

HARYANA VIDHAN SABHA
REPORT
OF
THE COMMITTEE
ON
SUBORDINATE LEGISLATION
FIFTY- SECOND REPORT
2024-2025



(Presented to the Haryana Vidhan Sabha on 26th March, 2025)

HARYANA VIDHAN SABHA SECRETARIAT,
CHANDIGARH,
2025

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(iii)

**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION FOR THE
YEAR 2024-2025.**

Such Committee for the year 2024-25 was constituted vide notification's no. SHS/Committees/2024-25/21, dated 29th March, 2024. (Committee was worked upto dated 12th September, 2024, as on such date 14th Assembly was dissolved).

1.	Shri Laxman Singh Yadav, MLA	Chairperson
2.	Shri Jagbir Singh Malik, MLA	Member
3.	Shri Abhay Singh Chautala, MLA	Member
4.	Shri Jaiveer Singh, MLA	Member
5.	Shri Ghanshyam Saraf, MLA	Member
6.	Shri Sandeep Singh, MLA	Member
7.	Shri Amit Sihag, MLA	Member
8.	Shri Indu Raj, MLA	Member
9.	Advocate General, Haryana	Member

Special Invitee

*Shri Shamsher Singh Gogi, MLA

Secretariat

Dr. Satish Kumar, Secretary-In-Charge

Shri Gaurav Goyal, Deputy Secretary

* Shri Shamsher Singh Gogi, MLA was nominated as Special Invitee of the Committee vide Notification No. HVS-SLC-1/2024-25/31, dated 13.06.2024.

* Resignation tendered by Shri Shamsher Singh Gogi, MLA, Special Invitee of the Committee vide Notification No. HVS-SLC-1/2024-25/34, dated 19.06.2024.

(iv)

COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION FOR THE REMAINING PERIOD FOR THE YEAR 2024-2025 I.E. FROM 23RD NOVEMBER, 2024 TO 31ST MARCH, 2025.

After formation of the 15th Assembly, the Committee on Subordinate Legislation for the remaining period of the year 2024-25 was constituted vide notification's no. SHS/15th HVS Committees/2024-25/66, dated 23rd November, 2024.

1.	Smt. Krishna Gahlawat, MLA	Chairperson
2.	Shri Ashok Kumar Arora, MLA	Member
3.	Shri Ram Kumar Kashyap, MLA	Member
4.	Shri Naresh Selwal, MLA	Member
5.	Smt. Renu Bala, MLA	Member
6.	Shri Nikhil Madaan, MLA	Member
7.	Shri Satpal Jamba, MLA	Member
8.	Shri Aditya Surjewala, MLA	Member
9.	Advocate General, Haryana	Member

SPECIAL INVITEES

- * (i) Shri Ghanshyam Saraf, MLA
- * (ii) Shri Devender Kadyan, MLA
- ** (iii) Shri Raghubir Tewatia, MLA

Secretariat

Dr. Satish Kumar, Secretary-In-Charge
Shri Gaurav Goyal, Deputy Secretary
Shri Kulbir Singh, Accounts Officer

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- * Shri Ghanshyam Saraf, MLA and Shri Devender Kadyan, MLA were nnominated as Special Invitees of the Committee vide Notification No. HVS-SLC-1/2024-25/73, dated 18th December, 2024.
- ** Shri Raghubir Tewatia, MLA was nnominated as Special Invitee of the Committee vide Notification No. HVS-SLC-1/2024-25/1, dated 15th January, 2025.

(v)

INTRODUCTION

1. I, Krishna Gahlawat, MLA, Chairperson of the Committee on Subordinate Legislation having been authorized by the Committee to present the Report on their behalf, present this Fifty-Second Report to the House.
2. The matters covered by this Report were finally considered by the Committee at its sitting held on 13.03.2025 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 its high appreciation for extending the whole hearted co-operation and valuable assistance given by the Secretary, Deputy Secretary, Accounts Officer and Staff of Legislation Branch.

Chandigarh:
The 13th March, 2025

(KRISHNA GAHLAWAT),
CHAIRPERSON
Committee on Subordinate Legislation.

REPORT

1. The Committee on Subordinate Legislation for the year 2024-25, which was worked upto 12.09.2024 as on such day 14th Assembly was dissolved, was constituted on dated 29.03.2024 by the then Hon'ble Speaker, Haryana Vidhan Sabha under Rule 249(1) of Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly and notified in the official Gazette vide Notification No. SHS/Committees/2024-25/21, dated 29th March, 2024, for nominating the Members of the Committee and also for appointing the Chairperson of the said Committee. Shri Laxman Singh Yadav, M.L.A. was appointed as Chairperson of the previous Committee.
2. On constituting of 15th Assembly, the such Committee on Subordinate Legislation for remaining period for the year 2024-25 was constituted on 23rd November, 2024 by the Hon'ble Speaker, for nominating the Members of the Committee and also for appointing the Chairperson of the said Committee, Smt. Krishna Gahlawat, MLA was appointed as Chairperson of the Committee.
3. The previous & present Committee held total 43 sittings till date of the finalization of this 52nd Report. The first meeting of the previous & present Committees held on dated 02.04.2024 & 03.12.2024, respectively.
4. Besides taking note on the implementation work relating to the earlier Reports, the Committee also scrutinized the following Rules: -
 1. The Haryana Aided School (Security of Service) Rules, 1974 framed under the Haryana Aided School (Security of Services) Act, 1971.
 2. The Haryana Rights of Persons with Disabilities (HRPWD) Rules, 2019 framed Under the Rights of Persons with Disabilities (RPWD) Act, 2016.

The Chairpersons while thanking the Hon'ble Speaker for nominating them as the Chairpersons of the Committees and also assured that with the cooperation of the other Members and Officer/officials, the Committee will work a lot for improving of down-trodden sections of the society.

The Committee further 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 it is in accord with the general objects of the Constitution or the Act pursuant to which it is made;

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 a 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.
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GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

1. Delay in framing the Rules

The Committee reiterates its recommendations made in its fifty first Report and observes that ordinarily rules should be framed as early as possible after 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 ensured that the relevant rules and forms also be amended so as to bring those 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.

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

39TH REPORT 2010-2011

(ENVIRONMENT, FORESTS AND WILD LIFE DEPARTMENT)

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

The Committee took note on implementation of the observations/ recommendations made by it in respect of the Wild Life (Protection) Haryana Rules, 1974 framed under the Wild Life (Protection) Act, 1972 as contained in its 39th to 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 13.03.2024 was sent to the concerned department to obtain the requisite information/reply. The Additional Chief Secretary to Government, Haryana, Environment, Forest and Wildlife Department supplied the reply on 04.04.2024 which was later placed before the Committee in its meeting held on 09.04.2024. The Committee noted the contents of reply and decided to take up the matter in its subsequent meeting. The reply is reproduced as under:-

“Draft of Wildlife (Protection) Rules, 2023 after getting approved from the Chief Secretary, Haryana and Finance Department has now been forwarded to the Law and Legislative Department for vetting.”

The Committee conducted oral examination of the Additional Chief Secretary to Government, Haryana, Forest & Wild life Department in its meeting held on 09.07.2024 for non-implementation of the observations/recommendations made by the Committee in its 39th report for the year 2010-2011. The Committee raised various objections on the said rules during the oral examination. The departmental representatives assured the Committee that the Department has framed new rules and also got approval of the Chief Minister as well as the Chief Secretary. The same now will be put up in the Cabinet meeting after getting consent of the Finance and L.R. Department. Thereafter, it was assured to send the complete action taken report within one month.

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

In view of the above facts and circumstances, it reveals that 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 would supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has already been lapsed in implementing the recommendations/observations of the Committee.

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

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

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

The Committee took note on implementation of the observations/ recommendations made by it 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 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 15.03.2024 was sent to the concerned department to obtain the requisite information/reply. The Committee conducted oral examination of the Additional Chief Secretary to Government, Haryana, Town & Country Planning and Urban Estates Department in its meeting held on 02.07.2024 for non-implementation of the observations/recommendations made by the Committee in its 42nd report for the year 2013-2014. The Committee raised various objections on the said rules during the oral examination. The departmental representatives informed the Committee in their written reply dated 01.7.2024 that the Secretary, Council of Minister, Haryana has been requested vide U.O. No. 7/13/2024-2TCP, dated 24.06.2024 to place the memorandum along with the draft notification before the Council of Minister. The same has been approved in the Council of Minister meeting held on 27.06.2024, but formal order has not been received in this office. Hence, after the receipt of order of Council of Minister, Haryana, the same shall be implemented by the office.

The Committee again conducted oral examination of the Additional Chief Secretary to Government, Haryana, Town & Country Planning and Urban Estates Department in its meeting held on 21.01.2025 for non-implementation of the observations/recommendations made by the Committee in its 42nd report for the year 2013-2014. The Committee raised various objections on the said rules during the oral examination. The departmental representatives informed the Committee that the same has been got approved in the Council of Ministers meeting held on 27.06.2024 and published in the Haryana Government Gazette vide notification no. Mosc-387-Vol-III/36679, dated 27.11.2024. The Committee satisfied with the reply given by the department.

