rule may also draw repayable advance for the second time as per entitlement excluding the amount of sale proceeds of the first house. He shall also furnish an affidavit to the effect that he has paid the full amount of first advance together with interest thereon and declare the amount of sale proceeds of the first house therein.]

(2) On receipt of the application for purchasing a '[built House or flat] the Secretary shall, after satisfying himself that the application is complete in all respects and that the member is eligible for grant of the advance applied for, record a certificate in Form II-B and forward the same to the Government.

(3) The application for purchasing a 'built house or flat) will then be referred by the [Government] to the Finance Department for getting the appropriate funds for the advance earmarked.

Observation made by the Committee:-

Rule 3 A (1A)

The Committee desired that this rule will be discussed with the departmental representatives at the time of oral examination.

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

Rule-4

4. (1) After the requisite funds have been earmarked by the Finance Department intimation in this regard will be sent to the Secretary and to the prospective Borrower who shall mortgage the plot on which the house is proposed to be constructed as also all structures to be constructed thereon. [or the house wherein major repairs are to be carried out, as the case may be, to the Government in Form III and get the mortgage deed registered with registering authority concerned.]

(2) The prospective Borrower shall submit to the Secretary a [Personal Bond in Form IV] in respect of the said advance.

(3) An agreement deed in form V shall be executed by the prospective Borrower and submitted to the Secretary along with a copy of registered mortgage deed.]

(3A) In the case of an advance for purchasing a built house, the Borrower shall submit to the Secretary a personal bond in Form IV and also an agreement deed Form V. The house to be purchased shall be mortgaged to Government within period of one month of its purchase.

(3B) In the case of an advance for purchasing a flat, the borrower shall submit to the Secretary a personal bond in Form IV and also an agreement deed in Form V. The borrower shall also deposit with the Secretary a share certificate issued by the President/Secretary of the Cooperative Group Housing Society of which he is a member within a period of one month of its purchase.]

(4) The Secretary will have the authority to accept the [personal bond] and execute the agreement deed on behalf of the Governor of Haryana.

Observations made by the Committee:-

Rule 4 (3A)

The Committee recommended that the words, "one month" be substituted with the words, "sixty days".

Rule 4 (3B)

The Committee recommended that the words, "one month" be substituted with the words, "sixty days".

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

Rule-5

5. After all the formalities mentioned in rules 3 or 3-A or 3-B and 4 have been completed, the Speaker may sanction an amount of repayable advance to the applicant as under:

- (c) for construction of house the estimated cost of the construction or forty lakhs rupees, whichever is less, in two equal instalments;
- (b) for purchase of a built house or flat to be constructed by the Cooperative Group Housing Society of which he is a member, the settled purchase price of the house or flat or forty lakhs rupees whichever is less, in lump sum;
- (c) for major repairs to the house, the estimated cost thereof or one lakh seventy five thousand rupees, whichever is less, in two equal instalments:

Provided that a member who has drawn repayable advance for purchasing a built house or for building a house for the first time he may draw repayable advance for second time as per entitlement excluding the amount of the sale proceeds of the first house:

Provided further that the total amount of repayable advance under this rule and rule 14 together shall not exceed fifty lakhs rupees.”]

Observation made by the Committee:-**Rule 5 (c)**

The Committee desired that this proviso will be discussed with the departmental representatives at the time of oral examination.

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

Rule-7

7. After the advance has been sanctioned by the Speaker, the Secretary shall disburse the amount to the borrower in the following manner, namely:-

- (a) In the case of purchase of built house, the sanctioned amount of the advance in lump sum, against duly stamped receipt.
- (b) In the case of '[building a house or flat] or for major repairs first instalment of 50% for starting the construction of major repairs and the second instalment of 50% after obtaining proof from the borrower that, in the case of [building a house or flat] the roof has been constructed and after obtaining proof from the borrower that, in the case of effecting major repairs, the amount of first instalment has been spent. Stamped receipt shall be obtained each time in token of disbursement of the advance.]

Observation made by the Committee:-**Rule 7 (b)**

The Committee recommended that in the fourth line of this rule, the word, "roof" be deleted.

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

Rule-8

8. (1) The borrower shall furnish to the Secretary a completion certificate within a period of one year from the date of payment of the last instalment of the advance in case of building a house. This completion certificate should be authenticated by a qualified engineer of the Local Authority, in whose jurisdiction the house has been constructed. In case there is no qualified engineer in the Local Authority, the aforesaid certificate of completion will be obtained from an engineer authorized by the concerned Deputy Commissioner.

(2) In case of construction of flat, the borrower shall furnish to the Secretary copy of the completion certificate within one month after the issuance of the same by the Local Authority to the Cooperative Group Housing Society of which he is a member.

(3) The borrower shall, within one month of the drawl of advance for purchasing a builtup house, purchase the house and furnish to the Secretary a copy of the sale deed and shall also mortgage the said house to the Government within one month of the sale deed.

(4) The borrower shall, within one month of the drawl of advance for purchasing a flat, purchase the flat and deposit to the Secretary a share certificate duly issued by the President/Secretary, Cooperative Group Housing Society within month of the purchase.

Observation made by the Committee:-**Rule 8 (1)**

The Committee recommended that the words, "one year" be substituted with the words, "two years".

Rule 8 (3)

The Committee recommended that in the first line and fourth line of this rule, the words, "one month" be substituted with the words, "two months".

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

Rule 8 A

(8A) A member who has drawn an advance of eight lakh rupees for buildings a house or for construction of a flat and who has not furnished a completion certificate as required under rule 8 shall be eligible to draw the balance of four lakh rupees for the said purpose.

Observations made by the Committee:-

The Committee desired that this rule will be discussed with the departmental representatives at the time of oral examination.

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

Rule-9

(1) The recovery of the advance shall be made by the Secretary is monthly instalments of at the rate of (one per cent of the permissible advance) from the salary or (compensatory allowance/constituency allowance/telephone allowance/ travelling and daily allowance/sumptuary allowance/office allowance) or from other amount payable to the borrower.]

[Provided that if the member who has already drawn house building advance and executes a new deed, the date of recovery in respect of advance shall also be one per cent.]

(2) The deduction will commence from the first issue of salary or compensatory allowance, or other allowance after the said advance "[for first instalment thereof] is drawn.

(3) Simple interest at the rate of four per cent per annum shall be charged on the amount of house building advance drawn by a member

(4) The amounts of interest will be recovered by the Secretary in one or more instalments as may be decided by the Government commencing from the month following that in which the repayable of the principal has been completed.

Explanation: The amount of the advance to be recovered shall be fixed in whole rupees except in the case of the last instalment when the remaining balance including any fraction of a rupee shall be recovered.

(5) In case the borrower ceases to be a member before the advance and interest thereon are fully repaid, the outstanding balance together with the interest thereon shall continue to be recovered at the rate hitherto fore from the [pension/ family pension and dearness allowance] which has become due to the borrower unless he has voluntarily made payment of the remaining instalments in lump sum or otherwise. In case there is any deficiency or shortfall in recovering the amount of the advance, the borrower shall be required to make payment through his own sources. In case where he does not comply with the conditions of the repayment the provisions of the mortgage deed shall be invoked immediately.]

[(5A) Notwithstanding anything contained in sub rule (1) and 5 the rate of recovery of advance for major repairs will be (one thousands rupees per month.)]

(6) In case of Chief Minister, a Minister, a State Minister, a Deputy Minister, the Chief Parliamentary Secretary or a Parliamentary Secretary, the amount of deduction in lieu of recovery of the advance shall be made from his salary bills and intimation to that effect shall be sent to the Secretary regularly:

[Provided that a borrower who has obtained advance prior to the 17th April, 1984, the recovery shall be made according to the pre-amended rules i.e. at the rate of seven hundred rupees per month].

Observations made by the Committee:-

Rule 9(1)

The Committee desired that this proviso will be discussed with the departmental representatives at the time of oral examination.

Rule 9 (5)

The Committee would like to know as to whether there is any other mode is also adopted except the mode already mentioned in this rule?

Rule 9 (6)

The Committee would like to know for its information as to whether there is any borrower prior to the 17th April, 1984?

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

Rule-14

14. (1) The total amount to be advanced the prospective Borrower for the purchase of a motor car shall not exceed Ten lakh rupees or the anticipated price of the motor car, whichever is less. If the actual price is less than the advance drawn, the balance shall forthwith be refunded to the Government:

Provided that a member shall be entitled to a total repayable advance of [fifty lakhs rupees under this rule and rule 5 together.]

Explanation: In case the borrower has already applied for loan and is anticipation of the grant of car advance to be sanctioned to him, has purchased a car and made payment of its price to the dealer he shall still be entitled to the grant of the car advance In the said Rules, in rule 14, for sub-rule (2), the following sub-rule be substituted, namely:-

(2) Notwithstanding anything contained in sub-rule (1) the member shall be eligible to draw second car advance in a tenure of the Vidhan Sabha which may be for a period of five years or less if the borrower has refunded the amount of first motor car advance in full along with interest thereon to Government.]

[(ii & iii).....omitted.]

Observation made by the Committee:-**Rule 14**

The Committee desired that this rule will be discussed with the departmental representatives at the time of oral examination.

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

Rule-20

20. The Borrower shall complete the negotiations for the purchase of [motor car] and make final payment for the purchase of the motor car within one month of the date on which he draws the motor car advance, failing which the full amount of the advance drawn, with interest thereon till the date of refund, will be repaid to the Government unless the period for purchase of "[motor car] is extended by the Speaker.

Observation made by the Committee:-**Rule 20**

The Committee recommended that in the second and third line of this rule, the words, "one month" be substituted with the words, "two months".

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

Rule 23

23. (1) The recovery of the motor car advance shall be made (in monthly instalments of [one per cent of the permissible advance] from the salary or compensatory/telephone allowance. [travelling allowance/daily allowance constituency allowance/sumptuary allowance/office allowance) or any other amount payable to the borrower":

[Provided that if the member who has already drawn Motor Car advance and executes a new deed, the rate of recovery in respect of advance shall also be one per cent.]

(2) The deduction will commence from the first issue of salary or compensatory allowance or other allowances after the advance is drawn.

[(3) Simple interest at the rate of four per cent per annum shall be charged on the amount of car advance drawn by a member.]

(4) The amount of interest will be recovered in one or more instalments as may be decided by the Government, commencing from the month following that in which the repayment of the principal has been completed.

Explanation: The amount of advance to be recovered shall be fixed in whole rupees except in the case of last instalment, when the remaining balance including any fraction of a rupee shall be recovered.

[(5) In case, the borrower ceases to be a member before the advance and interest thereon are fully repaid, recovery shall continue to be made at the rate hitherto from the '[pension/family pension and dearness allowance] which has become due to the borrower or from any of his other assets unless he has voluntarily made payment of the remaining instalments in lump sum or otherwise. In case there is any deficiency or shortfall in recovering the amount of the advance the borrower shall be required to make the balance payment through his own resources. In case, where he does comply with the conditions of the repayment the provisions of the mortgage deed shall be invoked immediately.]

(6) In case of Chief Minister, a Minister, a State Minister, a Minister, The Chief Parliamentary Secretary or a Parliamentary Secretary, the amount of deduction in lieu of recovery of the advance shall be made from his salary bills and Deputy intimations to the effect shall be sent to the Secretary regularly

[Provided that a borrower who has obtained advance prior to the 17th April, 1984 the recovery shall be made according to the pre-amended rules i.e. at the rate of five hundred rupees per month.]

Observations made by the Committee:-

Rule 23 (1)

The Committee desired that this proviso will be discussed with the departmental representatives at the time of oral examination.

Rule 23 (6) (Proviso)

The Committee would like to know as to whether there is any borrower prior to the 17th April, 1984?

The Department in their written reply stated as under:-

At least three months time is required to submit replies of observations made by the Committee.

At the end the Committee directed the Department that monthly progress report regarding the implementation of the recommendations be sent to the Committee. The Committee also directed that the Rule "256 A" of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly be complied strictly.

SCRUTINY OF THE PUNJAB FRUIT NURSERIES RULES 1961.

The Committee scrutinized of the Punjab Fruit Nurseries Rules 1961 Framed Under the Punjab Fruit Nurseries, Act 1961 and made the following observations/recommendations as under:-

Short title

These rules may be called the Punjab Fruit Nurseries Rules, 1961.

Observation made by the Committee

The Committee recommends that the word "Punjab" wherever occurring be substituted with the word "Haryana".

The Department in their written reply stated as under: -

Agreed

Rule-2

In these rules unless the context otherwise required: -

- (a) "Act" means the Punjab Fruit Nurseries Act, 1961
- (b) Deleted.
- (c) "Director" means the Director of agriculture, Punjab and includes the Joint Director of agriculture;
- (d) "Form" means form appended to these rules.
- (dd) "Horticulture Development Officer" means the Horticulture Development Officer incharge of horticulture extension work; and
- (e) All other terms and expressions used herein but not defined shall have the meaning assigned to them in the Act.

Observation made by the Committee

The Committee recommends that, in sub rule(e) of rule 2 the word "defined" be corrected as word "defined" to make the Rule grammatically correct.

The Department in their written reply stated as under: -

Agreed

Rule-3

"(1) Application for a licence to conduct or establish a fruit nursery shall be made to the competent authority in Form-1. The applicant shall deposit an amount of Rs. 20,000/- (Twenty thousand rupees only) under Head "0401- Crop Husbandry-119-Receipt from Horticulture and Vegetable Crops- Income by way of Nursery License Fee" in the Government Treasury and shall enclose the original treasury challan with the Application".