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

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

**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 took note on implementation of the observations/ recommendations made by it in respect of the Haryana Apartment Ownership Rules, 1987 framed under the Haryana Apartment Ownership Act, 1983 as contained in its 45th to 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 15.03.2024 was sent to the concerned department to obtain the requisite information/reply. The Committee conducted oral examination of the Additional Chief Secretary to Government, Haryana, Town & Country Planning and Urban Estates Department in its meeting held on 02.07.2024 for non-implementation of the observations/recommendations made by the Committee in its 45th report for the year 2016-2017.

The Committee again conducted oral examination of the Additional Chief Secretary to Government, Haryana, Town & Country Planning and Urban Estates Department in its meeting held on 21.01.2025 for non-implementation of the observations/recommendations made by the Committee in its 42nd report for the year 2013-2014. The Committee raised various objections on the said rules during the oral examination. The departmental representatives assured the Committee that the amendment in form-A appended to the Haryana Apartment Ownership Rules, 1987 has been approved by Council of Minister. Accordingly, the notification has been published in Haryana Govt. Gazette vide notification dated 25.06.2024. The Committee satisfied with the reply given by the department.

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

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

**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 took note on implementation of the observations/recommendations made by it 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 to 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 15.03.2024 was sent to the concerned department to obtain the requisite information/reply. The Committee conducted oral examination of the Additional Chief Secretary to Government, Haryana, Town & Country Planning and Urban Estates Department in its meeting held on 02.07.2024 for non-implementation of the observations/recommendations made by the Committee in its 45th report for the year 2016-2017. The Committee raised various objections on the said rules during the oral examination. The departmental representatives assured the Committee that the proposal is being examined & shall be submitted w.r.t. requisite amendment in Act 1975 Rules framed thereunder.

The Committee again conducted oral examination of the Additional Chief Secretary to Government, Haryana, Town & Country Planning and Urban Estates Department in its meeting held on 21.01.2025 for non-implementation of the observations/recommendations made by the Committee in its 45th report for the year 2016-2017.

During the oral examination the departmental representatives assured the Committee that the outstanding observations/recommendations as made by the previous Committee will be implemented expeditiously while amending the relevant Rules.

Accordingly, the para-wise comments on the aforesaid reports are as under:-

Sr. No.	Observations of the Committee	Written reply of the Department
	Rule 2	
(i)	The Committee is of the view that the development works should be mentioned in the title of Definitions.	Comments already provided by the Department (i) The development works' has already been defined in the Section 2(e), 2(g) & 2(i) of the Act.. 1975, which are given below and hence there seems no requirement for repeating the same in the Rules, 1976:- 2(e); "development works means internal and external development works.

		<p>2(g): "External Development works included water supply, sewerage, drains, necessary provision treatment and disposal of sewage, sullage and storm water, roads, electrical works, solid waste management and disposal, slaughter houses, colleges, hospitals, stadium, sports complex, Fair Station, Grid Sub-station etc and any other work which the director may specify to be equated in the periphery of or outside colony/area for the benefit of the colony/arca.</p> <p>2(j): "Internal development works" mean</p> <ul style="list-style-type: none"> (i) metalling of the works and paving of footpath; (ii) turfing and plantation with trees of the open spaces; (iii) Street lighting; (iv) Adequate and wholesome water supply; (v) Sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal; (vi) Any others works that the director may think necessary in the interest of proper development of a colony; <p>Proposal/Comments of the office: Since, the definition of "development works" already been provided in Act no. 8 of 1975 as explained above, the provisioning of same under Rules of 1976 would not be required. Therefore, no amendment in Rules of 1976 w.r.t provisions of definition of "development works" is required.</p>
(ii)	<p>Rule 2(b)</p> <p>The Committee wants to discuss with the departmental representatives at the time of oral examination in respect of the definition of Amenity, as to whether public parks, school, hospitals etc. within the preview of amenity.</p> <p>The Committee observed that every amenity should be mentioned in the definition of amenity to make the rule more clear.</p>	<p>Comments already provided by the Department The Department has already submitted the reply which stands recorded at page no. 37 of the 45th report (2016-17) of the Committee, which is reproduced as under: "(ii) Yes, it comes within the purview of Rule 2(b) of Rule, 1976, defines "Amenity" which includes roads, water supply, street lighting, drainage, sewerage, public parks, schools, Play grounds, Hospitals, Community Centres and other Community Buildings, Horticulture, Landscaping and Any Other Public Utility Service;"</p> <p>Proposal/Comments of the office: The present definition of amenities includes all amenities provided in the colony in accordance with the provision of Rule 2(b) of Rule, 1976, therefore, no amendment is required in Rules 1976 on this aspect.</p>

<p>2. (i)</p>	<p>Rule 3</p> <p>The Committee feels that the Form of the agreement between colonizer and allottee should be attached with the other documents at the time of submitting the application for license.</p>	<p>Comments already provided by the Department</p> <p>"(i) As per provision of Act No. 8 of 1975, the colonizer can only sell the plots in case of plotted colonies after obtaining license and after approval of building plans in case of integrated colonies. The regulatory provision for submission of copy of the agreement made in Rule 24 of Rules 1976 prescribes that the colonizer shall submit the details of advertisements made for sale of plots/flats in the colony, after obtaining license, and of the terms and agreements entered into between him and each of the plot holders. Therefore, copies of the agreement cannot be taken at the time of submission of application by the colonizer for grant of license for setting up of colony."</p> <p>Proposal/Comments of the office:</p> <p>The observations of the committee are already taken care as Rule 24 of Rules, 1976 provides for submission of the terms of agreement entered into between the colonizer and each of the plot holders/allotees. Therefore, no further amendment is required in Rules on this aspect.</p> <p>Further, Haryana Real Estate (Regulation and Development) Act, 2016 has been notified on 25.05.2016, and Haryana Real Estate (Regulation and Development) Rules, 2017 have been notified on 28.07.2017 respectively. Rule 8 of HRERA Rules 2017 read with section 16 of RERA Act, 2016 clearly prescribes the format as Annexure A AGREEMENT FOR SALE to be executed between the allottee and the promoter/colonizer.</p> <p>Therefore, the observation of the committee has already been taken care and no further amendment in Rule 3 (i) of Rules, 1976 is required.</p>
<p>(ii)</p>	<p>The Committee also feels that the Form of the Agreement between colonizer and allottee should be mentioned in the rule itself.</p>	<p>Comments already provided by the Department</p> <p>(ii) The agreement to sell is a document between the two parties i.e. seller and the purchaser. In case of licensed colony, the seller is the colonizer and the plot holder is the purchaser. Such an agreement is governed under the Common law of Contract Hon'ble Supreme Court of India in the order dated 19.11.2010 passed in Civil Appeal No. 550 of 2003 titled as DLF Universal Ltd. And another Vs. Director Town and Country Planning, has held that Director is not authorized to interfere with the agreements voluntarily entered into by and between the owner/colonizer and the purchasers of plots/flats. In view of it, the form of</p>

		<p>agreement between colonizer and the allottees cannot be mentioned in the rule."</p> <p>Proposal/Comments of the office:</p> <p>The above comments may be reiterated. Further, subsequent to enactment of Haryana Real Estate (Regulation and Development) Act, 2016 on 25.05.2016, Haryana Real Estate (Regulation and Development) Rules, 2017 have been notified on 28.07.2017 Rule 8 of HRERA Rules 2017 read with section 16 of RERA Act, 2016 clearly prescribes the format as Annexure-A-AGREEMENT FOR SALE to be executed between the allottee and the promoter/colonizer.</p> <p>Role of the Department under the 1975 Act is only limited to grant of license and monitor its execution or completion. The Builder Buyer Relationship is squarely covered under the Central RERA Act, 2016 and also under the Haryana RERA Rules, 2017.</p> <p>Hence, no need to amend the Rules, 1976 in view of existing provisions under HRERA Rules, 2017.</p>
(iii)	<p>The Committee observed that the applicant should furnish his details of criminal records, F.I.R. and any punishment under any law along with other documents at the filing of application for license.</p>	<p>Comments already provided by the Department</p> <p>"(iii) The basic purpose for having documents with the license application is to examine the feasibility for grant of license. Therefore, seeking details of applicant regarding criminal records, F.I.R. and their punishment under any law is not within the purview of the Act 8 of 1975."</p> <p>Proposal/Comments of the office</p> <p>In the light of the observations of the committee, the comments already provided as mentioned above may be reiterated and thus there is no requirement of amendment of Rules, 1976 to this extent.</p>
(iv)	<p>The Committee also observed that the utilization of rain water should be mentioned in Rule 3 itself to make the rule more effective.</p>	<p>Comments already provided by the Department</p> <p>"(iv) The Building Byelaws given in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 (Rules, 1965) are applicable on the construction permitted within the licensed colonies.</p> <p>The said bye-laws have recently been replaced with the Haryana Building Code, 2016 which have provisions for rain water harvesting. In view of above, there is no need to include the provision of rain water harvesting in Rule 3 which basically pertain to the application for grant of license."</p>