(2) The fee specified in sub-rule (1) shall be refunded, if the license is refused.

(3) The competent authority shall, on receipt of the application, inspect or cause to be inspected by any person not below the rank of a Gazetted officer of the Agriculture Department, the Fruit nursery for which licence has been applied. The Inspecting Officer shall record the result of his inspection in the back of the application in Form I-A.

(4) On receipt of the report of the Inspecting Officer the competent authority may, if satisfied that the applicant fulfils the condition mentioned in or notified under sub- section (2) of section 4,

grant a licence in Form II. If it is not so satisfied it may refuse the issue of licence and shall in its Order give reasons for such refusal.

Provided that every order granting or refusing a licence shall be made within a period of ninety days of the date of the receipt of the application for licence.

The competent authority shall maintain a register in Form-III in which the names of persons to whom the licences are granted from time to time shall be entered.

Observation made by the Committee

Rule 3

The Committee recommends that the word and figure “Rs. 2000/- (two thousand rupees only)” be substituted with the words “twenty thousand rupees only”.

The Committee recommends that the other mode of payment for a licence be also inserted in the Rule to make more the effective.

The Department in their written reply stated as under:-

Agreed, the figure “Rs. 2000/- (Two thousand rupees only)” may be substituted with Rs. 20,000/- (Twenty Thousand rupees only) because nursery is a pure business activity.

Earlier in Rules of 1961 the nursery license fee is Rs. 30/- only and thereafter in year 2001 the fee increase as Rs. 2000/-.

Agreed, department shall made other mode of payment such as RTGS/NEFT, Net Banking, Debit/Credit etc. for nursery license fee as and when Rules or Act may amend/revised.

Rule 3(2)

The Committee recommends that after the end of this sub-Rules the words “within 30 days” be inserted

Agreed, the word “within 30 days” may be inserted in the end of the sub-Rules 3 (2), so that the applicant may get refund of fee within time period of 30 days in case of application rejected.

Rule-4

Every licence granted under these rules shall be valid for a period of three years from the date of its issue.

Observation made by the Committee

The Committee recommends that the words “three years” be substituted with the words “five years”

The Department in their written reply stated as under:-

Agreed, the word “three years” may be substituted with the word “five years”. So that the nursery license shall be valid for five years of applicant.

Rule-5

(1) Any person desiring to get his licence renewed shall make application to the competent authority in Form IV not less than thirty days before the date of expiry of the licence. Such application shall be accompanied by a treasury challan in proof of deposit of the renewal fee and shall be made through the Agricultural Inspector having Jurisdiction over the area in which the nursery is situated. The Agriculture Inspector shall, while forwarding the application to the competent authority, record his Comments on the back of the application in form IV A.

2. On receipt of the comments of the Agriculture Inspector, the competent authority may, if satisfied that the application has not contravened any of the conditions of the licence or any provision of the Act or these rules, renew the licence for a maximum period of three years. If it is not so satisfied it may refuse the renewal and shall in its order give reasons for such refusal:

Provided that every order renewing or refusing to renew licence shall be made within a period of thirty days of the date of receipt of the application for renewal by the Agriculture Inspector.

3. The renewal fee shall be five hundred rupees per year and shall be deposited under the Head referred to in sub-rule (1) of rule 3. The renewal fee shall be refunded if the renewal of the licence is refused.

Observation made by the Committee

Rule 5 (2)

The Committee recommends the words “three years” be substituted with the words “five years

The Department in their written reply stated as under:-

Agreed, the word “three years” may be substituted with the word “five years”. So that the nursery license shall be valid for five years of applicant.

Observation made by the Committee

Rule 5 (3)

The Committee recommends the words “Five Hundred rupees” be substituted with the words “five thousand” and

The Committee also recommends that at the end of this sub-Rules the words “within 30 days” be inserted.

The Department in their written reply stated as under:-

Agreed, the figure “Rs. 10/- (Ten rupees only)” may be substituted with Rs. 5,000/- (Five Thousand rupees only) because nursery is a pure business activity. Earlier in Rules of 1961 the nursery license renewal fee is Rs. 10/- only and thereafter in year 2001 the fee increase as Rs. 500/-.

Agreed, the word “within 30 days” may be inserted in the end of the sub-Rules 3 (2), so that the applicant may get refund of fee within time period of 30 days in case of application rejected.

Rule-6

The competent authority may, in addition to the grounds mentioned in clause (a) to (e) of sub-section (1) of section 5, suspend or cancel any licensee in any one or more of the following grounds:-

- (a) the licensee has not been conducting his business honestly or in a fair manner; or
- (b) the licensee has refused to surrender or produce his licence or registers and other records required to be maintained under the Act and these rules to the competent authority or any person authorised by it.

Observation made by the Committee**Rule-6(a)**

The Committee feels that this sub-Rules seems to be superfluous and needs to be amended properly.

The Department in their written reply stated as under:-

Horticulture Department, Haryana will discuss this Rule in next meeting of Committee.

During the course of oral examination held on 15.02.2023 the Departmental Representatives accepted that the new provision will be incorporated in the Rule.

Recommendation of the Committee:-

The Committee recommends that the new provisions regarding the suspend or cancel the license be incorporated to make the Rule clear or more effective.

Rule-8

1. Without prejudice to the provisions of rule 6, the competent authority may by a notice in writing require a licence to furnish within such period as may be specified in the notice a cash security of an amount not exceeding five hundred rupees, if it is satisfied that the licensee has contravened any condition of his licence or any provision of the Act or these rules.

2. The competent authority may forfeit the security deposited under sub-rule (1) or any portion thereof if it is Satisfied that the licensee has again contravened any condition of his licence or any provision of these rules. The licensee shall make good the amount forfeited within a month of the receipt of the order of forfeiture.

Observation made by the Committee

The Committee would like to discuss this rules with the departmental representatives at the time of oral examination.

The Department in their written reply stated as under:-

Horticulture Department, Haryana will discuss this Rule in next meeting of Committee.

During the course of oral examination held on 15.02.2023 the Departmental representatives accepted that the fine Five Hundred Rupees as mentioned in sub rule (1) of rule 8 will be amended Fifty Thousand Rupees.

Recommendation of the Committee:-

The Committee recommend that the words "Five Hundred Rupees" as mentioned in Rule 8(1) be substituted with the words "Fifty Thousand Rupees"

Rule-10(1)

(1) If a licence granted to any person is lost destroyed, mutilated or damaged, the competent authority shall on receipt of application and payment of a fee of two rupees by the licensee issue a duplicate licence.

Observation made by the Committee

The Committee recommends that the words "two rupees" be substituted with the word "two hundred rupees".

The Department in their written reply stated as under:-

Agreed the figure “Rs. 2/- (Two rupees only)” may be substituted with Rs. 200/- (Two Hundred rupees only) because nursery is a pure business activity. Earlier in Rules of 1961 the nursery license renewal fee is Rs. 2/- only.

Rule-12

The licensee shall :-

- (1) Maintain a register in Form V indicating source or origin of every root stock and section used for propagation and number of plants raised.
- (2) Maintain a complete record of the sale of fruit plants in a sale register in Form VI and issue a sale receipt to the buyer in form VII.
- (3) Maintain an inspection register in Form-VIII which shall be made available for recording of remarks to the competent authority or any person not below the rank of an Agricultural Inspector duly authorised to conduct an inspection by the competent authority; and
- (4) Preserve all records referred to in sub-rules (1), (2) and (3) for a period of not less than five years.

Observation made by the Committee

Rule 12(4)

The Committee recommends that in sub section 4 of rule 12 the words “five years” be substituted with the words “ten years” and

The Committee also recommended that the licensee shall install a signboard in his nursery with the details of the license and list of the sale of fruit plants.

The Department in their written reply stated as under:-

Agreed, the word “five years” may be substituted with the words “ten years”, because accurate record of progeny of plants may be assessed.

Agreed, department shall made provision to install a signboard in his nursery with the details of the license and list of the sale of fruit plants as and when Rules or Act may amend/revised.

At the end the Committee directed to the Department that monthly progress report regarding the implementation of the recommendations be sent to the Committee. The Committee also directed that the Rule “256 A” of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly be compliance strictly.

SCRUTINY OF THE HARYANA SCHOOL EDUCATION RULES, 2003 FRAMED UNDER THE HARYANA SCHOOL EDUCATION ACT, 1995.

The Committee scrutinized of the Haryana School Education Rules, 2003 framed Under the Haryana School Education Act, 1995 and made the following observations/recommendations as under:-

Rule-3

(1) No school in the State can function, establish or start classes without the prior approval or permission of the Director. Every school established by any individual or association of individuals or firm or society or trust or company, shall follow the norms specified under these rules. Any act or disobedience on the part of the school managing committee contrary to the provisions of these rules shall make it liable, ***

- (i) Any individual or association of individuals or firm or society registered under the Societies Registration Act, 1860 (21 of 1860), or trust created under the Indian Trusts Act, 1882 (2 of 1882), or company registered under the Companies Act, 1956 (1 of 1956), desiring to establish school or upgrade or continue to function in the State as a school, shall do so with prior approval or permission of the Director. The school authority shall follow the norms specified under these rules.****
- (ii) to be prosecuted under the relevant law if such disobedience or act causes or tends to cause danger to the life, health, and safety of the students;
- (iii) for the imposition of penalty not exceeding Rs.15000 in the case of primary schools, Rs.20,000 in the case of middle schools andRs.25,000 in the case of secondary and senior secondary school for each such violation. *

(2) Before taking any such action under sub-rule (1), a fifteen days' notice shall be given to the managing committee to explain their position regarding the aforesaid notice. On receipt of reply and after giving a personal hearing, if required, Director shall be competent to take any of the action against the managing committee under these rules. *

Observations of the Committee:-

Rule 3(1)(iii)

The Committee recommends that the penalty mentioned in this Sub-Rule should be enhanced suitably.

The Department in their written reply stated as under:-

If agree, may enhanced Rs. 5000/- in each entity.

Recommendation of the Committee:-

The Committee recommends that the imposition of penalty be enhanced Rs. 5000/- in each entity.

Rule 3(2)

The Committee recommends that in the last line of Sub-Rule 3(2), before the words 'under these rules', the words and figure 'within 30 days' be inserted.

The Department in their written reply stated as under:-

2) Before taking any such action under sub-rule (1), a fifteen days' notice shall be given to the managing committee to explain their position regarding the aforesaid notice. On receipt of reply

and after giving a personal hearing, if required, Director shall be competent to take any of the action against the managing committee within 30 days under these rules. *

Rule-4

The School shall be classified into any of the following categories, namely:-

- (a)
- (i) Pre-Primary schools, that is to say, schools in education below the primary stage;
 - (ii) Primary Schools, that is to say, schools imparting primary stage of education, having classes I - V;
 - (iii) Middle schools, that is to say, schools imparting middle stage of education, having classes I-VIII or VI -VIII; of education, having classes upto X with or without primary classes;
 - (iv) Secondary Schools, that is to say, schools imparting secondary stage
 - (v) Senior secondary schools, that is to say, schools imparting senior secondary stage of education, having classes upto XII with or without primary classes.
 - (vi) Boys school, that is to say, a school in which admission is open to boys;
 - (vii) Girls school, that is to say, a school in which only girls are admitted;
 - (viii) Co-educational school, that is to say, a school in which boys and girls can be admitted without any distinction and follow the same courses of study.*
- (b) District Institutes of Educational Training and Government Elementary Teachers Training Institutes, Private Teachers Training Institutes imparting teachers training below degree level.

Observation of the Committee:-

Rule 4(a)(vi)

The Committee recommends that in the first line after the word 'which', the words 'only boys are admitted' be inserted to make the Rule clear.

The Department in their written reply stated as under:-

Boys school, that is to say, a school in which only boys are admitted admission is open to boys;

During the oral examination held on 15-02-2023 the Departmental representatives accepted the observation of the committee.

Rule-5

Hindi shall be the preferred medium of instructions in all schools. However the institution shall be at liberty to adopt other medium of instruction under intimation to the appropriate authority.

Observation of the Committee:-

The Committee recommends that in the last line of the said Rule, the word 'intimation' be substituted with the words 'the orders'.

The Department in their written reply stated as under:-

Not to be amended

During the oral examination held on 15-02-2023 the Committee satisfied with the reply of the departmental representatives.

Rule-6

In teaching of languages in classes VI to VIII, the three language formula as adopted by the Government, shall be followed

Observation of the Committee:-

The Committee would like to know about the three-language formula.

The Department in their written reply stated as under:-

English, Hindi and (Sanskrit or Punjabi or Urdu)

Rule-7

Any linguistic minority which intends to setup school with the object of imparting education in the mother tongue of such linguistic minority, shall be permitted to do so.

Observation of the Committee:-

The Committee would like to know how many linguistic minority schools are working in Haryana. The Committee would also like to know how many linguistic minorities are existing in Haryana and whether only such minority students are permitted to take admission or any other category students are also allowed to take admission in minority schools.

The Department in their written reply stated as under:-

Total 13 Madarsas (11 unrecognized and 2 recognized) and 177 Minority Schools in the State. However, as per guidelines to grant Minority Status to a institution, upto 50% students admitted will be from minority communities.

Rule-8

The School may also provide for the cause of literacy the following facilities, namely:-

- (a) Adult Education Centres;
- (b) Bal Kendras; Balwadis;
- (c) Education of children who have discontinued studies;
- (d) Literacy centers

Observation of the Committee:-

The Committee would like to know how many adult Education Centres, Bal Kendras/ Balwadis and Literacy Centres are working in the schools in Haryana State.