		<p>Proposal/Comments of the office:</p> <p>Code-8.1 of HBC-2017 provides for rain water harvesting Hence, there is no requirement of any amendment in Rule 3 of Rules, 1976.</p>
(v)	The Committer further observed that the detailed specifications of boundary wall and gate for security purpose should be mentioned in Rule 3 itself to make the rule more effective.	<p>Comments already provided by the Department</p> <p>"(v) The construction of boundary wall in a licensed colony has been governed by Building Rules 1965, which is now superseded with the Haryana Building Code-2016. Therefore, there is no need to include it in Rule 3, which pertain to the application for grant of license."</p> <p>Proposal/Comments of the office:</p> <p>The code-7.5 of HBC 2017 provides for boundary wall, therefore, observations of the committee is already taken care and hence no requirement of amendment in Rules, 1976.</p>
(vi)	The Committee further observed that the type of road should be mentioned in Rule 3 itself to make the rule more effective.	<p>Comments already provided by the Department</p> <p>"(vi) The type and hierarchy of roads is given in the concerned Development Plan and sectoral plans, which are taken into consideration at the time of examination of the case for grant of license. Rule 3 provides for the submission of the application for grant of license and accordingly a provision for giving the detailed cross section of the proposed roads in the proposed colony, are given in the Rule 3(e)(vii) itself."</p> <p>Proposal/Comments of the office:</p> <p>The reply already provided as mentioned above may be reiterated. Hence, no further action for amendment in Rules 1976 is required.</p>
3.	<p>Rule 3(3)</p> <p>The Committee would like to discuss Rule 3(3) at the time of oral examination with the departmental representatives at the appropriate time.</p>	<p>Comments already provided by the Department</p> <p>"Rule 3(3) provides that if the applicant wants to be exempted from providing any one or more of the amenities in a colony, he shall furnish detailed explanatory note in triplicate along with application, if necessary indicating the reasons as to why the said amenity or amenities need not or cannot be provided."</p> <p>Proposal/Comments of the office:</p> <p>The exemption for providing any one or more amenities in the colony depends upon the following parameters:</p> <ol style="list-style-type: none"> Feasibility of amenities required in be provided. Requirement of such amenities.

		<p>c) Amenities already available in the vicinity of the site/colony</p> <p>However, the matter is proposed to be discussed."</p>
<p>4. (i)</p>	<p>Rule 4(1)</p> <p>The Committee observed that the reduce of land mentioned in the proviso to a figure thirty-five percentage should not be reduced below forty percentage for the sake of healthy environment.</p>	<p>Comments already provided by the Department</p> <p>"Provides that in the layout plan of a colony, other than an industrial colony or low-density eco friendly colony, the land reserved for roads, open spaces, schools, public and community building and other common uses shall not be uses less than 45% of the gross area of the land under the colony.</p> <p>Provided that the Director may reduce after recording reasons therefore this percentage to a figure not below thirty five, where in his opinion the planning requirements and the size of the colony so justify.</p> <p>Since, the above provision is there from the time of enactment of the Act and Rules therefore the recommendation needs to be examined in detail before its adoption in the Rules."</p> <p>Proposal/Comments of the office:</p> <p>The Department is considering the percentage of area under roads, open spaces, schools, public and community building and other common uses less than 45% of the gross area of the land under the colony in case of DDJAY only, hence, any revision in the Rules shall be contrary to the approved policy of the Government to promote high density plotted colonies permissible in low and medium potential town, hence, no requirement of amendment in Rule, 1976. The above comments of the Department may be sent to the Committee.</p>
<p>5.</p>	<p>Rule 5</p> <p>The Committee observed that the use of rain water should be mentioned in the Development plan to avoid the scarcity of water.</p>	<p>Comments already provided by the Department</p> <p>"(i) It appears that the word "Development Plan" is a misprint because Rule 5 prescribes the design and specification of the "development works.</p> <p>Regarding rain water harvesting system, as explained in the comments at sr. no. 4 under the head Rule 3 above, the provision is already there the building code."</p> <p>Proposal/Comments of the office:</p> <p>Code 8.1 of HBC-2017 already has the provision of rain water harvesting Hence, there is no requirement of any amendment in Rule 5 of Rules, 1976.</p>

(ii)	The Committee also observed that the cycle track should be mentioned in the Development Plan.	<p>Comments already provided by the Department</p> <p>"(ii) The provision of cycle track in the design and specification of development works can be considered subject to formulation of its guidelines."</p> <p>Proposal/Comments of the office:</p> <p>The zoning regulations notified as part of Annexure B of the explanatory note of the Development Plan Le. Gurugram Manesar Urban Complex provides for the Facilities to be developed for Non-Motorized Traffic and Pedestrians.</p> <p>The provisioning of cycle track can be made within the green belts as notified in each of the Development Plan. Therefore, the cycle tracks being a micro level projects are not mentioned in the Development Plans.</p> <p>The development authorities like GMDA, FMDA, PMDA, HMDA & SMDA has been constituted for providing and upgradation of urban infrastructure Section 26 of GMDA Act, 2017 provides that the C.E.O may direct the local authority to prepare plans including cycling tracks, open spaces, pedestrian footpaths or properties vesting in or under the control and management of the Authority. Moreover, planning of cycle track is part of cross section design</p> <p>Therefore, the observation of the committee is already taken care.</p>
(iii)	The Committee further observed that the type of roads should be mentioned in the Development Plan.	<p>Comments already provided by the Department</p> <p>"(iii) The type of roads are mentioned on the layout plan of the colony."</p> <p>Proposal Comments of the office:</p> <p>The hierarchy/type of roads are provided in the development plan notified under section 5(7) of Act. no. 41 of 1963 as well as in the sectoral plans approved under Rule 2(h) of Rules, 1965. Hence, the provisions are already made as per observations of the committee.</p>
6. (i)	<p>Rule 6</p> <p>The Committee observed that the preparation of layout-plans on payment of fees Rupees five per square meter may be enhanced suitably due to escalation of prices,</p>	<p>Comments already provided by the Department</p> <p>"Provides that an Owner of land intending to make an application under Rule-3 may request that any or all the plans and documents referred to in sub clauses (v) to (xi) of clause (e) of Sub Rule (1) of Rule-3 may be got prepared for him by the Director on payment at rate of Five Rupees per sqm.</p> <p>The Department till date has not received any request from colonizer regarding preparation of their layout</p>

		<p>plans. Therefore, the department is of the view that this is an obsolete provision and may be deleted."</p> <p>Proposal/Comments of the office:</p> <p>The observations of the committee is considered Rule 6 of Rules of 1976 shall be omitted after necessary amendments.</p>
7. (i)	<p>Rule 7</p> <p>The Committee observed that the time frame should be mentioned in the rule itself for return of application.</p>	<p>Comments already provided by the Department</p> <p>"No provision of time limit has been made in the Rules, 1976.</p> <p>The observation of the Committee is considerable and suitable time frame will be decided after thorough examination of the matter."</p> <p>Proposal/Comments of the office:</p> <p>After examining the license application, deficiencies are conveyed to the applicant for complying/removing them in a specific time period, failing which the application can always be returned even without conveying further deficiencies on account of lack of submission of requisite application complete in all respect.</p> <p>Even conveying deficiencies for incomplete application is not mandated as per Rules but in the interest of natural justice, one or reasonable opportunities are given as per present practice. Moreover, it is also consider appropriate convey all the deficiencies in one go.</p> <p>The recommendations of the committee in considered and accordingly the maximum timeline to return the application shall be 6 months and necessary amendment in Rule 7 of Rules, 1976 in proposed to be inserted as under:</p> <p><i>"7. No application under rule 3 shall be considered to be valid unless it is made in the prescribed form and is accompanied by the requisite documents and plans required to be furnished along with the application. Provided that no scrutiny fees shall be forfeited ort re submission of application by removing the deficiencies in compliance of Rules unthin a period of sixty days. The observations on the application shall be conveyed within ninety days of the receipt of application. In case of failure of rectification of observations and compliance thereof within sixty days, the application on prescribed I,CI shall be returned by forfeiting the scrutiny fees intimating the grounds for returning the application for its re submission after compliance with the rules;"</i></p>

8. (i)	<p>Rule 8(2)</p> <p>The Committee observed that the scrutiny fee should be deposited within a period of thirty days from the date of Service of such order.</p>	<p>Comments already provided by the Department</p> <p>"The provision already exists in the Rules, 1976. It is relevant to mention that the department takes the scrutiny fee at the time of submission itself."</p> <p>Proposal/Comments of the office:</p> <p>Rule 8(2) of Rules. 1976 already prescribes time frame of depositing the scrutiny fees within 30 days of passing the order after enquiry under Rule 8(1) of Rules, 1976. Therefore, the observations of the committee are already taken care as per the present Rules.</p> <p>However, as per the practice of the Department, the scrutiny fees is deposited by the colonizer at the time of submission of license applications. The proposed revised LC-I provides the same. In case of approval of revised 1.C-1, the Rule shall be amended accordingly.</p>
9. (i)	<p>Rule 9</p> <p>The Committee observed that the fate of the application should be decided within a period of four months.</p>	<p>Comments already provided by the Department</p> <p>"(i) The recommendation may be agreed to with the modification that the application should be completed in all respect as per Rule 3 and the time frame for the decision will be decided after thorough examination of the matter."</p> <p>Proposal/Comments of the office:</p> <p>It is submitted that the clause 2.2tj(b) of the policy dated 10.11.2017 prescribes to decide the license application within a period of six months, where there is a cap on net planed area se group housing colonies, integrated commercial colony etc.</p> <p>There is no requirement of specifying the time-lines in the rule.</p>
(ii)	<p>The Committee also observed that the letter of rejection of the application should be sent through e-mail or registered A.D. and same should be mentioned in the rule itself.</p>	<p>Comments already provided by the Department</p> <p>"(ii) The Department has already made a provision in the Act No. 8 of 1975 in the month of April 2016 regarding online receipt and approval. The provision for sending the letter of rejection through registered A.D. will be made."</p> <p>Proposal/Comments of the office:</p> <p>The rejection letters and all other important approvals are sent through registered post only. however, the provision shall be incorporated in the Form LC-II itself by indicating as registered A.D and the following shall be inserted in Rule 9 of Rules, 1976</p> <p>"The Director may after making inquiry as mentioned in sub-rule(1) of rule 8 and after giving reasonable opportunity of being heard to the applicant by an order</p>

		<p>in writing reject the application to grant licence in form LC III and convey the orders through registered post and email, if</p> <p>(a) xxx</p> <p>(b) xxx</p> <p>(c) xxx</p>
10.	<p>Rule 10</p> <p>The Committee observed that the notice for fulfil certain conditions for grant of license should be sent through e-mail or registered A.D. and the same should be mentioned in the rule itself.</p>	<p>Comments already provided by the Department</p> <p>"The Department has already made a provision in the Act No. 8 of 1975 in the month of April 2016 regarding online receipt and approvals.</p> <p>The provision for sending the notice for fulfilment of condition through registered A.D. is already there as on the form LC-III, itself has been indicated as registered A.D."</p> <p>Proposal/ Comments of the office:</p> <p>The observation of the Committee is already taken care, hence no further amendment in Rules is required.</p>
11. (i)	<p>Rule 11</p> <p>Rule 11(1)e</p> <p>The Committee would like to know for its information whether any land has been transferred to any person or institution last ten years? If so, details in this regard be supplied to the Committee.</p>	<p>Comments already provided by the Department</p> <p>"The Department needs more time to submit report on this point. It is therefore, prayed that time may be given to the department for submission of report on this point."</p> <p>Proposal/Comments of the office</p> <p>a) It is submitted that the sites of Electric Sub station (ESS), Grid Sub Station, Police Post, Telephone Facility forming part of licensed colonies are essentially transferred requirement to the per concerned Departments/Government agencies free of cost.</p> <p>b) The Government has notified Deen Dayal Jan Awas Yojna policy-2016 (DDJAY), which also provides development of 10% area for construction of community sites/facilities.</p> <p>c) DDJAY amendment dated 25.08.2022 provides an option to the colonizer either to get construct or get constructed the community sites in a licensed colony or transfer such land to the Government free of cost.</p> <p>d) The Department has granted 625 no of licenses upto 15.01.2025. 172 no, of community sites in these licensed colonies having an arca measuring 182 acres stands transferred in favour of the Government through gift deeds.</p> <p>Therefore, the observations of committee have been addressed.</p>

(ii)	<p>Rule 11 (3)</p> <p>The Committee would like to know for its information that how many low-density or eco-friendly colony in the State installed Solar farms, facility for storage, recycling of distribution, purification, storm-water and installed bio-gas plant as mentioned in sub rule (3) a, b, and c.</p>	<p>Comments already provided by the Department</p> <p>The Department needs more time to submit report on this point. It is therefore, prayed that time may be given to the Department for submission of report on this point.</p> <p>Proposal/Comments of the office:</p> <p>The Department has granted one license (115 of 2024 dated 12.08.2024) for an measuring 37.45 acres in Jhajjar has been gran to Model Economic Township Ltd. (Reliance Haryana SEZ for setting up of Low Density Eco-Friendly Colony.</p> <p>The policy Low-Density Eco-Friendly policy dated 30.05.2014 has been further amended on 21.04.2023, which provides provisioning of Solar farms, facility for storage, purification, distribution. recycling of storm-water and installed bio-gas plant. Therefore, the installation of these shall be ascertained at the stage of grant of completion certificate of the colony.</p> <p>Hence, the observation of the committed is addressed.</p>
12. (i)	<p>Rule 14</p> <p>The Committee observes that the period should be mentioned for disposal of the Application for renewal of the license.</p>	<p>Comments already provided by the Department</p> <p>"The observation of the Committee is considerable and suitable time frame will be decided after thorough examination of the matter"</p> <p>Proposal/Comments of the office:</p> <p>At the time of submission of application for renewal of license as per Rule 13 of Rules, 1976, the applicant is required to submit compliances and permissions from different Department, which sometimes get delayed. Moreover, in case of delay in renewal of licenses, the penal provisions are provided under the Act of 1975 in the form of renewal fees. Even the delay making such compliances are compoundable on payment of composition fees.</p> <p>In case, the colonizer fails to comply with Rule 13 of Rules, 1976 to submit complete application for renewal of license with statutory compliances, the application gets rejected under Rule 14(2) of Rules, 1976 and even the proceedings can be initiated under Rule 18 of Rules, 1976 for cancellation of license.</p> <p>The reasons for delay in execution in project are to be explained by the licensee. In case of applicant contesting reasons beyond his control, then the Department seeks comments from other Departments, which are in the domain/control of the Department to decided such issues. Therefore, the specific timeline</p>

		<p>to decide the renewal application cannot be prescribed as it may vary from case to case basis.</p> <p>However, the proposal of the Committee is considered and accordingly the Rule 14 (2) of Rules, 1976 is proposed to be amended as under: -</p> <p>"(2) In case the Director is not so satisfied, he shall reject the application within 6 months from the date of receipt of such application and in that case an intimation in this regard will be sent to the colonizer in form LC-VII"</p>
13. (i)	<p>Rule 16</p> <p>The Committee observes that the period should be mentioned in the rule to issue the Completion Certificate part itself certificate.</p>	<p>Comments already provided by the Department</p> <p>"The observation of the Committee is considerable and suitable time frame will be decided after thorough examination of the matter."</p> <p>Proposal/Comments of the office:</p> <p>After receipt of application for grant of completion certificate, the reports to confirm laying of development works and completion of buildings are required from field offices, HSVP, DHBVN or other implementing agencies, which require time.</p> <p>In addition, the colonizer is also required to submit the IAC, third party audit various NOCs from difference agencies like MOEF, NHAI, Labour Department, Forest, Power, Fire etc. which generally takes time and these are beyond d the control of the Department. Hence, for the laxity on part of the colonizer and delay on part of any other Department.</p> <p>By prescribing specific timeline to decide the application, there may be instances of deemed approval on account of delay of submitting compliances by other Departments and the development works actually not completed.</p> <p>Therefore, no timeline can be prescribed to decide completion certificate applications as the defaulting colonizer may take advantage of amendment in Rules.</p>
14. (i)	<p>Rule 18</p> <p>The Committee would like to know for its information, how many notice in form LC- X has been sent to the colonizer last five years? The names of the colonizers be sent to the Committee.</p>	<p>Comments already provided by the Department</p> <p>"The department needs more time to submit report on this point. It is therefore, prayed that time may be given to the department for submission of report on this point."</p> <p>Proposal/Comments of the office:</p> <p>The Department had issued 160 show cause notices under Form LC-X regarding cancellation of licenses during 01.07.2017 to 30.06.2023. However, these figures are dynamic due to compliances/rectification of the deficiencies of respective show cause notices.</p>