The Department in their written reply stated as under:-

No adult educational centre is functional in the State as on date under New India Literacy Program [NILP].

The Departmental representatives accepted that the Adult Education centres are closed and a new scheme national literacy programme is launched in last year.

Recommendation of the Committee:-

The Committee recommends that the Rule be amend as per new Scheme launched as national literacy programme.

Rule-10

The Director or Affiliating Board, as the case may be, while specifying the syllabi for primary, middle, secondary and senior secondary stage shall decide about the contents and text books to be laid down.

Observation of the Committee:-

The Committee would like to know as to what is the criteria for deciding the syllabi for Primary, Middle, Secondary and Senior Secondary Schools in Haryana.

The Department in their written reply stated as under:-

Discussed at the time of oral examination.

The said Rule was discussed with the departmental representatives in itoral examination held on 15-02-2023 and Committee satisfied with the reply of the department.

Rule-13

Every member of the Curriculum Committee shall hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination for a like period and shall, notwithstanding the expiry of the term of his office, continue to hold such office until his successor is nominated. However, the Director have the right to remove replace any member before completion of his tenure, if the work and conduct of the member is not satisfactory.

Observation of the Committee:-

The Committee would like to know the scope of the word, “satisfactory” written at the end of this rule?

The Committee desired that the following proviso be inserted at the end of this rule:-

“Provided that the Director may, if he thinks fit, discharge a member from the Committee, if such member is absent from three or more consecutive sittings thereof.”

The Committee also recommends that to safeguard the legitimate right of a member, a provision to raise an appeal within a period of 30days to the concerned Additional Chief Secretary to Government, Haryana, against the order of the Director to remove/replace any member.

The Department in their written reply stated as under:-

Every member of the Curriculum Committee shall hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination for a like period and shall, notwithstanding the expiry of the term of his office, continue to hold such office until his successor is nominated. However, the Director have the right to remove replace any member before completion of his tenure, if he thinks fit, discharge a member from the Committee, if such member is absent from three or more consecutive sittings thereof. However, the member discharged before completion of his tenure raise an appeal within a period of 30 days to the concerned Additional Chief Secretary to Government, Haryana, against the removal order of the Director.

Rule-14

- (1) The Curriculum Committee shall meet atleast once in six months; Provided that such meeting shall not be held later than the 30th September every year for deciding curriculum for next session: Provided further that the Chairman of the Curriculum Committee may call a special meeting of the Curriculum Committee to consider any matter within the purview of the Curriculum Committee.

- (2) Six members of the Curriculum Committee present at a meeting shall form quorum or the meeting of the Committee: Provided that where the meeting of the Curriculum Committee is adjourned due to the absence of quorum it shall be necessary to hold subsequent meetings where at least three members shall form a quorum.
- (3) A member of the Curriculum Committee who has any financial or other interest in any book which is under the consideration of the Curriculum Committee for approval as a text book, shall not participate in the deliberations of the Curriculum Committee with regard to the approval of that book as a text book.

Observation of the Committee:-

Rule-14 (2)

The Committee recommends that the word, 'or' in the second line of this rule 14(2) be substituted with the word, 'of' to make it more clear.

The Committee also recommends that in the third line of the proviso of this rule, the word, 'three' be substituted with the word, 'four'.

The Department in their written reply stated as under:-

Six members of the Curriculum Committee present at a meeting shall form quorum of the meeting of the Committee:

Provided that where the meeting of the Curriculum Committee is adjourned due to the absence of quorum it shall be necessary to hold subsequent meetings where at least four members shall form a quorum.

Rule-15

- (1) The Curriculum Committee shall regulate its own procedure;
- (2) The Curriculum Committee may appoint such subject panels as it may deem necessary consisting of its own members or specialists who are not members of the Curriculum Committee.

Observation of the Committee:-

The Committee would like to know what procedure/criteria of the subject panels is appointed by the curriculum Committee?

The Department in their written reply stated as under:-

Discussed at the time of oral examination.

The said Rule was discussed with the departmental representatives in its oral examination held on 15-02-2023 and Committee satisfied with the reply of the department.

Rule-19

- (1) The starting and closing of academic session and school timings shall be made as per the directions issued by the Director from time to time.
- (2) It shall be obligatory for all the schools to arrange appropriate functions in the school to celebrate Independence Day and Republic Day as declared by the State.
- (3) The terminal examination and the final examination will be held so as to ensure uniformity in all the schools in a particular academic year.

Observations of the Committee:-**Rule-19(2)**

The Committee would like to know what action is taken against the school(s) which does/do not celebrate Independence Day and Republic Day as declared by the State?

What action has been taken by the concerned department against the school(s) which violated this rule in the last three years? Details thereof, be submitted to the Committee within a period of 30 days.

The Department in their written reply stated as under:-

Rule 42(1) provided as under: **The appropriate authority may withdraw recognition/NOC of a school after giving a written notice, drawing the attention of acts of omission and commission contrary to the Acts/rules or directions issued their under to the managing committee either directly or through Principal/ Head of the institution.**

Rule-20

- (1) Save as otherwise provided in sub rule(1) of rule18, the total number of working days including examination days, for the Middle, Secondary and Senior Secondary stage of education shall not be less than 220 in a year.
- (2) Subject to the provision of sub-rule (1) of rule 18, all holidays/vacations as circulated/notified by Department in the Academic calendar issued from time to time, shall be the authorized holidays for recognized schools. *
- (3) In addition to the holidays referred to in sub-rule (2), leave may be granted to students preparing for the examinations of the Affiliating Board for such period as may be specified by that Board.

Provided that preparatory leave shall be given only when the head of school is satisfied that the courses of study have been completed at the school.

Observation of the Committee:-**Rule 20 (3)**

The Committee recommends that in the first line of this rule the word, "may" be substituted with the word, "shall" to make it more clear.

The Committee would like to know that how many preparatory leave is granted to the students at present?

The Committee is of the view that the course of study/examination should be completed before preparatory leave.

The Department in their written reply stated as under:-

In addition to the holidays referred to in sub-rule (2), leave **shall** be granted to students preparing for the examinations of the Affiliating Board for such period as may be specified by that Board.

Provided that preparatory leave shall be given only when the head of school is satisfied that the courses of study have been completed at the school.

Further, there is no any fixed criteria that how many preparatory leave is to be granted to the students and it depends on Head of Institution.

Rule-23

- (1) The following shall be the disciplinary measures which may be adopted by a school in dealing with: -
 - (a) all students - fine and/ or detention during the break, for neglect of class work, but no detention shall be made after the school hours;
 - (b) students who have attained the age of fourteen years regarding -
 - (i) expulsion,
 - (ii) rustication,
- (2) For the avoidance of doubts, it is hereby declared that the disciplinary measures specified in any student upto 8th class.
- (3) Fine may be imposed on a student in the following cases namely:
 - (a) late attendance;
 - (b) absence from class without proper application from the parent or guardian;
 - (c) truancy;
 - (d) willful damage to school property;
 - (e) delay in payment of school fees and dues,
- (4) Expulsion shall debar a student from being re-admitted to the school from where he is expelled but shall not preclude his admission.
- (5) Where a student is rusticated, he shall not be admitted to any school till the expiry of the period of rustication.
- (6) No student shall be expelled or rusticated from a school except after giving the parent or guardian of the students a reasonable opportunity of showing cause against the proposed action.

Note: Expulsion or rustication shall be resorted to only in cases to grave offences where the retention of the student in the school is likely to endanger its moral tone of discipline.

Observation of the Committee:-**RULE 23 (2)**

The Committee observed that the rule 23(2) is different in English and Hindi versions. The Department may clarify the position in this regard.

The Department in their written reply stated as under:-

English version is correct.

Recommendation of the Committee:-**RULE 23 (5)**

The Committee recommends that maximum time period of rustication may prescribed/ inserted in the rule.

The Committee also recommends that a proper provision of appeal to be concerned D.E.O. against the rustication may also be inserted in the Rule.

The Department in their written reply stated as under:-

Where a student is rusticated, he shall not be admitted to any school till the expiry of the period of rustication (May insert till the end of current academic session) and the student can appeal before the concerned DEO/DEEO against the rustication.

Rule-26

Recognized schools may if consider necessary to establish hostel for students shall provide facility and accommodation, furniture, hostel superintendent, warden, medical and other care of the hostels. The schools shall notify the fees and security to be charged from the pupils and shall submit the detail of minimum facilities being provided and the rate of fee proposed to the Director before the commencement of each academic session.

Recommendation of the Committee:-

The Committee recommends that in the second line of rule after the word, "accommodation" the word, "meal" be inserted to make the rule more clear. The Committee recommends that at the end of the rule after the word, "session", the words, "and the Director shall permit within 15 days".

The Department in their written reply stated as under:-

Recognized schools may if consider necessary to establish hostel for students shall provide facility and accommodation, meal, furniture, hostel superintendent, warden, medical and other care of the hostels. The schools shall notify the fees and security to be charged from the pupils and shall submit the detail of minimum facilities being provided and the rate of fee proposed to the Director before the commencement of each academic session.

Rule-29

(1) Every individual or association of individuals or firm or society registered under Societies Registration Act, 1860 (21 of 1860), or trust created under the Indian Trusts Act, 1882 (2 of 1882), or company registered under the Companies Act, 1956 (1 of 1956), shall apply to the appropriate authority in [Form as specified by the Department] along with demand draft of Rs.1,000/- for primary school, Rs.2,500/- for middle school, Rs.5,000/- for high school and Rs.10,000/- for senior secondary school as processing fee in favour of Director expressing their intention to establish such school.*

(2) The applicant in addition to the application referred to is Sub rule

1. shall give an undertaking containing the following particulars, namely: -
 - (a) the area in which the new school is proposed to be established, and the approximate number of students likely to be enrolled in that school;
 - (b) the stage of education intended to be imparted in the new school;
 - (c) the particulars including measurements of the building or other structures in which the school is proposed to be run;
 - (d) the financial resources from which the expenses for the establishment and running of the school shall be met;
 - (e) the composition of the managing committee of the proposed new school until the new school is recognized and a new managing committee is constituted in accordance with the scheme of managing committee made under these rules;

- (f) the proposed procedure, until its recognition under these rules, for the selection of the head of the school and other teachers and non-teaching staff and the minimum qualifications for their recruitment;
 - (g) the proposed salary of the staff to be notified. The salary so notified shall not be less than minimum wage policy of the state, if notified by Labour, Department for the classes covered under minimum Wages Act, and for teaching staff any minimum salary standards specified by Education Department/Deputy Commissioner;*
 - (h) admission, tuition and other fees and funds which would be levied and collected until its recognition under these rules, from the student of the proposed new school;
 - (i) any other facility which is proposed to be provided for the students of the proposed new school.
- (3) The appropriate Authority** may, after considering the particulars specified in the application sub-rule (1) and after making such inquiries as deemed fit inform the person or persons by whom the application was given to him whether or not opening of the proposed new school would be, in the public interest, within 90 days from the receipt of this application. If no decision is taken within such period, it will be deemed to have been permitted. However, such permission does not enable school to get recognition automatically for which the applicant shall have to fulfil all the required conditions
- (4) The permission granted to establish a new school shall be effective from the date decided upon by the appropriate authority and ordinarily it shall be granted from the date of commencement of next academic session. The permission shall be valid for two academic sessions only.**

Observation of the Committee

The Committee recommends that the amount of Rs.1000, Rs.2500, Rs.5000 and Rs.10000 mentioned in the Rule be enhanced suitably.

The Department in their written reply stated as under:-

29(1) Every individual or association of individuals or firm or society registered under Societies Registration Act, 1860 (21 of 1860), or trust created under the Indian Trusts Act, 1882 (2 of 1882), or company registered under the Companies Act, 1956 (1 of 1956), shall apply to the appropriate authority in [Form as specified by the Department] along with demand draft of Rs.1,500/- for primary school, Rs.3,000/- for middle school, Rs.7,000/- for high school and Rs.12,500/- for senior secondary school as processing fee in favour of Director expressing their intention to establish such school.

During the oral examination held on 15-02-2023 the Departmental Representatives accepted that the amount Rs. 1000, Rs. 2500, Rs. 5000 and Rs. 10000 will be substituted with Rs. 15000, Rs. 30000, Rs. 70000 and Rs. 100000.

Recommendation of the Committee:-

The Committee recommends that the words and figures mentioned in the Rule Rs. 1000, Rs. 2500, Rs. 5000, and Rs. 10000 be substituted with the word and figures Rs. 15000, Rs. 30000, Rs. 70000 and Rs. 100000 to make the Rule more effective.

Rule-30

- (1) No private school shall be recognized, or continue to be recognized, by the appropriate authority unless the school fulfils the following conditions, namely: -

- (a) (i) the school is run by an individual or association of individuals or firm or society registered under the Societies Registration Act, 1860 (21 of 1860), or trust created under the Indian Trusts Act, 1882 (2 of 1882), or company registered under the Companies Act, 1956 (1 of 1956), and is managed in accordance with a scheme of management made under these rules along with a certificate of appropriate authority regarding area of operation in the State of Haryana;*
- (ii) the prior approval from the appropriate Authority** for opening of new school has been obtained and copy of such approval is attached with the form of application as referred to rule 29;
- (iii) no admission beyond Class-III shall be made by any school before the sanction of its recognition or in its anticipation;
- (iv) that all the teachers are suitably trained with minimum qualifications as per Appendix A and are academically and otherwise suitable to teach in these schools and the rate of salary being paid to the staff as notified;
- (v) that the terms on which the teachers are engaged are reflected in the written agreement between the managing committee and each teacher as per Appendix B and the same are attached;
- (vi) that the school follows approved courses of instructions as provided in these rules;
- (vii) that the admission to the school is open to all without any discrimination based on religion, caste, race, place of birth or any other whimsical or for extraneous reasons, except in the case of minority schools, however, which shall maintain transparency in admissions;
- (viii) that the managing committee observes the provisions of these rules;
- (ix) that minimum norms for land and x building in which school is carried on are in accordance with

Sub-rule 30 (b).