15. (i)	Rule 23 The Committee observes that the period should be mentioned in the rule itself for grant of refusal of exemption the license.	Comments already provided by the Department "A time period of three months already stands provided in Section 9(3) of Act, 1975. Hence, there is no need to repeat the same in the Rules, 1976." Proposal/Comments of the office: The observation of the committee is already taken care, hence, no further action regarding amendment in Rules, 1976 is required.
16. (i)	Rule 24 The Committee observes that once the colonizer submit the copies of the advertisement and the terms of agreement entered into between him and each of the plot-holder should not be changed without permission of the director.	Comments already provided by the Department "The agreement to sell is a document between the two parties i.e. seller and the purchaser. In case of licensed colony, the seller is the colonizer and the plot holder is the purchaser. Such an agreement is governed under the Common law of Contract Hon'ble Supreme Court of India in the order dated 19.11.2010 passed in Civil Appeal No. 550 of 2003 titled as DLF Universal Ltd. and another Vs. Director Town and Country Planning, has held that Director is not authorized to interfere with the agreements voluntarily entered into by and between the owner/colonizer and the purchasers of plots/flats Therefore, in case of any change in the terms and conditions of the agreement, the permission of DTCP, may not be required and only the modified agreement needs to be submitted by the license" Proposal/Comments of the office: It is submitted that Section 14(1) of the Real Estate (Registration and Development) Act. 2016 binds the coloniser to abide by with the declaration of the project made under Section 4(1) (1) of the Act ibidw.r.t. sanctioned plan and adherence to the project specifications. Further, Section 16 of the Act ibid bound promoters to abide by the assurances about the Real Estate project. Hence, the interests of the allottees are adequately protected by RERA. Therefore, no need to make any amendment Rules of 1976.
17. (i)	Rule 29 The Committee recommends that the fee for copy of license of exemption should be enhanced suitability.	Comments already provided by the Department "The suggestion may be agreed to and suitable increase in the fees will be made." Proposal/Comments of the office: The fees for obtaining photocopy of any record is already prescribed under RTI Act, 2005 as Rs. 2 per page, which is same as provided in Rule 29 of Rules, 1976, hence, there is no need to revised the fees.

1	Form LC-1	
(i)	The committee recommends that in form LC-1, the numbering 1 to 10 may be substitute with the numbering 1(i to X)to make the Form correct.	The suggestion is agreeable. This aspect has been addressed in the revised LCI proposed to be inserted in Rules of 1976.
(ii)	The Committee observes that the following particulars should be mentioned in the Form LC-1 after the Sr. No. 9 “10 whether the applicant convicted or fined under any law? If so, details thereof.” “11 Details movable/ immovable property of held by the dependents of the applicant”	This amendment is not required in view of the submission made in sr. no. 3 under the head Rule 3 above
(iii)	The committee observes that in form LC-1 the Sr. No. 2(vi) explaining the detailed specification and designs for the use of rain water for every plot-holders	This amendment is not required in view of submission/clarification made in Sr. No. 4 under the head Rule 3 above
(iv)	The committee also observes that in form LC 1, the Sr. No 2 (vii) the type of roads should be mentioned.	This amendment is not required in view of the submission made in Sr. no. 6' under the head Rule-3 above
(v)	The Committee further observes that in form LC-1, the detailed specifications and designs of Boundary wall and gate for the purpose of full proof security of the colony should be inserted after the Sr. No.2 (xii).	This amendment is not required in view of the submission made in sr. no. 5 under the head Rule 3 above

(vi)	The Committer wants to discuss with the departmental representative at the time of Oral examination in respect of Sr. No. 6 of the form LC-1.	The Sr. No. 6 of the LC-I is about the affirmation by the applicant regarding the particulars given in para 1 of LC-1 This observation of the committee has been addressed in the revised LC-1 proposed to be inserted in Rules of 1976.
2	Form LC-III	
(i)	The committee observes that in form LC-II top of the left corner the words should be mentioned AD/Email Registration	Although it is being issued, but not by ensuring that it is returned by a registered post. The information is updated online on the Department's website However the word Registered AD/Email shall be added on the top of left corner in the Form LC-II & LC III.
3 (i)	Form LC-III The committee observes that in form LC III top of the left corner the words should be mentioned Registration AD/Email may be inserted	
4	Form LC-IV The committee recommends that in form LC IV in the first & second line the words 'one thousands nine hundred and seventy may be substituted with the words two thousands to make the form correct.	The words one thousands nine hundred and seventy was published in the original Rules being notified in the year 1976. However, the specific period is mentioned while executing LC-IV. <u>The suggestion of the Committee is agreeable and accordingly para I of LC-IV is proposed to be amended as under: -</u> "This agreement made on the-----day of ----- between Shri/ M/s-----s/o shri-----, resident of --- -----(hereinafter called the "owner") of the one part and the Governor of Haryana, acting through the Director, Town and Country Planning, Haryana (hereinafter referred to as the "Director") of the other part."
5	Form LC-IV-A The committee recommends that form LC IV-A to Form AC may be substituted according to the substituted Rules.	The suggestion of the committee is aggregable. The requisite amendments in form LC IV A to Form AC shall be carried out by the Department as per the amended rules.

In view of above, the summary of amendments to be made in Rules of 1976 in accordance with the recommendations of the 45 Report of Committee on Sub-ordinate Legislation of Haryana Vidhan Sabha is reiterated as under. -

Sr. No.	Existing Rule of 1976	Recommendations of the Committee	Proposed amendment
1	<p>Rule 6</p> <p>Preparation of layout-plans on payment of fees: An owner of land intending to make an application under rule 3 may request that any or all the plans and documents referred to in sub clauses (v) to (xi) of clause (e) of sub-rule (1) of rule 3 may be got prepared for him by the Director (on payment at rate of five rupees per square metre.</p>	<p>The preparation of layout plans on payment of fees Rupees five per square meter may be enhanced suitably due to escalation of prices.</p>	<p>Rule 6 of Rules of 1976 shall be omitted.</p>
2	<p>Rule 7</p> <p>No application under rule 3 shall be considered to be valid unless it is made in the prescribed form and is accompanied by the requisite documents and plans required to be furnished along with the application. In case of failure of such compliance, the application together with other documents, if any, received therewith will be returned to the applicant intimating him the grounds for returning the application, for re-submission after compliance with the rules;</p>	<p>The Committee observed that the time frame should be mentioned in the rule itself for application.</p>	<p>“7.No application under rule 3 shall be considered to be valid unless it is made in the prescribed form and is accompanied by the requisite documents and plans required to be furnished along with the application.</p> <p>Provided that no scrutiny fees shall be forfeited application on re submission removing of the by deficiencies in compliance of Rules within a period of sixty days. The observations on the application shall be conveyed within ninety days of the receipt of application. In case of failure of rectification of observations and compliance thereof within sixty days, the application on prescribed LC-I shall be returned by forfeiting the scrutiny fees intimating the grounds for returning the application</p>

			for its re submission after compliance with the rules;"
3	<p>Rule 9</p> <p>"The Director may. after making inquiry as mentioned in sub rule(1) of rule 8 and after reasonable giving opportunity of being heard to the applicant by an order in writing reject the application to grant licence in form LC II, if....."</p>	<p>The Committee also observed that the letter of rejection of the application should be sent through e mail or registered A.D and same should be mentioned in the rule itself.</p>	<p>The Rule 9 of Rules, 1976 is proposed. to be amended as under</p> <p><i>"The Director may after making inquiry as mentioned in sub rule (1) of rule and after giving reasonable opportunity of being heard to the applicant by an order in writing reject the application to grant licence in (form LC II and to be sent through registered post and email, if:-</i></p> <p>(a) xxx (b) xxx (c) xxx</p>
4	<p>Rule 14(2)</p> <p>"(2) In case the Director is not so satisfied, he shall reject the application and in that case an intimation in this regard will be sent to the colonizer in form LC-VII;"</p>	<p>The Committee observes that the period should be mentioned for disposal of the Application renewal of the license.</p>	<p>The Rule 14 (2) of Rules, 1976 is proposed to be amended as under:</p> <p>"(2) In case the Director is not so satisfied, he shall reject the application within 6 months from the date of receipt of such application and in that case an intimation in this regard will be sent to the colonizer in form LC VII."</p>
5	Form LC-1	<p>The committee recommends that form LC-I the numbering 1 to 10 may be substitute with the numbering 1 (i to X) to make the Form correct</p>	<p>The suggestion is agreeable, the new Form LC-I shall be inserted in Rules of 1976.</p>
6	Form LC-II	<p>The committee observes that in form LC-II top of the left</p>	<p>The word Registered AD/Email shall be added</p>

		corner the words should be mentioned Registration AD/Email	on the top of left corner in the Form LC-II
7	Form LC-III	The committee observes that in form LC-III top of the left corner the words should be mentioned Registration AD/Email	The word "Registered AD/Email" shall be added on the top of left corner in the Form LC-III.
8	Form LC-IV	The committee recommends that in form LC-IV in the first & second. line the words 'one thousand nine hundred and seventy may be substituted with the words 'two thousands to make the form correct.	The fist para of Form LC-IV is proposed to be as under:- This agreement made óπ the -----day of ----- the between Shri /M/s-----s/o shri -----, resident ----- of -----(hereinafter called the "owner") of the one part and the Governor of Haryana, acting trough the Director, Town and Country Planning Haryana (hereinafter referred to as the "Director") of the other part."

The departmental representatives assured to the Committee that the amendment in rules are almost complete. But final notification while amending the relevant rules be supplied to the Committee.

In view of the above facts and circumstances of the Committee expects the Department would take up the matter on top priority basis and supply the copy of the final notification incorporating the observations/recommendations of the Committee.

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

46TH REPORT 2017-18

(CO-OPERATION DEPARTMENT)

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

The Committee took note on implementation of the observations/recommendations made by it in respect of the Haryana Co-operative Societies Rules, 1989 framed under the Haryana Co-operative Societies Act, 1984 as contained in its 46th to 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 15.03.2024 was sent to the concerned department to obtain the requisite information/reply. The Committee conducted an oral examination of the Additional Chief Secretary to Government, Haryana, Cooperation Department in its meeting held on 13.08.2024 for non-implementation of the observations/recommendations made by the Committee in its 46th report for the year 2017-2018.

The Registrar, Co-operative Societies, Haryana, Panchkula has supplied the reply vide memo No. E-372775/12/6/Act/C-7/2200, dated 12.08.2024 which was placed before the Committee in its meeting held on 20.08.2024. The reply of the department is as under:-

Sr. No.	Report No.	Reference to Paragraph/ number Report	Summary recommendation/ observations	of	Action taken or proposed to be taken by the Govt.
1.	46th report of the Committee on subordinate Legislation	Page No. 34 to 51 of the report.	The Committee scrutinized the Haryana Cooperative Societies Rules, 1989 framed under the Haryana Cooperative Societies Act, 1984 and made the observations/recommendations in respect of Rule 5 (Form-1), 8, 12, 23, 25, 33, 44, 49, 50, 76, 82, 98, 107 and 108. The reply of the department in respect of recommendations/observations of the Committee was also mentioned on page No. 34 to 51.		In this regard, it is submitted that the draft for amendment in Rule No. 1, 2, 5 (Form-1), 8, 12, 22, 23(A), 27, 98, 108, 110, Form-VI to VIII of Rule 43 and Form-A in Para-6(1) of Part-II of Appendix 'A' of Rule 25 of the Haryana
2.	47th Report 48th Report 49th Report 51 st Report	Page No. 23 of the report Page No. 20 of the report	The Committee watched the implementation of observations/recommendations made by the committee in respect of Haryana Cooperative Societies Rules, 1989 as contained in its 46th, 47th, 48th, 49th & 51 st report and directed to supply the		Cooperative Societies Rules, 1989 has been prepared and got vetted by Law Officer. Now, the draft

		Page No. 18 of the report	copy of final notification while amending the relevant Rules at the earliest.	for amendment in English and Hindi are under process of approval and the file has been sent to Hon'ble Minister of State for Cooperation for the said purpose.
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In view of the above facts and circumstances it reveals that, 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 would supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has already been lapsed in implementing the recommendations/observations of the Committee.

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

47TH REPORT 2018-19

(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)

The Punjab Warehouses Rules, 1958 framed under the Punjab Warehouses Act, 1957.

The Committee took note on implementation of the observations/ recommendations made by it in respect of the Punjab Warehouses Rules, 1958 framed under the Punjab Warehouses Act, 1957 as contained in its 48th to 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 20.03.2024 was sent to the concerned department. Pursuantly, the Registrar Office, Co-operative Societies has supplied the information vide letter dated 04.07.2024, which was later placed before the Committee in its meeting held on 23.07.2024. The Committee noted the contents.

The Committee conducted an oral examination of the Additional Chief Secretary to Government, Haryana, Agriculture and Farmers Welfare Department in its meeting held on 30.07.2024 for non-implementation of the observations/recommendations made by the Committee in its 47th report for the year 2018-2019. The Committee raised various objections on the said rules during the oral examination. The departmental representatives informed the Committee that the proposal was submitted to the Government for amending rules.

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

In view of the above facts and circumstances, it reveals that 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 would supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has already been lapsed in implementing the recommendations/observations of the Committee.

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

**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 took note on implementation of the observations/ recommendations made by it in respect of the Haryana Affiliated Colleges (Security of Service) Rules, 2006 framed under the Haryana Affiliated Colleges (Security of Service) Act, 1979 as contained in its 48th to 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 20.03.2024 was sent to the concerned department to obtain the requisite information/reply. Resultantly, the Director General, Higher Education Department supplied the reply vide memo No. KW 7/3-2021 C-IV (2), dated 25.04.2024 which was later placed before the Committee in its meeting held on 03.08.2024. The Committee noted contents of the same. The reply is reproduced as under: -

Sr. No.	Reference to paragraph/number of reports	Summary recommendations/ observations	Action taken or proposed by the Government	Remark if any
1.	48 th Report 2020-21	<p>The committee took note on implementation of the observations/recommendations made by it in respect of the Haryana Affiliated Colleges (Security of Service) Act, 1979 as contained in its 48th 50th Reports.</p> <p>On the recommendations contained in 50th Report of the Committee, a letter dated 19.04.2023 and reminder dated 04.7.2023 were sent to the concerned department to obtain the requisite information/reply. Resultantly, the Director, Higher Education Department supplied the reply vide memo. dated 18.7.2023 which was later placed before</p>	<p>Vide letter dated 06.1.2021 recommendation of Vidhan Sabha Committee received in this department accordingly committee and has been constituted for the same and as per observation of constituted committee approval has been taken Hon'ble from CM. Thereafter as per orders of Hon'ble CM file</p>	

		<p>the Committee in its meeting held on 26.07.2023. The Committee was not satisfied with the reply. Again, a letter dated 20.11.2023 was sent to the concerned department to obtain the requisite information. On which the Director, Higher Education Department has supplied the reply vide memo dated 19.12.2023 and the same was placed before the Committee in its meeting held on 27.12.2023. The Committee noted contents of the same.</p> <p>The committee waited for the final reply of the department till drafting and finalization of the present report but no reply has been received from the department concerned so far.</p> <p>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 consideration period has already been lapsed in implementing the recommendations/observations Committee.</p>	<p>sent to W/Chief Secretary Office alongwith draft of rule amendment 2006. But the same has been returned W/Chief by Secretary Office with some observations. Thereafter as per observation draft of Haryana Affiliated Colleges (Security of The committee waited Service) Rules, 2006 has been redrafted and on 04.7.2022 file sent to W/Chief Secretary for approval. But file received back with some more observations on 04.7.2022. As per observation of Chief Secretary Office committee a has been constituted w.r.t. observation of Chief Secretary Office. On 11.12.2023 committee given their report. As per report committee of the matter has been rechecked and as per</p>	
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			observation amendment has been done in draft of Affiliated Colleges (Security of Haryana Service) Rules, 2006 and vide CFMS No. 2789, dated 22.3.2024 file sent to W/Chief Secretary office.	
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The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply has been received from the Department concerned so far.

In view of the above facts and circumstances, it reveals that 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 would supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has already been lapsed in implementing the recommendations/observations of the Committee.

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

**48TH REPORT 2020-21
(HOME DEPARTMENT)**

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

The Committee took note on implementation of the observations/recommendations made by it in respect of the Haryana Home Guards Rules, 1980 framed under the Haryana Home Guards Act, 1974 as contained in its 48th to 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 21.03.2024 and two reminders dated 30.08.2024 & 11.02.2025 were sent to the concerned department to obtain the requisite information/reply.

Resultantly, the Commandant General Home Guards & Director Civil Defence, Haryana supplied the reply vide letter no.CG/25/HG-IV/1802, dated 24.02.2025 which was placed before the Committee in its meeting held on 13.03.2025. The Committee noted contents of the same. The reply is reproduced as under: -

Proposed amendment to be made in the Haryana Home Guards Rules, 1980 and Instructions etc. issued by the department for enrolment/enlistment of Home Guards, Volunteers.