- (x) that the managing committee has submitted the owner's deed of the land - school building as well as play ground in the name of individual or association of individuals or society or firm or trust or company from the Revenue countersigned by the Tehsildar or Sub Divisional Magistrate concerned that the patches of land are adjacent to each other, if not at one place the distance between the buildings/patches be specified;*
- (xi) that the school building is properly planned, ventilated and spacious as per architectural norms approved by district town planner / municipality / registered architect;
- (xii) that a building safety certificate has been obtained from Public Works Department/ municipality /registered engineer;
- (xiii) that if there is any business premises in any part of the building in which school is run, the portion in which the school is run is separate from such business premises. A certificate to this effect should be attached with the application form.
- (xiv) that furniture and equipment are adequate and suitable for an educational institution;
- (xv) that the salaries of teachers and nonteaching staff are paid regularly;

- (xvi) that the pledge money as per sub rule 30(2) has been deposited in the name of District Education Officer/District Primary Education Officer concerned (by designation);
 - (xvii) that the school buildings or other structures or the grounds are not used during the day or night for commercial residential purposes (except separate residence of any employee of the school away from academic wing) or for communal, political or non- educational activity of any kind whatsoever;
 - (xviii) that there is no thoroughfare or public passage through any part of the school premises;
 - (xix) that the sanitary arrangements at the school are adequate and are kept in good order. A hygienic certificate shall be obtained from Chief Medical Officer/Local Medical Authority; *
 - (xx) that drinking water arrangements are adequate;
 - (xxi) that there is a provision of electricity fitting and electric fans in each classroom;
 - (xxii) that no teacher or student of the school is compelled to attend a class in which religious instruction is, given or take part in any religious activity. No teacher or student absenting himself from religious instruction or religious activity is made to suffer any disability on that account and student is refused admission to the school because exemption from attendance at religious exercises or religious instruction has been claimed by him or his parent or guardians: Provided this provision shall not be applicable to minority school.
 - (xxiii) that there should be no complaint/ inquiry pending against school building managing committee seeking recognition. An undertaking to this effect that land / building is free from litigation shall be submitted;
 - (xxiv) that facilities are provided for teaching of languages in accordance with the three-language formula, adopted by the Government;
 - (xxv) that the school is open to inspection by any officer authorized by appropriate authority/ Director;
 - (xxvi) that the school furnishes such reports and information as may be required by the Director from time to time and complies with such instructions of the appropriate authority or the Director as may be issued to ensure the continued fulfilment of the condition of recognition or the removal of deficiencies in the working of the school;
 - (xxvii) that the school shall maintain all records as per rule 28. All records of the school are open to in section by any officer authorized by the Director or the appropriate authority at any time, and the school furnishes such information as may be necessary to enable the Government or the Director to discharge its or his obligations to the affiliated board, as the case may be;
 - (xxviii) that the school shall not be in operation from residential buildings or building not ear-marked for school in the State of Haryana;
 - (xxix) that a fire certificate shall be obtained from local fire authority;
 - (xxx) that schools shall provide at least one computer with modem and internet connectivity *
- (b) Minimum norms for land and buildings

“(i) Land

Schools	Urban/Controlled Area	Rural
Primary	1500 Square meters	2500 Square meters
Middle	2000 Square meters	3000 Square meters
Secondary	2500 Square meters	4000 Square meters
Senior	2 Stream- 3000 Square meters	2 Streams- 5000 Square meters
Secondary	3 Stream- 3500 Square meters	3Streams- 5500 Square meters

Provided that the norms of land for the schools running recognized/unrecognized before commencement of the Haryana School Education Rules, 2003, shall be as under: -

Schools	Urban/Controlled Area	Rural
Primary	250 Square meters	350 Square meters
Middle	500 Square meters	600 Square meters
Secondary	1200 Square meters	1500 Square meters
Senior	2 Stream- 1800 Square meters	2 Streams- 2250 Square meters
Secondary	3 Stream- 2000 Square meters	3Streams- 2500 Square meters

In addition to above, these schools shall provide or make arrangement for adequate playground within a reasonable distance according to the number of students. If the distance of playground is more than 500 meter from the school than the school authority shall provide free transportation to the students.

The school can tie-up with the government schools, any educational institution stadium, open space used as playground of local bodies. Maximum two schools can tie-up with one authority managing the playground:

Provided further that these relaxed norms of land shall also be applicable to the schools (separately notified vide no. 8/7-09 PS (2), dated the 21st February, 2009 that were in existence before the 31st March, 2007 and had applied to the department by the 10th April, 2007 for recognition/upgradation

The covered area and open area shall be in the ratio of 35%/65% respectively. However, where the Urban Local Bodies or Town and Country Planning Department have prescribed different Floor Area Ratio norms, the same shall be applicable.

Note: - A private school may be run in a rented building /land on lease hold basis with a minimum period of twenty years irrevocable lease deed; provided such school fulfils the norms of land and building as specified under these rules; *

(ii) Building-

- (a) classroom: Minimum size - 24' x 18' or equivalent area. Height of classroom shall be at least 10 feet:

Provided that the school which qualify for the relaxed land norms under these rules can be considered by the committee constituted in sub rule(2) of rule 34 of these rules for relaxation subject to the following conditions namely:

- (i) reasons for such relaxation are recorded;
- (ii) minimum 10 square feet area per student for Secondary and Senior Secondary classes, and 9 square feet per student for elementary stage/nursery stage is provided;
- (iii) maximum number of students which can be accommodated in the classroom is specified;
- (b) Number of classrooms shall be equal to the number of sections in the school. The classroom shall have two doors, requisite number of windows and proper ventilation;
- (c) Number of students in a section shall not be more than fifty. It is further subject to in the classroom shall not be more than the students calculated on the basis of 10 square feet per student for secondary and senior secondary schools and 9 square feet per student for elementary stage/nursery stage;

- (d) veranda:-

There shall be veranda with every class room:

- o 8 feet in width for single loaded;
- o 10 feet in width for double loaded;

Provided that the school running as recognized/ unrecognized before commencement of the Haryana School Education Rules, 2003, the norms for veranda shall be as under:-

- o 6 feet in width for single loaded;
- o 8 feet in width for double loaded;

- (e) the school shall provide the following facilities: —

- o Toilet and urinals (staff, boys and separate for girls at a far of distance)
- o Additional toilet to be added after every 200 students
- o Electricity facility
- o Drinking water facility
- o Boundary wall
- o Proper space for morning assembly

- (f) in case of middle, high and senior secondary school, the following rooms in addition to class-rooms shall be

provided:-

- o Room for head of the school
- o Office room
- o Staff room

- o Library room
- o Laboratory for practical subject (according to the
- o stream/each subject)
- o One room for Computer Laboratory.
- o The school shall have atleast one computer with no demand internet connectivity for official and school management purpose;
- (g) Every school shall provide ramp at plinth level.
- (h) the school building having more than one storey shall provide one ramp and one staircase of at least 6' width:

Provided that the school running before commencement of the Haryana School Education Rules, 2003, the norms for stairs and ramp shall be as under: —

Stair 4.6 feet in width. If the school do not provide ramp than they shall arrange the classes of handicapped students at the ground floor.

Ramp: 6 feet in width. If the school do not provide ramp than they shall arrange the classes of handicapped students at the ground floor.

Note:- The appropriate authority designated in rule 34 shall be competent to relax the norms of land and building upto ten percent and also allow minor variations which would otherwise not affect health and safety of students and staff.*

(2) Pledge money at least equal to three** months basic pay of the staff but in no case less than the amount as mentioned below, shall be deposited in the name of Director School Education (by designation), in the shape of fixed deposit or bank guarantee not less than a period of three years:—

Stage	Class	Rs.
Primary	I-V	50,000
Middle	I-VIII	1,00,000
Secondary	I-XI	50,000
Senior Secondary	I-XII	2,00,000

The pledge money shall be utilized in case of non-payment of salary to the staff or to redeem any unforeseen liabilities of the school.*

(3) Every private school should provide the following facilities: -

(i) Physical education:

Suitable playground for the purposes of games, sports, and materials for such games and sports;

(ii) Laboratory work:

Each school shall have a well-equipped laboratory for each practical subject with at least five sets of equipment's for each practical as per syllabus.

(iii) Workshop practice:

Well-equipped workshops shall be provided by school as per requirement.

(iv) Co-curricular activities:

As many co-curricular activities, as may be possible, so as to give to every student an opportunity of participating in one or more of the following activities, namely:

- (a) debates;
 - (b) recitation or elocution;
 - (c) dramatics;
 - (d) music (including folk songs), dancing (including folk dances);
 - (e) hobbies of different types;
 - (f) mock / youth parliament;
 - (g) house system;
 - (h) prefectorial system;
 - (i) class competition;
 - (j) National Cadet Corps / National Social Service;
 - (k) scouts and guides / cubs and bulbul;
 - (l) Science clubs;
 - (m) Eco labs / clubs;
 - (n) activities providing for social services; and
 - (o) any other co-curricular activity.
- (4) The accounts of the school applied for recognition, shall be audited by the department. The department shall take in consideration the audit observation for the recognition of the school.*

Observation of the Committee

Rule 30 (a) (ii) (f)

The Committee recommends that in the first line the word, “one” be substituted with the word, “five”.

The Department in their written reply stated as under:-

(f) in case of middle, high and senior secondary school, the following rooms in addition to class-rooms shall be provided:-

- o Room for head of the school
- o Office room
- o Staff room
- o Library room
- o Laboratory for practical subject (according to the
- o stream/each subject)
- o One room for Computer Laboratory.
- o The school shall have atleast **five** computer with no demand internet connectivity for official and school management purpose;

Observation of the Committee**Rule 30(2)**

The Committee recommends that the amount of Rs.50,000, Rs.1,00,000, Rs.150,000 and Rs.2,00,000 mentioned in the Rule be enhanced suitably.

The Department in their written reply stated as under:-

30(2) Pledge money at least equal to three** months basic pay of the staff but in no case less than the amount as mentioned below, shall be deposited in the name of Director School Education (by designation), in the shape of fixed deposit or bank guarantee not less than a period of three years:—

Stage	Class	Rs.
Primary	I-V	75,000
Middle	I-VIII	1,25,000
Secondary	I-XI	1,75,000
Senior Secondary	I-XII	2,50,000

The pledge money shall be utilized in case of non-payment of salary to the staff or to redeem any unforeseen liabilities of the school.

Rule 31:-

(1) Every private school seeking recognition shall make an application, [in Form as specified by the Department], to the appropriate authority along with Rs. 1000/- for primary school, Rs. 2500/- for middle school, Rs. 5000/- for high school and Rs. 10000/- for senior secondary school as processing fee in the form of demand draft in favour of Director. The application shall be supported with certificates issued by appropriate authority given below. Such application shall either be delivered to the appropriate authority through any individual or sent to that authority by a registered post acknowledgment due six months before starting of academic session i.e. before 30 September of preceding year. The appropriate authority granting recognition shall inform the managing committee by 31st December of preceding year,

Provided that the schools which qualify for relaxed land norms under these Rules, shall not be required to attach certificate referred to above at Serial No. 6 for the purpose of recognition or up-gradation.*

Appropriate authority to issue certificates.

Sr. No.	Item	Authority
1.	Ownership of Land	Sub Divisional Magistrate.
2.	Construction of Building	District town planner/municipality/ registered architect/empaneled architect
3.	Safety of Building	Public works Department/ Municipality/ Registered Engineer /Empaneled Engineer
4.	Fire Safety	Fire Officer, authorized agency by Central Government or State Government
5	Hygienic	Chief Medical Officer, Senior Medical Officer, empaneled Medical Officer.
6.	No Objection	Municipal area: municipality/Certificate municipal

	Regarding land use	council/ Local authority
7.	Outside municipality under area like urban area/ Controlled area/rural area:	As notified relevant laws

(2) Omitted**

(3) If recognition is refused, managing committee may file an appeal against it to appellate authority within thirty days from date of communication to it of such refusal along with fee of appeal as laid down in rule 192. The appellate authority shall decide the case and inform the managing committee within two months. The decision of the appellate authority shall be final.***

(4) The detailed procedure regarding dealing of the application for recognition shall be issued by the Government separately.

Observation of the Committee

The Committee recommends that the fee of Rs.1000, Rs.2500, Rs.5000 and Rs.10000 for recognition be enhanced suitably.

The Department in their written reply stated as under:-

(31)Every private school seeking recognition shall make an application, [in Form as specified by the Department], to the appropriate authority along with Rs. **1500/-** for primary school, Rs. **3000/-** for middle school, Rs. **7000/-** for high school and Rs. **12500/-** for senior secondary school as processing fee in the form of demand draft in favour of Director. The application shall be supported with certificates issued by appropriate authority given below. Such application shall either be delivered to the appropriate authority through any individual or sent to that authority by a registered post acknowledgment due six months before starting of academic session i.e. before 30 September of preceding year. The appropriate authority granting recognition shall inform the managing committee by 31st December of preceding year. **(Or as suggested by the Committee)**

During the oral examination held on 15-02-2023, the Departmental Representatives accepted that the amount Rs. 1000, Rs. 2500, Rs. 5000 and Rs. 10000 will be substituted with Rs. 15000, Rs. 30000, Rs. 70000 and Rs. 100000.

Recommendation of the Committee:-

The Committee recommends that the words and figures mentioned in the Rule Rs. 1000, Rs. 2500, Rs. 5000, and Rs. 10000 be substituted with the word and figures Rs. 15000, Rs. 30000, Rs. 70000 and Rs. 100000 to make the Rule more effective.

Rule 32:-

- (1) the scheme of management in relation to a recognized school shall provide that.
 - (a) the managing committee running the school duly approved by the appropriate authority shall consist of not less than seven members;
 - (b) subject to the total number of members specified in clause (a), every managing committee shall include the following members, namely:
 - (i) the head of the school as an ex-officio member with the right to vote;

- (ii) one parent, who is a member of the Parent Teacher' Association of the school, constituted in accordance with such instructions as may be issued by the Director, and is elected by that Association;
- (iii) one teacher for every twenty teachers of that school, to be elected by the teachers of the school from amongst themselves;
- (iv) two other persons of whom one shall be a woman;
- (v) in the case of Aided school member nominated by Director.
- (vi) the remaining members to be nominated or elected, as the case may be, in accordance with the rules and regulations of the society or trust by which the school is run.

[(c) In case a school authority runs more than one institutions, the said authority shall constitute a separate managing committee for each school under these rules. *

- (2) The scheme of managing committee shall also provide for the following matters, namely:-
- (a) the term of office of the members of the managing committee and the manner of its reconstitution or filling of any vacancy occurring therein;
 - (b) in the case of society/ firm, the dates of holding elections shall be notified at least 30days before the date of election. It will be made through public notices in at least two News papers one of which must be in vernacular of wide circulation;
 Provided that where the number of members is less than fifty the society or firm may send the notice of election at least fifteen days before the date of election through Under Postal Certificate letters.*
 - (c) the purpose of elections to the managing committee, the head of the school shall be the returning officer and shall conduct, and be incharge of, the elections;
 - (d) in the case of aided schools the election shall be held under the observation of nominee of the Director;
 - (e) the composition of the managing committee during the tenure of the members referred to in sub-clauses (ii) and (iii) of clause (b) of sub-rule (1) shall be communicated to the Director/ District Education Officer/ District Primary Education Officer, as the case may be, within seven days from the date when such change takes place;
 - (f) the duties, powers and responsibilities of the managing committee, which shall include control over appointments, disciplinary action, and control on staff, and shall also provide that no financial irregularity is committed or any irregular procedure is followed;
 - (g) the expiry of term of managing committee or any change in the managing committee should be notified to the appropriate authority.

In case of aided schools the approval of the appropriate authority is required as and when a new managing committee is constituted or there is any change in the managing committee;

- (h) the managing committee shall ensure that the school gets furniture, science equipment, library books and other teaching aids, and requisite sports materials;

- (1) the duties, powers and responsibilities of the head of the school, which shall provide that he shall:-
- (i) function as the head of the school of the school under his charge and carry out all administrative duties required of institution;
 - (ii) be the drawing and disbursing officer for the employees of the school;
 - (iii) be responsible for the proper maintenance of accounts of the school, school records, service books of teachers, and such other registers, returns and statistics as may be specified by the Department from time to time;
 - (iv) handle official correspondence relating to the school and furnish within the specified dates, the returns and information required by the Department;
 - (v) make, in the case of recognised schools, all payments (including salaries and allowances of teachers and other non-teaching staff) in time and according to the instructions governing such payments: Provided that where head of the school is so authorized by the Department, in the case of an aided school, all such payments according to the instructions governing such payments;
 Provided that where head of the school is so authorized by Department, in the case of an aided school all such payment according to the instructions governing such payments:
 - (vi) ensure that the tuition fees, where levied, are realised and appropriately accounted for and duly appropriated for the purpose for which they were levied;
 - (vii) make purchases of stores and other materials required for the school in accordance with the rules governing such purchases and enter all such stores in the stock register and shall scrutinize the bills and make payments;
 - (viii) conduct physical verification of school property and stocks atleast once a year and ensure the maintenance of stock registers neatly and accurately;
 - (ix) be responsible for proper utilization of the pupils' fund;
 - (x) make satisfactory arrangements for the supply of goods, drinking water and provide other facilities for the pupils and ensure that the school building, its fixtures and furniture, office equipment, lavatories, play grounds, school garden and other properties are properly and carefully maintained;
 - (xi) supervise, guide and control the work of the teaching and non-teaching staff of the school;
 - (xii) be in charge of admissions in the school, preparation of school timetable, allocation of duties and teaching load to the teachers, and shall provide necessary facilities to the teachers in the discharge of their duties and conduct of school examinations in accordance with the instructions issued by the Department from time to time, and he shall discharge these duties in consultation with his colleagues;
 - (xiii) plan the year's academic work in advance in consultation with his colleagues and hold staff meeting at least once a month, review the work done during the month and assess the progress of the pupils;

- (xiv) help and guide the teachers and promote their professional growth and towards the end, actively encourage their participation in courses designed for in-service education;
- (xv) promote the initiative of the teachers for self - improvement and encourage them to undertake experiments which are educationally sound;
- (xvi) supervise class room teaching and secure co-operation and co-ordination amongst teachers of the same subject area as well as inter-subject co-ordination;(xvii) arrange for special remedial teaching of the children (belonging to the weaker sections of the community as also of other children) who need such remedial teaching;
- (xviii) arrange for informal and non-class room teaching;
- (xix) plan and specify a regular time-table for the scrutiny of pupils' written work and home assignment and ensure that the assessment and corrections are carried out timely and effectively;
- (xx) make necessary arrangements for organizing special instructions for the pupils according to their needs;
- (xxi) organize and co-ordinate various co-curricular activities through the house system and in such other effective way as he may think fit;
- (xxii) develop and organize the library resources and reading facilities in the school and ensure that the pupils and teachers have access to and use of books and journals of established value and usefulness;
- (xxiii) send regularly the progress report of the students to their parents or guardians;
- (xxiv) promote the physical well-being of the pupils, secure high standards of cleanliness and health habits, and arrange periodical medical examinations of the students and send medical report to parents or guardians;
- (xxv) devote atleast twelve periods in a week to the teaching of the pupils;
- (i) appointment of the manager; the terms and conditions of his appointment, his educational and social status, removal of the manager; filling up of casual vacancy in the office of the manager;
- (j) Duties and responsibilities of the manager:
 - (i) no employee of a school shall be appointed as the manager;
 - (ii) bills (including bills relating to the salaries and allowances of the teachers and non-teaching staff) shall be jointly signed by the manager and the head of the school;
 - (iii) the administration and academic work of the school shall be attended to by the head of school. The manager shall not interfere with the day-to-day administration and academic work of the school;
 - (iv) the members of the managing committee of a recognised schools shall not be entitled to any remuneration, honorarium or allowance but may be permitted to draw allowances for attending the meeting of the managing committee at a rate of daily allowances or travelling allowances admissible to the non-official

members of the committees, boards as fixed by the managing committee from time to time;

- (v) no members of the managing committee shall be entitled to participate in any meeting at which his personal conduct is under discussion;
- (vi) the managing committee shall be subject to the control and supervision of the trust or society by which such school is run;
- (vii) manager shall not be at the same time the manager of any other school and a person shall not be at the same time the chairman of the managing committee and the manager;

(3) The managing committee of an existing school including schools where Administrator has been appointed under section 10* shall, make the draft of scheme of managing committee after the commencement of these rules and shall submit such draft to the appropriate authority within 90 days from such commencement:

Provided that the appropriate authority may, after giving to the managing committee a reasonable opportunity of being heard, make such alterations or modifications in the draft scheme of managing committee as the circumstance of the case may require.

(4) The managing committee of an existing school shall bring, within ninety days from the date of approval of the scheme of managing committee by the appropriate authority the composition thereof in conformity with the scheme of managing committee as approved by the appropriate authority.

(5) (i) Where the administrator has been appointed under section 10, it is the duty of the Administrator to constitute the managing committee before the expiry of the period specified in section 10.

The Administrator shall issue notice to the members of the society regarding holding of elections as per provisions laid down in these rules.

(ii) In case, the Administrator fails to constitute a managing committee, he shall send a status report to the Director well before the expiry of the tenure of Administrator. The Director shall take appropriate decision to constitute the managing committee or to continue the Administrator for next one year.

(iii) In no case Administrator shall continue after three years.”*

Observation of the Committee

Rule 32 (1) (v)

The Committee is of the view that all the payments including salary and allowances of teachers and non-teaching staff should be paid in their bank accounts.

The Department in their written reply stated as under:-

32(1)(v) in the case of recognised schools, all payments (including salaries and allowances of teachers and other non-teaching staff) **on time in their bank accounts** and according to the instructions governing such payments: Provided that where head of the school is so authorized by the Department, in the case of an aided school, all such payments according to the instructions governing such payments;

Provided that where head of the school is so authorized by Department, in the case of an aided school all such payment according to the instructions governing such payments:

Rule-33

(1) If any institution wants to seek affiliation to any Board/ Council other than the Haryana Board of School Education it will seek recognition first. After this it may apply for the issuance of No Objection Certificate (NOC) for affiliation to the concerned Board./ Council with a processing fee of Rs.1000/- for Primary school, Rs. 2500/- for Middle school, Rs. 5000/- for High school and Rs. 10000/- for Senior Secondary school in the form of Demand Draft in favour of Director. However, the provision of the Act and these rules shall continue to apply as before even on those schools which have been issued NOC for pursuing different courses of studies from Boards / Council other than the Haryana Education Department./ Board of School Education Bhiwani.

(2) Any school which is already affiliated to any Board other than Haryana School Education Board Bhiwani but has not been recognised, shall apply for the same within three months after the publication of these rules in the official gazette.

(3) The schools affiliated to different affiliating Boards shall not be run in the same premises.

(4) No objection Certificate (NOC) granted to a school for affiliation with any Board shall be effective from the date decided upon the appropriate authority and ordinarily NOC shall be granted from the commencement of next academic session. The NOC shall lapse if not utilized within two academic sessions. A fresh NOC is to be obtained by the school from the appropriate authority NOC shall be applicable only for the stage for which it was granted and in no case be accepted by Affiliating Board for any other stage.”*

Observation of the Committee:-**Rule 33(1)**

The Committee recommends that the processing fee Rs. 1000, Rs. 2500 and Rs. 10000 be enhanced suitably.

The Department in their written reply stated as under:-

If any institution wants to seek affiliation to any Board/ Council other than the Haryana Board of School Education it will seek recognition first. After this it may apply for the issuance of No Objection Certificate (NOC) for affiliation to the concerned Board./ Council with a processing fee of Rs.1500/- for Primary school, Rs. 3000/- for Middle school, Rs. 7000/- for High school and Rs. 12500/- for Senior Secondary school in the form of Demand Draft in favour of Director. However, the provision of the Act and these rules shall continue to apply as before even on those schools which have been issued NOC for pursuing different courses of studies from Boards / Council other than the Haryana Education Department./ Board of School Education Bhiwani.

During the course of oral examination held on 15.02.2023, the Departmental Representatives accepted that the processing fee Rs. 1500, Rs. 2500, Rs. 5000 and Rs. 10000 will be enhanced with Rs. 5000, Rs. 10000, Rs. 15000 and Rs. 20000.

Recommendation of the Committee:-

The Committee recommends that the words and figures mentioned in the Sub Rule (1) of the rule 33Rs. 1000, Rs. 2500, Rs. 5000, and Rs. 10000 be substituted with the word and figures Rs. 5000, Rs. 10000, Rs. 20000 to make the Rule more effective.

Rule-42

(1) The appropriate authority may withdraw recognition/NOC of a school after giving a written notice, drawing the attention of acts of omission and commission contrary to the Acts/rules or

directions issued their under to the managing committee either directly or through Principal/ Head of the institution

- (2) The recognition/NOC of the school shall lapse if the school,—
 - (a) ceased to exist; or
 - (b) where the recognition/NOC has not been used within two academic sessions; or
 - (c) without the approval of appropriate authority—
 - (i) transferred to a different building or locality;
 - (ii) transferred to a managing committee or trust or individual or association of individuals or company;
 - (iii) changes its name;
 - (d) where two or more schools running in the same building/premises affiliated with two different boards/council.
 - (e) has not complied with one or more of the conditions of recognition, specified in these rules.
- (3) Branches opened by the managing committee of a school already recognized shall be treated as new schools for the purpose of recognition i.e. no managing committee is allowed to run two schools affiliated with different Boards/Council in the same building/premises.
- (4) If the school authority fails to satisfy the appropriate authority of the lapse within thirty days from the date of service of such notice the recognition/NOC shall stand lapsed.
- (5) The schools referred to in sub-rule (2)(c) above shall apply to the appropriate authority in an application along with documents such as resolution of managing committee, ownership of land, approved plan and an undertaking regarding any consequent liability/dispute
- (6) (a) There shall be a committee for processing and recommending the case consisting of following members, namely:-
 - (i) Joint Director school - Chairman
 - (ii) District Education Officer - Member
 - (iii) Member of Recognized - Schools Member
- (b) The committee shall submit its report within a period of one month and may visit the concerned school and inspect/ call for any record relevant for making recommendations.