Name/Designation of the Post (See sub rule 'f' of Rule 2)	Total numbers of sanctioned strength (See Rule 6)	Classification (See sub rule 2 of rule 1)	Age limit for enrolment & maximum age as Home guards Volunteers (See Rule 8)	Education and other eligibility qualification for enrolment as Home Guards Volunteers (it is being improved at par with male and female Police Constable's of the State Government)	Physical standard & other conditions for enrolment as Home Guards Volunteers. *Physical standard and educational qualification were governed by letter no.CG/HG-II/13982-14002 dated 06-11-2008 and letter no. 9487-9508 dated 03-09-2007 as nothing was stats in Haryana Home Guards Rule 1980.				
1	2	3	4	5	6			7	
Home Guards Volunteers	24000 (by Increasing the existing 14025 sanctioned strength)	Enlisted Home Guards	A candidate should not be less than 18 years and not more than 25 years of age on the first day of month in which the application for enrolment are invited for Home Guards Volunteers Enlistment period as Home Guards Volunteers will be up to 58 years. Candidates belonging to the reserved category to provided age relaxation as per govt. norms.	(i) The Candidate must have passed 10+2 or its equivalent from a recognized education Board/Institution by the concerned ministry of the State Government of Central (ii) Candidates must be metric with Hindi or Sanskrit as one of the subjects or 10+2/BA/MA with Hindi as one of the Subject.		Height	Chest	Physical Screening Test (PST) to judge their physical fitness and endurance. would be qualifying in nature only	Written test
					Male	170 cm for general category	83 cm (un-expended) to 87 cm (expended) with expansion of 4 cm (minimum)	2.5 km race in 12 minutes	All candidates shall have to undergo written Test of hundred (100) marks comprising of objective type, multiple choice questions (1)
						168 cm for eligible reserve category as per latest existing government reservation policy	81 cm (un-expended) to 85 cm (expended) with expansion of 4 cm (minimum)	2.5 km race in 12 minutes	
					Female	158 cm for general category	Nil	1.0 km race in 6 minutes	
						156 cm for eligible reserve category as per latest existing government reservation policy applicable at the time of advertisement/ corrigendum as the case may be.	Nil	1.0 km race in 6 minutes	

(1) The test paper shall include questions on General Knowledge/General Awareness-50%, basic knowledge of Math's, Science, Computer, Hindi & English-50%.

In view of the above facts and circumstances, it reveals that 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 would supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has already been lapsed in implementing the recommendations/observations of the Committee.

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

49TH REPORT 2021-22

(DEVELOPMENT & PANCHAYATS DEPARTMENT)

(i) The Haryana Rural Development Fund Rules, 1987 framed under the Haryana Rural Development Fund Act, 1986.

The Committee took note on implementation of the observations/ recommendations made by it in respect of the Haryana Rural Development Fund Rules, 1984 framed under the Haryana Rural Development Fund Act, 1983 as contained in its 49th to 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 20.03.2024 was sent to the concerned department to obtain the requisite information/reply. The Committee conducted oral examination of the Commissioner & Secretary to Government, Haryana, Development & Panchayats Department in its meeting held on 16.07.2024 for non-implementation of the observations/recommendations made by the Committee in its 49th report for the year 2021-2022 which was postponed on the request of department.

The Committee again conducted oral examination of the Commissioner & Secretary to Government, Haryana, Development & Panchayats Department in its meeting held on 30.07.2024 on the reply furnished vide memo no. HRDF 2024/5586, dated 12.07.2024. The Committee raised various objections on the said rules during the oral examination. The departmental representatives informed the Committee that the proposal was submitted to the Government for amending rules.

In respect of the aforesaid communication, the department supplied the reply of recommendations/observations of the Committee vide their memo no. HRDF 2025/11670, dated 7.03.2025 and the same was placed before the Committee in its meeting held on 13.03.2025 and informed that the necessary amendments have been incorporated in the latest amendment in the Haryana Rural Development Fund Rules, 1987 vide Notification No. S.O. 14/H.A.6/ 1986/ S.8/ 2025, dated 28th February, 2025.

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

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

49TH REPORT 2021-22

(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)

(ii) The Haryana Seed Certification Agency Rules, 1976.

The Committee took note on implementation of the observations/ recommendations made by it in respect of the Haryana Seed Certification Agency Rules, 1976 as contained in its 49th to 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 20.03.2024 was sent to the concerned department to obtain the requisite information/reply. Thereafter, the Director, Haryana State Seed Certification Agency furnished the reply received vide letter dated 05.04.2024 which was placed before the Committee in its meeting held on 16.04.2024. The Committee noted contents of the reply. The reply is reproduced as under:-

Sr. No.	Reference to paragraph/number of Report	Summary of recommendations/ Observations	Action Taken or proposed to be taken by the Govt.	Remarks, if any
1	Point number (ii) on page no. 22 of 51st report	On recommendations contained in Report of committee, a the 50th the letter dated 19.04.2023 was sent to HSSCA to obtain the requisite information/reply. Thereafter Additional the Chief Secretary to Govt. of Haryana, Agriculture and Farmers Welfare Department furnished the reply vide memo dated 15.09.2023 which was later placed before the committee in its meeting held on 27.09.2023. The reply is reproduced on page no. 22 of this Report. Again a letter dated 21.07.2023 sent to HSSCA to obtain the requisite information but no reply has been received till drafting	This office sent reply received of letter from Chief Additional Secretary to Govt. of Agriculture Farmers Haryana, and Welfare vide Department HSSCA letter no. 1560, 19.05.2023 dated and letter no. 1635, dated 30.05.2023. This office has already sent reply of letter received from Additional Chief Secretary to Govt. of Haryana, Agriculture Farmers Department and Welfare on dated 07.08.2023 vide	

		and finalization of the present report.	HSSCA letter number 2832, dated 12.09.2023.	
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The Committee conducted oral examination of the Additional Chief Secretary to Government, Haryana, Agriculture and Farmers Welfare Department in its meeting held on 30.07.2024. The Committee raised various objections on the said rules during the oral examination of the Haryana State Seed Certification Agency Rules, 1976.

The Committee again conducted oral examination of the Additional Chief Secretary to Government, Haryana, Agriculture and Farmers Welfare Department in its meeting held on 18.02.2025 for non-implementation of the observations/recommendations made by the Committee in its 49th report for the year 2021-2022. The Committee raised various objections on the said rules during the oral examination. The departmental representatives has submitted the Bye-laws of the HBSCA before the Committee and the Committee satisfied with the reply given by the department.

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

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

50TH REPORT 2022-2023

(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)

(i) The Punjab Fruit Nurseries Rules, 1961 framed under the Punjab Fruit Nurseries Act, 1961.

The Committee took note on implementation of the observations/ recommendations made by it in respect of the Punjab Fruit Nurseries Rules, 1961 framed under the Punjab Fruit Nurseries Act, 1961 as contained in its 50th and 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 20.03.2024 was sent to the concerned department to obtain the requisite information/reply. The Committee conducted oral examination of the Additional Chief Secretary to Government, Haryana, Agriculture and Farmers Welfare Department in its meeting held on 30.07.2024. During the oral examination departmental representatives submitted their reply before the Committee and the Committee noted contents of the reply.

The Committee again conducted oral examination of the Additional Chief Secretary to Government, Haryana, Agriculture and Farmers Welfare Department in its meeting held on 18.02.2025 for non-implementation of the observations/recommendations made by the Committee in its 50th report for the year 2022-2023. The Committee raised various objections on the said rules during the oral examination. The departmental representatives informed the Committee that the proposal was submitted to the Government for amending rules. The Committee noted its contents of the same. The reply is reproduced as under: -

Sr.no.	Observations of committee	Action taken report
1.	Status of amendments in Punjab Fruit Nursery Rules-1961	1. The ambit of this Act has been expended to include vegetable nursery, flowers, ornamentals, medicinal and aromatic crops, tubers, spices, condiments and plantation crops for regulation and organized production of quality planting material. 2. The Act includes all the Horticulture Nurseries. 3. The amendments as per the committee observations have been incorporated in the Act/Rules. 4. Department has submitted the revised Haryana Horticulture Nursery Regulation Act-2025 to Govt. and is under approval.
2.	Status of District Horticulture Officer visit to the nurseries	In year 2023-24 and 2024-25 a total of 154 nos. of visits to registered nurseries have been conducted by concerned District Horticulture Officer.
3.	Procedure for periodic inspection	As per Punjab Fruit Nurseries Rules-1961

		<p>Rule-14 (i): Horticulture Development Officer shall carryout inspection of each fruit nursery licensed under these rules at least in a quarter.</p> <p>Rule-14 (ii): Gazetted Officer (DHO) shall carryout inspection of each fruit nursery licensed under these rules at least in a year.</p> <ul style="list-style-type: none"> Inspecting Officer has conducted quarterly inspections.
4.	Status of Hi-Tech Green House (HTGH) unit for seedling production at Centre of Excellence for Vegetable (CEV), Gharaunda, Karnal	A total of 19.01 lakhs seedlings have been produced till date. The tender for repairing and upgradation of HTGH at CEV, Gharaunda, Karnal has been floated on 23.07.2024 and file has been submitted to Govt. for finalization of the same.
5.	Status of installation of display boards at nurseries in Haryana State.	<ul style="list-style-type: none"> In this regard, the necessary direction issued to all DHOs regarding installation of display board (includes name of fruits/varieties available and their rates) at the main gate of nursery. The display boards installed in 58 nurseries out of 60 nurseries. The balance shall be completed in a week.
6.	Status of illegal/unauthorized fruit nurseries	<ol style="list-style-type: none"> A total of 135 nos. of nurseries reported from district Gurugram, Sonapat and Fatehabad. The notice has been issued to these nurseries by concerned District Horticulture Officer to destroy or apply for licence. These are ornamental nurseries but also found selling few fruits plants.
7.	Status of registered/licensed fruit nurseries	At present 60 nos. of fruit nurseries have been licensed.

In view of the above facts and circumstances, it reveals that 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 would supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has already been lapsed in implementing the recommendations/observations of the Committee.