Observation of the Committee:-

The Committee feels that the Rule 42 and 43 are identical, therefore, what is the relevancy to make the separate Rule 43?

The Department in their written reply stated as under:-

In Rule 42, the appropriate authority withdraw recognition/NOC, if school act something without prior permission of authority. However, in Rule 43, the appropriate authority withdraw recognition/NOC, if school involved in fraud.

Rule-45

- (1) Every appeal against refusal by the appropriate authority to open a new school or accord recognition to a school or withdrawing recognition/NOC* from an existing school shall be made to them appellate authority.

(2) Every such appeal shall be made in writing and shall be accompanied by a copy of the reasons for the refusal to establish a new school or to accord recognition/NOC* or withdrawal of recognition/NOC*, within a period of thirty days from the date of receipt of such communication. The appeal fee shall be attached in form of bank draft in favour of Director as laid down in rule 192.

(3) The appellate authority shall dispose of the appeal within six months from the date of presentation of the appeal and if the appeal is not disposed of within that period, the order for the withdrawal for recognition/NOC* shall stand cancelled.

(4) On hearing an appeal under sub rule (3), the appellate authority may after giving the appellant reasonable opportunity of being heard, confirm, modify or reverse an order appealed against.

Observation of the Committee

Rule 45(3)

The Committee recommends that the first line, the words, “six months” be substituted with the word, “three months”.

The Department in their written reply stated as under:-

The appellate authority shall dispose of the appeal within three months from the date of presentation of the appeal and if the appeal is not disposed of within that period, the order for the Withdrawal for recognition/NOC* shall stand cancelled.

Rule-49

Grants awarded under the rules of this Chapter are payable out of State revenues to :-

- (a) primary schools and primary stage of Middle, Secondary and Senior Secondary Schools.
- (b) Middle schools or Middle stage of Secondary/ Senior Secondary Schools;
- (c) Secondary/Senior Secondary Schools;
- (d) Special grant to special schools.

Observation of the Committee:-

Rule-49 (D)

The Committee would like to know what is the special grant and special schools? Whether it is mentioned in the Act and Rule?

The Department in their written reply stated as under:-

There is no provision of any special grant to special schools.

During the course of oral examination held on 15.02.2023, The Departmental Representatives accepted that the purpose of this Rule is not achieved so this Rule will be omitted.

Recommendation of the Committee:-

The Committee recommends that the Rule 45 (D) be omitted because of no provision of any special grant to special Schools.

Rule-51

(1) The managing committee of the schools seeking grant-in aid have to give following undertaking :-

- (a) that it shall comply with the provisions of the Act and these rules;
- (b) that it shall fill in the posts in the school with the Scheduled Castes and the Scheduled Tribes candidates in accordance with the instructions issued by the Department from time to time and also maintain the roster and other connected returns in this behalf;
- (c) that it shall pay the pay and allowances, pension, gratuity, of the staff within first week of every month. Failing which, Director may pay such sum of money as is found to be due to any employee from such school, out of the aid payable to the aided school.
- (d) that it shall fill in for such number of posts in the school as have been approved by the Department without any discrimination or delay and strictly as per the recruitment rules, prescribed for such posts;
- (e) that it shall ensure that the head of the school possesses the, necessary record of an employee who is due to retire from service after attaining the age of superannuation or otherwise, with a view to avoid any delay in sanctioning the pension, gratuity, provident fund to such employee of his family, as the case may be; and
- (f) that it shall attend to all the claims of the service matter of the employees of its school as and when they become due, promptly without any delay or discriminations, strictly in accordance with the recruitment rules or the instructions issued by the Department from time to time on the subject.

(2) The breach of any condition specified in sub-rule (1) shall render such school liable to be removed from the grant-in-aid list.

(3) Any replacement consequent upon resignation and retirement shall be notified to the Department and the pay of the new incumbent shall be fixed with the approval of the Department.

(4) No teacher in position shall be removed by the managing committee without prior approval of the Department;

(5) The posts filled in by superannuated teachers shall not admissible for grant.

Observations of the Committee:-**Rule 51**

The Committee recommends that in the head note, the word, "great" be substituted with the word, "grant" to make it grammatically correct.

Rule 51 (1) (b)

The Committee would like to know whether there is any scheduled Tribe in the State of Haryana ? If not, then the words, "Scheduled Tribe" be deleted.

Rule 51(2)

The Committee would like to know for its information that how many Schools were removed from grant-in-aid for breach of any condition specified in Rule 51(1). The Details of last three years be submitted to the Committee.

The Department in their written reply stated as under:-

Rule 51

All ready rectified.

Rule 51 (1) (b)

The staff worked on sanctioned posts of aided schools have already been merged in the Govt. Schools. Presently total 14 schools in the State where the Grant is allotted for salary of the staff (Total 31 Teaching & Non-teaching) working on the sanctioned posts of these schools.

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule 51(2)

The staff worked on sanctioned posts of aided schools have already been merged in the Govt. Schools. Presently total 14 schools in the State where the Grant is allotted for salary of the staff (Total 31 Teaching & Non-teaching) working on the sanctioned posts of these schools.

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act. Thereafter, the said rule will also omitted from the Rules.

Rule-52

Existing aided schools on the grant-in-aid list of the Department, so long as they fulfil the conditions for receiving grant-in-aid, shall continue in the aid list and no fresh school shall be brought on the list of grant-in-aid in future.

Observation of the Committee

The Committee would like to know for its information why the no fresh school brought on the list of grant-in-aid in future?

The Department in their written reply stated as under:-

The staff worked on sanctioned posts of aided schools have already been merged in the Govt. Schools. Presently total 14 schools in the State where the Grant is allotted for salary of the staff (Total 31 Teaching & Non-teaching) working on the sanctioned posts of these schools.

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act. Thereafter, the said rule will also omitted from the Rules.

Rule-53

The existing system of Kothari grant and Maintenance grant shall cease to exist from the date of publication of these rules in the Official Gazette. Under the new scheme the salary grant alone will be paid by the Government to the existing aided schools in the State under these rules.

Observation of the Committee:-

The Committee would like to know for its information what is Kothari grant and what is the reason to cease Kothari grant and Maintenance grant to aided schools.

The Department in their written reply stated as under:-

Kothari grant and Maintenance grant was exist before Grant-in-aid.

Rule-54

(1) The salary grant shall be calculated @ 75% or the amount fixed by the Government from time to time on the basis of the difference between the approved expenditure and the approved income made during the previous year by the school as detailed below :-

- (a) approved expenditure shall include salaries of teaching and non-teaching staff appointed on the sanctioned posts approved by the Department including Dearness Allowance, House Rent allowance, City Compensatory Allowance, Gratuity etc. etc. as given below:-
 - (i) salary of teaching staff including Dearness Allowance, House Rent Allowance, City Compensatory Allowance;
 - (ii) salary of Non-teaching staff including Dearness Allowance, House Rent Allowance, City Compensatory Allowance;
 - (iii) salary of Class –IV (Group D Employee) including Dearness Allowance, House Rent Allowance, City Compensatory Allowance;
 - (iv) death-cum-retirement-gratuity sanctioned by the Department.
- (b) approved income shall include:-
 - (i) tuition fee and admission fee;
 - (ii) late fee fine;
 - (iii) grant-in-aid in lieu of free-ship to Scheduled Caste and Backward Class students;
 - (iv) any other income/grant received by the school from any other source.

(2) The head of the school shall maintain account of income and expenditure which shall be subject to the audit.

Observation of the Committee:-**Rule 54 (1) (a)**

The Committee would like to know what is the provision of City Compensatory Allowance for teaching and non-teaching staff those are working at village schools.

The Department in their written reply stated as under:-

Presently, no provision exist regarding City Compensatory Allowance in Govt. or Non-Govt. institutions/offices.

During the oral examination held on 15.02.2023 the department representative stated that there is no provision of such allowances, so same sub rule will be omitted.

Recommendation of the Committee: -

The Committee recommends that the sub rule 1 (a) of rule 54 be omitted as such rule is not in working.

Rule-61

(1) The grant released by the Department shall be audited annually by such agency as may be specified by the Department.

- (2) Any recovery pointed out in the audit shall be taken into account in the next year's claim/grants in case no representation against such recovery is received from the school authority within one month from the date of receipt of the audit report.

Observation of the Committee

Rule-61 (1)

The Committee recommends that the first word, "he" be substituted with the word, "the" to make it grammatically correct.

The Department in their written reply stated as under:-

61(1) The grant released by the Department shall be audited annually by such agency as may be specified by the Department.

The staff worked on sanctioned posts of aided schools have already been merged in the Govt. Schools. Presently total 14 schools in the State where the Grant is allotted for salary of the staff (Total 31 Teaching & Non-teaching) working on the sanctioned posts of these schools.

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-64

- (1) The managing committee of the school shall pay the salary and allowances to the school staff by the 7th of the following month.
- (2) The managing committee of the school shall open apart from the school fund account an account to be called " School Staff Account" in Nationalized or a schedule Bank for the payment of salary to the staff.
- (3) The 'School Staff's account' shall be operated jointly by authorized officer of the Director and the manager or head of the school or in his absence by a member of the staff authorized by managing committee to act as head of the school. The managing committee of the school shall not be competent to cease the 'staff salary account'**.
- (4) Every employee working in the aided school on the sanctioned post, shall also operate a saving account in the same bank where the "School staff account" of the managing committee are in operation.
- (5) A separate account of each employee for contributory provident fund shall be operated by the managing committee and the employees share of contributory provident fund the deposited in the respective account of the employee every month.
- (6) The managing committee of the school shall deposit the required amount in the "School staff account" with the advice to transfer the amount to the account of the concerned employees

Observation of the Committee

Rule 64 (1)

The Committee observes that the sub-rule (1) of Rule 64 is not same in English and Hindi version. The Department be clarified which is the appropriate rule either English or Hindi.

The Department in their written reply stated as under:-

English version is correct.

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-65

(1) The Managing committee of a school, in relation to which aid has been reduced or suspended, shall, if it runs the school after such reduction or suspended, shall, if it runs the school after such reduction or suspension of aid, discharge the obligation referred to in sub-section(2) of section 10.

(2) Non-Payment of salary, gratuity, pension etc. by the managing committee to their employees for which the grant-in-aid was released to the concerned managing committee. It shall be lawful for the Director to pay, out of the aid payable to the aided school such sum of money as is found to be due to any employee from such school.

Observation of the Committee

Rule 65 (1) and (2)

The Committee observes that the Rule 65 (1) of Rule 65(2) is not same in English and Hindi version. The Department be clarified which is the appropriate rule either English or Hindi.

The Department in their written reply stated as under:-

English version is correct.

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-68

In case if the land/building etc. allotted by the Government/ local authority to a school, such movable/ immovable property shall not be transferred without the prior approval of the appropriate authority. In other case a managing committee may dispose off such property with the specific resolution passed by the 2/3rd majority of the General Body meeting convened for this purpose.

Observation of the Committee

The Committee desired that the details of Schools which are allotted the Land/building by the Government/Local authority be supplied to the Committee for its information.

The Committee recommends that the words, "dispose off" be substituted with the words, "dispose off" to make the rule grammatically correct.

The Department in their written reply stated as under:-

The details of schools which are allotted the land/building by the Government/local authority is not available at that time.

Recommendation of the Committee

The Committee directed that the desired information be supplied to the Committee within one month.

Rule-69

Any person aggrieved by the grant or refusal of permission under these rules may prefer an appeal to the Director within thirty days from the date of communication of the grant or refusal or permission to transfer school property and every such appeal shall be preferred in an application and contain the particulars of the school property proposed to be transferred.

Provided that the Director may, if he is so satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of thirty days, extend the period by such further period not exceeding thirty days, as he may think fit.

Observation of the Committee:-

The Committee recommends that the provisions of deciding the appeal by the Director within 30 days be inserted in rule 69 to make the rule more effective.

The Department in their written reply stated as under:-

Any person aggrieved by the grant or refusal of permission under these rules may prefer an appeal to the Director within thirty days from the date of communication of the grant or refusal or permission to transfer school property and every such appeal shall be preferred in an application and contain the particulars of the school property proposed to be transferred.

Provided that the Director may, if he is so satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of thirty days, extend the period by such further period not exceeding thirty days, as he may think fit.

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules

Rule-74 A

The Director shall be competent to grant ex post facto approval or relaxation in the procedure of recruitment. *

Observation of the Committee:-

The Committee observes that in the Rule 74 (A) is not same in English and Hindi version. The Department be clarified which is the appropriate rule either English or Hindi.

The Department in their written reply stated as under:-

English version is correct.

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-77

The selection committee shall regulate its own procedure for the selection of school staff.

Observation of the Committee:-

The Committee is of the view that the procedure for selection of school staff is to be approved by the Director and same should be mentioned in the rule itself.

The Department in their written reply stated as under:-

The procedure for selection of school staff should be approved by the Director before any selection in the recognized school.

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-82

- (1) The minimum qualification for appointment of head of school and other categories of teachers and alsonon teaching staff in an aided school shall be as per Appendix A.

These appointments shall be made by advertising at least in two leading newspapers(Hindi and English)

- (2) The managing committee may appoint a person having higher qualification than prescribed for the post. The department shall only pay the salary grant for the scale of the post as specified in column 4 of Appendix A to these rules. Additional payment, if any, on account of higher qualifications shall be borne by the managing committee of aided schools at their own.*

Explanation:- "Higher qualification" referred to in sub rule (2) means the qualification possessed over and above the basic qualification as specified in column 3 of Appendix A."**

Observation of the Committee:-**Rule 82(1)**

The Committee recommends that information regarding interview for the posts be published in the newspapers at least 15 days prior to the date of interview.

The Department in their written reply stated as under:-

- (82)(1) The minimum qualification for appointment of head of school and other categories of teachers and alsonon teaching staff in an aided school shall be as per Appendix A.

These appointments shall be made by advertising at least in two leading newspapers (Hindi and English) at least 15 days prior to the date of interview.

- (2) The managing committee may appoint a person having higher qualification than prescribed for the post. The department shall only pay the salary grant for the scale of the post as specified in column 4 of Appendix A to these rules. Additional payment, if any, on account of higher qualifications shall be borne by the managing committee of aided schools at their own.*

Explanation:- "Higher qualification" referred to in sub rule (2) means the qualification possessed over and above the basic qualification as specified in column 3 of Appendix A."**

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-91

- (1) The employees shall be entitled casual leave as under:

(a) Upto ten years service 10 days

(b) Ten to twenty years service 15 days

- (c) Above twenty years service 20 days
- (d) All female employees 20 days
- (2) The head of school shall be competent to grant casual leave to the employees and in the case of head of the school, the managing committee.
- (3) The employees (teaching) shall also be entitled to ten days earned leave in lieu of half pay leave on completion of one year.
- (4) The employees (nonteaching) shall be entitled to earned leave as under:
 - (i) Upto the service of ten years @ 1/24 days
 - (ii) Above ten years upto twenty @ 1/18 days years of service
 - (iii) Above twenty years of service @ 1/12 days
 These employees shall also be entitled to twenty half pay leave on completion of one year.
- [(5) The benefit of leave encashment, facilities of leave travel concession, bonus and medical reimbursement etc. shall be at the discretion of the managing committee. No grant-in-aid on this account shall be reimbursed by the Department.]*
- (6) The competent authority to sanction the leave other than casual leave shall be as under:
 - (i) Upto 30 days in head of the school case of employees
 - (ii) Beyond 30 days managing committee upto any extent
 - (iii) In case of head managing committee of the school
- (7) Application shall be sent to the managing committee by the head of the school with his remarks regarding the admissibility thereof and if the application for leave is made by the himself no such remarks shall be required.
- (8) [The maternity leave and miscarriage leave shall also be available to the female employees as per instructions issued by the, Government from time to time.]*
- (9) [The competent authority may grant child adoption leave for a period of six months to a female employee who adopts a child not exceeding one year of age on the lines of maternity leave admissible to natural mothers as per the terms and conditions issued by the Department from time to time.]*

Observation of the Committee:-

Rule 91 (8)

The Committee recommends that the child care leave for single male parent be inserted in the rule.

The Department in their written reply stated as under:-

- 91(8)(i) [The maternity leave and miscarriage leave shall also be available to the female employees as per instructions issued by the Government from time to time.]*
- (ii) Child care leave shall also be available to the single male/female parent as per Govt. instructions.

Rule-97

No employee shall, except with the permission of the head of the school or the managing committee, appear in any examination.

Observation of the Committee:-

The Committee recommends that the words, “with the permission” be substituted with the words, “without information” in the rule.

The Department in their written reply stated as under:-

No employee shall, except without information of the head of the school or the managing committee, appear in any examination.

The staff worked on sanctioned posts of aided schools have already been merged in the Govt. Schools. Presently total 14 schools in the State where the Grant is allotted for salary of the staff (Total 31 Teaching & Non-teaching) working on the sanctioned posts of these schools.

Now, the Hon’ble C.M. approved amendment in Haryana Education Act, 1995 and ‘Aided’ word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-104

The resignation submitted by a temporary employee of an aided school shall be accepted within a period of thirty days and that by permanent employee within a period of ninety days from the date of receipt of the resignation by the managing committee with the approval of the appropriate authority:

Provided that if no approval is received from appropriate authority within thirty days, then such approval shall be deemed to have been received after the expiry of the said period.

Observation of the Committee:-

The Committee recommends that after the words, “thirty days” in the proviso, the words, “for temporary employees and ninety days for permanent employees” be inserted to make the rule more appropriate.

The Department in their written reply stated as under:-

The resignation submitted by a temporary employee of an aided school shall be accepted within a period of thirty days and ninety days for permanent employees from the date of receipt of the resignation by the managing committee with the approval of the appropriate authority:

Provided that if no approval is received from appropriate authority within thirty days, then such approval shall be deemed to have been received after the expiry of the said period.

The staff worked on sanctioned posts of aided schools have already been merged in the Govt. Schools. Presently total 14 schools in the State where the Grant is allotted for salary of the staff (Total 31 Teaching & Non-teaching) working on the sanctioned posts of these schools.

Now, the Hon’ble C.M. approved amendment in Haryana Education Act, 1995 and ‘Aided’ word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-105

- (1) Managing committee may place an employee of an aided school, under suspension:
 - (a) where disciplinary proceedings against such employee are contemplated or pending; or

- (b) where a case against him in respect of any criminal offence is under investigation or trial; or
- (c) where he is charged with embezzlement; or
- (d) where he is charged with cruelty towards any student or other employee of the school; or
- (e) where he is charged with misbehavior towards any parents, guardian or employee of the school; or
- (f) where he is charged with the breach of any other code of conduct.

(2) No order for suspension shall remain in force for more than six months unless the managing committee, for reasons to be recorded in writing, directs the continuation of the suspension beyond the period of six months:

Provided that where a suspension is continued beyond the period of six months the Director may, if he is of opinion that the suspension is being unreasonably prolonged, revoke the order of suspension.

(3) An employee of an aided school, shall be deemed to have been placed under suspension by an order of the appointing authority :

- (a) with effect from the date of his detention, if he is detained in Police custody for a period exceeding forty eight hours on a charge of an offence which in the opinion of the managing committee involves moral turpitude;
- (b) with effect from the date of his conviction, if in the event of a conviction for an offence involving, in the opinion of the managing committee, moral turpitude, he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed from service consequent on such conviction.

Explanation: The period of forty eight hours referred to in this rule shall be computed from the date of commencement of the detention or conviction, as the case may be, and for this purpose, intermittent periods of detention shall be taken into account.

(4) Where a penalty of dismissal, removal from service imposed upon an employee is set aside or rendered void, in consequence of or by, a decision of a court of law or of the Tribunal ; and the disciplinary authority on a consideration of the circumstances of the case decides to hold further inquiry against such employee on the same allegations on which the penalty of dismissal, removal was originally imposed, such employee shall be deemed to have been placed under suspension by the managing committee from the date of original order of dismissal, removal and shall continue to remain under suspension until further orders :

Provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case.

- (5) (a) An order of suspension made or deemed to have been made in these rules shall continue to remain in force until it is modified or revoked by the managing committee.
- (b) Where an employee is suspended or is deemed to have been suspended and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the managing committee may for reasons to be recorded in writing,

direct that the employee shall continue to be under suspension until the termination of all or any such proceeding.

- (c) An order of suspension made or deemed to have been made under these rules may, at any time be modified or revoked by the managing committee.
- (6) Resignation of employee under suspension shall not be accepted before taking final decision of suspension.*

Observation of the Committee:-

The Committee would like to discuss this rule with the departmental representatives at the time of oral examination.

The Department in their written reply stated as under:-

The Committee would like to discuss this rule with the departmental representatives at the time of oral examination.

Further, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-110

No order imposing on an employee any major penalty shall be made except after an inquiry, held, as far as may be, in the manner specified below :

- (a) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held and a copy of the charge together with the statement of the allegations and list of witnesses on which they are based shall be furnished to the employee and he shall be required to submit within such time as may be specified by the disciplinary authority, but not later than two weeks, a written statement of his defence and also to state whether he desires to be heard in person;
- (b) On receipt of the written statement of defence, or where no such statement is received within the specified time, the disciplinary authority may itself make inquiry into such of the charges as are not admitted or if considers it necessary so to do, managing committee shall appoint an inquiry officer for the purpose, who will submit his report within three months. In case enquiry is not completed within three months, the inquiry officer will have to take permission from the managing committee for the extension of time;
- (c) At the conclusion of the inquiry, the inquiry officer shall prepare a report of the inquiry regarding his findings on each of the charges together with the reasons there for;
- (d) The disciplinary authority shall consider the record of the inquiry officer and record its findings on each charge and if the disciplinary authority is of opinion that any major penalty should be imposed, it shall :
 - (i) furnish to the employee a copy of the report of the inquiry officer, where an inquiry has been made by such officer;
 - (ii) give him notice in writing stating the action proposed to be taken against him and calling upon to submit his representation within the specified time of not less than 30 days;

- (iii) on receipt of the representation, if any, made by the employee, determine what penalty, if any, shall be imposed on him before communicate its final decision to him it shall be referred to the appropriate authority for approval. The appropriate authority shall. convey the approval/disapproval to the managing committee within thirty days. If no decision is taken within such period, it shall be treated as approved. The managing committee thereafter communicates its final decision to the employee with a copy to the appropriate authority. *

Observation of the Committee:-

Rule 110 (b)

The Committee recommends that at the end of sub-rule (b) of rule 110, the words” not more than one month” be inserted to make the rule more clear.

The Department in their written reply stated as under:-

On receipt of the written statement of defence, or where no such statement is received within the specified time, the disciplinary authority may itself make inquiry into such of the charges as are not admitted or if considers it necessary so to do, managing committee shall appoint an inquiry officer for the purpose, who will submit his report within three months. In case enquiry is not completed within three months, the inquiry officer will have to take permission from the managing committee for the extension of time not more than one month.

Rule 111

- (a) After receipt of the decision of the disciplinary authority the employee concerned may present his appeal against the order of the disciplinary authority to the District Education Officer/ District Primary Education Officer within 30 days of the receipt of the order.
- (b) After going through the facts and other relevant records relating to the case and hearing both the parties in person, the District Education Officer/ District Primary Education Officer shall convey the decision to the managing committee within 60 days from the date of receipt of the such appeal.
- (c) The decision shall be binding for both the parties, however, the aggrieved party may appeal to the Director within 30 days from the date of receipt of the decision.
- (d) On receipt of the appeal from the aggrieved party i.e. disciplinary authority/ employee, Director may require the disciplinary authority to furnish relevant record of the case.
- (e) After examining the record and giving hearing to the parties if requested, the Director shall decide the appeal by upheld or remand or reduce/ enhance penalty.
- (f) The decision of the Director shall be final and binding for both the parties: Provided in the case of minority aided schools the above provisions regarding appeal shall be voluntary for the said school whose managing committee may either adopt this provision of appeal or may devise their own method and remedy for appeal, failing which the aggrieved party will have its remedy under the court of law.
- (g) The appellate authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. Where an appeal is preferred under clause (a) and (d), the

first/ second appellate authority, as the case may be, may stay the enforcement of the relevant order for such period and on such conditions, as it deems fit.

- (h) The Director may himself or on an application made by the aggrieved party review its own decision, if he considers that some points of facts were left from his view or ignorance of any material fact or any error apparent on the face of the record and pass fresh order as he deems fit. *

Provided- In the case of minority aided schools the above provisions regarding appeal shall be voluntary for the said school whose managing committee may either adopt this provision of appeal or may devise their own method and remedy for appeal failing which the aggrieved party will have its remedy under the court of law.

Observation of the Committee:-

Rule 111 (e)

The Committee recommends that after the words, “an appeal” mentioned in the second line, the words, “within 30days” be inserted to make the rule more effective.

The Department in their written reply stated as under:-

After examining the record and giving hearing to the parties if requested, the Director shall decide the appeal by upheld or remand or reduce/ enhance penalty within 30 days.

Rule 131

(1) Children between the age of 3 to 5 years shall be admitted in pre-primary/nursery schools.

(2) The minimum age for admission in a primary school shall be five years for class I., No pupil, who has attained the age of 20 years up to the 10th class and 22 years upto XII class, may be retained in recognised school;

Provided that the Director shall be competent for relaxation in the maximum age of admission.*

(3) The admission of a child of the specified age group shall be made effective with effect from the first day of the academic year.

Observation of the Committee:-

Rule 131 (1)

The Committee recommends that after the words, “the” the word, “minimum” be inserted to make the rule more appropriate.

The Department in their written reply stated as under:-

Children shall be admitted in pre primary /nursery schools as per National Education Policy.

Rule-150

(1) Every employee collecting any fee and funds shall deposit the amount collected by him with the cashier of the school by whatever name called, on the same day on which the collections are made and it shall be the duty of the cashier to enter the amount so received, immediately in the fee collection register and thereafter in the cash book and to append his initials thereto for the amount received.

(2) The attendance register, fee collection register and the cash book shall be submitted by the cashier to the head of the school for reconciliation and the head of the school shall after verification, countersign the entries in those registers.

Observation of the Committee

Rule 150 (1)

The Committee recommends that appropriate action against the employees who does not deposit the fee and funds on the same day be also prescribed in the rule itself.

The Department in their written reply stated as under:-

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-153

(1) The head of the school may exempt deserving students, whose parents or guardians are not financially solvent to pay the fees specified in these rules, from payment of the whole or one half of such fees for a period of twelve months commencing from the 1st day of May of each year or from the date of admission of the child or ward, whichever is later, and such exemption shall be regulated in the manner specified in these rules.

(2) Exemption made to any student under sub-rule (1) shall, so long, as the conditions for eligibility for exemption are fulfilled and the student continues in the school, be renewed from year to year.

(3) In the aided schools upto a limit of twenty per cent of the total number of students on the rolls of the school in all the classes in the secondary and senior secondary stage as on the 7th day of May of the year may be exempted from the payment of the whole or one half of the fees, and where any student is admitted after the 7th day of May but before the 31st day of August of that year, upto a limit of twenty percent of the students so admitted may be exempted from the payment of the whole or one half of the fees.

(4) The proportion of the students receiving exemption from the payment of the whole or one half of the fees may be varied in any of classes in the secondary or senior secondary stage at the discretion of the head of the school, so however, that the number of students enjoying exemption from payment of the whole of the fee shall not exceed fifteen percent of the students at any time of the year.

(5) The percentage of the students receiving exemption from payment of the fee shall be calculated on the total number of students in all the classes in the secondary and senior secondary stage reduced by the number of students granted exemption from payment of fee under the provision relating to:-

- (a) the concessions to students belonging to the Scheduled Castes or Scheduled Tribes;
- (b) students having brother or sisters studying in the same school or a school under the same managing committee;
- (c) students who are wards of teachers.

(6) In calculating the number of exemptions from payment of fee, the number shall not be altered during the year except where, owing to the departure from the school of any student

enjoying exemption, a vacancy arises and it is deemed necessary to pass on the exemption enjoyed by the student so departing, to any other deserving student of the school.

(7) Where the number of students eligible for receiving exemption from payment of fee is in excess or the number of students to whom exemption is admissible under these rules exceeds the exemption shall be made in order of merit on the basis of the results of the immediately previous annual examination or, if necessary, on the basis of a special competitive examination to be held to determine the order of merit of the eligible students.

(8) When two brothers or sisters are studying in the same school, the brother or sister, as the case may be, in the higher class shall pay the specified fee at the full rates and other brother shall pay fees at one-half of the specified rates.

Explanation:- If two brothers and sisters are studying in the same class, the specified fee shall be paid by the elder brother or sister at full rates, and at one-half of the rates by the other.

(9) No fee shall be charged from the children or wards of the employees of an aided school.

(10) No fee shall be charged from the children of the employees of the aided school who have retired from service or have died.

Observations of the Committee:-

Rule 153(5) (a)

The Committee recommends that after the words, "Schedule Tribes" be substituted with words, "below poverty line".

Rule 153(5) (c) and (9)

The Committee would like to discuss the sub-rule (f) (c) and 9 of Rule 153 with the departmental representatives at the time of oral examination.

The Department in their written reply stated as under:-

Rule 153(5)(a)

153(5)(a) the concessions to students belonging to the Scheduled Castes or below poverty line;

Discussed with the representatives at the time of oral examination.

During the oral examination held on 15-02-2023 the department representative admitted that word 'Schedule Tribes' will be substituted with words "below poverty line".

Rule 153(5) (c) and (9)

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule 158-A

Fee and Fund Regulatory Committee.-

(1) There shall be a committee to be known, as Fee and Fund Regulatory Committee at the Divisional Level under the Chairmanship of Divisional Commissioner, who shall be assisted by the following officer/officials-

- (i) District Education Officer/ District Elementary Education Officer (ex-officio member) to be nominated by the Chairman;
 - (ii) A Section Officer/Accounts Officer of any Government Department. In case of non-availability of Section Officer/Accounts Officer then a retired Accounts Officer/Chartered Accountant to be nominated by the Chairman on such terms and conditions, as may be approved by the Government.
- (2) The Fee and Fund Regulatory Committee shall consider the complaint of a student or parent or guardian of a school for violation of provisions of sub-rules (1) to (11) of rule 158 by a recognized school, subject to sub-rule (4) (ii) and sub-rule (13) of rule 158.158(A) Fee and Fund Regulatory Committee:-
- (3) Upon receipt of a complaint as specified in sub-rule (2), the Fee and Fund Regulatory Committee shall make due inquiry that may, entail reasonable opportunity of being heard to the school and the complainant and asking the concerned school to submit a certificate issued by statutory auditors of the school certifying that the school has not charged any Fee in violation of sub-rules (1) to (11) of rule 158. Such enquiry shall be completed in a period not exceeding more than three months and if it is found that the school has violated one or more provisions of sub-rules (1) to (11) of rule 158, the Fee and Fund Regulatory Committee may impose penalties on the recognized school in following manner:
- (i) For first such violation the recognized school shall be punishable with imposition of a penalty, which may extend to thirty thousand rupees for schools up to Primary Level; fifty thousand rupees for schools up to middle level and one lakh rupees for schools up to Secondary and Senior Secondary Level;
 - (ii) For second such violation the recognized school shall be punishable with imposition of a penalty, which may extend to sixty thousand rupees for schools up to Primary Level; one lakh rupees for schools up to middle level and two lakh rupees for schools up to Secondary and Senior Secondary Level.
 - (iii) For third such violation, in addition to penalty imposed under clause (ii), the Fee and Fund Regulatory Committee may make a recommendation to the Director for withdrawal of recognition of such school. In such a case, the Director, within a period not exceeding more than three months from the date of recommendation made by the Fee and Fund Regulatory Committee, after conducting due enquiry and giving reasonable opportunity to the school of being heard, if satisfied and after recording the reasons in writing, may withdraw the recognition of such recognized school.
- (4) The Fee and Fund Regulatory Committee, after having established that a recognized school has done so, may direct the recognized school to refund the fee collected in violation of sub- rules (1) to (11) of rule 158, and/or to re-instate student's name in school's rolls, if the school has struck off the same on account of non-payment of such Fee that the school had charged in violation of sub-rules (1) to (11) of rule 158.
- (5) All orders passed by Fee and Fund Regulatory Committee/the Director, shall be in writing and shall be communicated to the recognized school/complainant at the earliest.*

Observation of the Committee:-

Rule 158 A (5)

The Committee recommends that the words, "at the earliest" be substituted with words, "within one month" to make the sub-rule more effective.

The Department in their written reply stated as under:-

Rule 158 A (5)

All orders passed by Fee and Fund Regulatory Committee/the Director, shall be in writing and shall be communicated to the recognized school/ complainant **within one month**.*

Rule 158-BAppeal.

Appeal against any order of Fee and Fund Regulatory Committee shall lie with the Director. Appeal against any order of the Director shall lie with the Additional Chief Secretary/Principal Secretary Education Department.

Provided that the appeal if any, shall be made to the Appellate Authority only after payment of penalty so imposed by the Fee and Fund Regulatory Committee. If the violation order is revoked by the appellate authority, such penalty shall be refunded to the recognized school:

Provided further that the appeal, if any, shall be made to the Appellate Authority only within thirty days from the receipt of the order..”

Observation of the Committee:-

Rule 158 B

The Committee recommends that the words, “order” of the second proviso, the words, “and the appeal shall be decided within 60 days” be inserted to make the sub-rule more effective.

The Department in their written reply stated as under:-

158 (B)

Appeal against any order of Fee and Fund Regulatory Committee shall lie with the Director. Appeal against any order of the Director shall lie with the Additional Chief Secretary/Principal Secretary Education Department. Provided that the appeal if any, shall be made to the Appellate Authority only after payment of penalty so imposed by the Fee and Fund Regulatory Committee. If the violation order is revoked by the appellate authority, such penalty shall be refunded to the recognized school:

Provided further that the appeal, if any, shall be made to the Appellate Authority only within thirty days from the receipt of the order **and the appeal shall be decided within 60 days.**”

Rule-166

(1) If the work and conduct of an employee during the period of probation are found to be satisfactory, he shall become eligible for confirmation on the expiry of the period of probation or the extended period of probation, as the case may be, with effect from the date of expiry of the said period provided he fulfils all other requisite conditions.

(2) The employee shall be informed of his confirmation within three months of the completion of probation period.

Observation of the Committee:-

Rule-166 (2)

The Committee recommends that the words, “three months” be substituted with words, “one month” to make the sub-rule more effective.

The Department in their written reply stated as under:-

The employee shall be informed of his confirmation within **one month** of the completion of probation period.

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-174

- (1) No member of the staff shall apply for employment elsewhere without routing through the head of the school in writing.
- (2) At the time of appointment each candidate shall be required to declare particulars about all other applications he might have put in for jobs.

Observation of the Committee:-**Rule-174 (1)**

The Committee would like to discuss the sub-rule (i) of Rule 174 with the departmental representatives at the time of oral examination.

The Department in their written reply stated as under:-

Discuss with the departmental representatives at the time of oral examination.

Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act.

Thereafter, the said rule will also omitted from the Rules.

Rule-178

Every employee of an unaided recognised school shall be governed by the following code of conduct and on the violation of any provision of such code of conduct the employee shall be liable to such disciplinary action as specified in these rules.

- (a) No employee shall, except with the previous sanction of the managing committee, engage directly or indirectly in any trade or business or undertake any other employment:

Provided that a teacher may with permission undertake honorary work of a purely social or charitable nature or occasional work of a literacy, artistic nature or scientific nature subject to the condition that his official duties do not suffer thereby and the head of the school or the managing committee does not object thereto.
- (b) An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. Any such employee against whom any legal proceedings are instituted for the recovery of any dues from him or for declaring him as insolvent, shall forthwith report the full facts of the legal proceedings or of declaring him as insolvent to the head of the school or the managing committee.
- (c) No employee shall, except with the permission of the Head of the school or the managing committee, appear in any examination.
- (d) No employee shall take part in, subscribe to or assist in any way, any movement which tends to promote feelings of hatred or enmity between different classes of subjects of India or to disturb public peace.

- (e) No. employee shall, except with the prior permission of the managing committee, wholly or in part conduct or participate in the editing or managing committee of any newspaper or other periodical publication.
- (f) No employee shall, except with the prior permission of the managing committee, stand for elections to Parliament, State Legislative or any local body.
- (g) No employee shall join or continue to be a member of an association unless such association satisfies the following conditions, namely :-
 - (i) its membership is confined to a district class of employees and is open to all employees of that class;
 - (ii) it is not in any way connected with any political party or any organisation or does not engage in any political activity;
 - (iii) it has, within a period of six months from its formation, obtained the recognition of Government.
- (h) 1. Every employee shall:-
 - (i) serve efficiently, act in a disciplined manner and maintain absolute integrity and devotion to duty; and
 - (ii) maintain cordial relations with the pupils and their parents, the need of the institution, other employees, the managing committee and the Government officer concerned;
 - (iii) accept invigilation and answer books evaluation duties assigned by the Board from time to time.
- 2. No employee shall: -
 - (i) without sufficient ground, refuse to undergo a course of training whenever required to do so; and
 - (ii) take part in any activity, which in the opinion of the head of institution, is calculated to lead to indiscipline in the recognized school.
- 3. Unless otherwise expressly provided, an employee shall, at all times, be at the disposal of the recognised school and shall serve the school in such capacity and at such places as he may, from time to time be directed by the head of the school or the managing committee.
- 4. Save in exceptional circumstances, no employee shall absent himself from his duty without the prior permission of the head of the school or the managing committee.
- 5. No employee shall:-
 - (i) accept or permit any member of his family or any other person acting on his behalf or accept, any gift from any student, parent or any person with whom he has come into contact by virtue of his position in the school;

Explanation 1:- The expression “gift” shall include free transport, hoarding, lodging or other service or any other pecuniary advantage when provided by the person other than near relation or personal friend having no dealings with him in connection with the school.

Note: A casual meal, gift or other social hospitality of a casual nature shall not include gift.

Explanation 2:- On occasion, occasion, such as weddings, anniversaries, funerals or religious functions when the making of a gift is in conformity with the prevailing religious or social practice.

- (ii) Practice or invite any student to practice casteism, communalism or untouchability;
- (iii) cause or invite any other person to cause any damage to school property ;
- (iv) Be guilty of or encourage, violence or any conduct which involves moral turpitude.

Observation of the Committee:-

Rule 178(c)

The Committee would like to discuss the sub-rule of Rule 174 with the departmental representatives at the time of oral examination.

The Department in their written reply stated as under:-

Discuss with the departmental representatives at the time of oral examination. Now, the Hon'ble C.M. approved amendment in Haryana Education Act, 1995 and 'Aided' word will be omitted from the Act. Thereafter, the said rule will also omitted from the Rules.

Rule-192

Every appeal to the appellate authority shall be filed along with a fee of Rs. 250/- for primary school, Rs. 500/- for middle school and Rs. 1000/- for High and Senior Secondary School in form of demand draft in favour of Director

Observation of the Committee:-

The Committee recommends that the fees for appeal be enhanced suitably due to escalation of price.

The Department in their written reply stated as under:-

Every appeal to the appellate authority shall be filed along with a fee of Rs. 500/- for primary school, Rs. 750/- for middle school and Rs. 1250/- for High and Senior Secondary School in form of demand draft in favour of Director.

[Or as suggested by the Committee]

During the course of oral examination held on 15.02.2023 the departmental representatives accepted that the figures Rs.250, Rs. 500, Rs. 1250 will be amended Rs. 1000, Rs. 2000 and Rs. 3000.

Recommendation of the Committee:-

The Committee recommends that the words and figures Rs. 250, Rs. 500 and Rs. 1000 be substituted with the words and figures Rs. 1000, Rs. 2000 and Rs. 3000 to make the Rule more effective.

At the end the Committee directed to the Department that monthly progress report regarding the implementation of the recommendations be sent to the Committee. The Committee also directed that the Rule "256 A" of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly be compliance strictly.