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

50TH REPORT 2022-2023

(SCHOOL EDUCATION DEPARTMENT)

(ii) The Haryana School Education Rules, 2003 framed under the Haryana School Education Act, 1995.

The Committee took note on implementation of the observations/ recommendations made by it in respect of the Haryana School Education Rules, 2003 framed under the Haryana School Education Act, 1995 as contained in its 50th and 51st Reports.

On the recommendations contained in 51st Report of the Committee, a letter dated 20.03.2024 and reminder dated 30.08.2024 were sent to the concerned department to obtain the requisite information/reply. But no reply has been received from the Department concerned so far.

The Committee again conducted oral examination of the Principal Secretary to Government, Haryana, School Education Department in its meeting held on 04.02.2025 for non-implementation of the observations/recommendations made by the Committee in its 50th Report for the year 2022-23. The Committee raised various objections on the said rules during the oral examination and the departmental representatives has submitted their reply before the Committee. The Committee noted the contents thereof. The reply is reproduced as under:-

“Status Report on the recommendation of Committee on Subordinate Legislation of Haryana Vidhan Sabha.

Sir, it is submitted that the Committee on Subordinate Legislation of the Haryana Vidhan Sabha in its 50th report for the year 2022-23 made observations and recommendation in respect of the Haryana School Education Rules, 2003 framed under the Haryana School Act, 1995.

With due respect, it is submitted that the Committee has recommended the amendments in Haryana School Education Rules, 2003 on 55 points. After receipt the recommendation, the department prepared a proposal as per observation of the Committee. In its proposal, department also include some other proposed amendments which were felt necessary by the department and by the various Association of the private schools in Haryana.

The Hon'ble Chief Minister has already approved all the observations/ recommendations made by the Committee alongwith the additional amendments included in the proposal by the department except 5 points/amendments for which the Hon'ble CM has ordered to re-examine them while comparing them with similar provision in other States. Accordingly, the department requested to the private schools Associations to provide the neighboring States about similar provision regarding 5 points mentioned above. As no response has been received from the private school Associations, then the department wrote a letter to the state of Punjab, Himachal Pardesh, Uttar Pardesh and Rajasthan to provide the similar provision in their States. From these states also no response has been received in the matter till date.

In the absence of any response from the neighboring states as well as Association, the department submitted file to get the already approved points vetted from L.R Haryana. On this proposal, the then Additional Chief Secretary, School, Education, Haryana after detailed discussion has directed to include some more amendments. Accordingly, a departmental committee has been constituted on 29.01.2025 to check out the required amendments in addition to already approved amendments. This committee has been directed to submit its report within 7 days. Detail of recommendations, existing provision in Rules and proposed amendments.

After the receipt of the recommendation of the departmental committee, the matter will be referred to L.R Haryana for vetting. After vetting from L.R. Haryana, notification regarding amendments will be issued at once”

In view of the above facts and circumstances, it reveals that 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 would supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has already been lapsed in implementing the recommendations/observations of the Committee.

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

**51ST REPORT 2023-2024
(FISHERIES DEPARTMENT)**

(i) The Haryana Fisheries Rules, 1996 framed under the Haryana Fisheries Act, 1914.

The Committee took note on implementation of the observations/ recommendations made by it in respect of the Haryana Fisheries Rules, 1996 framed under the Haryana Fisheries Act, 1914 as contained in 51st Report.

On the recommendations contained in 51st Report of the Committee, a letter dated 22.03.2024 was sent to the concerned department to obtain the requisite information/reply. Resultantly, the Director, Fisheries Department, Haryana supplied the reply vide memo No. DA-1/2024/306, dated 31.05.2024 and informed that the matter is under consideration to the Additional Chief Secretary to Government, Haryana, Fisheries Department vide letter no. DA-1-2024/3274, dated 07.03.2024 as soon as this office will get approval, necessary action will be taken which was placed before the Committee in its meeting held on 23.07.2024. The Committee noted the contents thereof.

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

In view of the above facts and circumstances, it reveals that 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 would supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has already been lapsed in implementing the recommendations/observations of the Committee.

Observations/Recommendations of the Committee, on Non-implementation of its earlier recommendations.

51ST REPORT 2023-2024

(DEVELOPMENT & PANCHAYATS DEPARTMENT)

(ii) The Haryana Panchayati Raj Rules, 1995 framed under the Haryana Panchayati Raj Act, 1994.

The Committee took note on implementation of the observations/ recommendations made by it in respect of the Haryana Panchayati Raj Rules, 1995 framed under the Haryana Panchayati Raj Act, 1994 as contained in 51st Report.

On the recommendations contained in 51st Report of the Committee, a letter dated 21.03.2024 and reminder dated 30.08.2024 were sent to the concerned department to obtain the requisite information/reply. Resultantly, the Director General, Development & Panchayats Department, Haryana supplied the reply vide memo No. ECA-5-2024/115695, dated 24.12.2024 which was placed before the Committee in its meeting held on 28.12.2024. The Committee noted the contents thereof. The reply is reproduced as under:-

“इस सम्बन्ध में आपको सूचित किया जाता है कि विधानसभा कमेटी द्वारा की गई सिफारिश अनुसार हरियाणा पंचायती राज नियमावली, 1995 में वर्णित नियमों में संशोधन करने बारे प्रारूप विधि एवं विधायी विभाग, हरियाणा को वैट करने हेतु भेजा गया था, परन्तु विधि एवं विधायी विभाग, हरियाणा द्वारा माननीय मुख्यमंत्री महोदय द्वारा अनुमोदन अनुसार अधिसूचना का अंग्रेजी व हिन्दी का ड्राफ्ट तैयार करवा कर फाइल पुन वैट करवाने बारे सलाह दी है। जिसकी पालना में विधि एवं विधायी विभाग, हरियाणा को अधिसूचना का अंग्रेजी व हिन्दी का ड्राफ्ट पुनः वैट करने हेतु फाइल प्रेषित की गई थी। विधि एवं विधायी विभाग, हरियाणा द्वारा इस विभाग को पुनः सलाह दी है कि प्रस्तावित अंग्रेजी व हिन्दी के ड्राफ्ट को हरियाणा विधान सभा की अधीनस्थ विधान समिति की 51 वी रिपोर्ट अनुसार अधिसूचना का अंग्रेजी व हिन्दी का ड्राफ्ट सक्षम प्राधिकारी के अनुमोदन उपरान्त इस कार्यालय को भिजवाये, जिसकी पालना में फाइल प्रक्रिया में / विचाराधीन है”।

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

In view of the above facts and circumstances, it reveals that 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 would supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has already been lapsed in implementing the recommendations/observations of the Committee.

SCRUTINY OF THE HARYANA AIDED SCHOOL (SECURITY OF SERVICE) RULES, 1974 FRAMED UNDER THE HARYANA AIDED SCHOOL (SECURITY OF SERVICES) ACT, 1971.

The Committee scrutinized the Haryana Aided School (Security of Service) Rules, 1974 framed under the Haryana Aided School (Security of Services) Act, 1971 in its meeting. After detailed deliberations on the above stated Rules, the Committee has decided to drop the matter.

SCRUTINY OF THE HARYANA RIGHTS OF PERSONS WITH DISABILITIES (HRPWD) RULES, 2019 FRAMED UNDER THE RIGHTS OF PERSONS WITH DISABILITIES (RPWD) ACT, 2016.

Rule 12 (5&12)

12. (5) Notice of a meeting may be delivered by special messenger or by registered post to the residence and/or official addresses of the members. Such notice may also be sent by – email.
- (12) No proceeding of the Board shall be invalid by reasons of any vacancy or any defect in the constitution of the Board. However, it shall be the responsibility of the Chairperson and the Member-Secretary to identify such defects, at meetings of the Board and act to remedy these.

Observations of the Committee:-

Rule-12(5)

The Committee observed that in the first line of this rule, the word "to" may be replaced with the word "at" to make it more clear.

Rule 12(12)

The Committee would like to know whether the word "remedy" in the last line of this rule is correct/proper or it may be replaced with any other appropriate word to make the rule more effective?

The Department in its written reply stated as under: -

Rule-12(5)

Department agrees to the proposal

Rule 12(12)

Remedy may be replaced with rectify

Rule-15 (3)

15. (3) The non-official members of the Advisory Committee shall be paid an allowance of (one thousand rupees per day) for every day on which meetings of the Advisory Committee are held.

Observations of the Committee:-

The Committee is of the view that a clarification is required about "an allowance" paid to the members as mentioned in this rule.

The Department in its written reply stated as under: -

An allowance may be replaced by honorarium

Rule 17

17. The fee and other remuneration of the Special Public Prosecutor shall be the same as the Public Prosecutor appointed by the State Government under the Code of Criminal Procedure, 1973 (1 of 1974) for conducting the cases before a court of session.

Observations of the Committee:-

The Committee observed that in the last line of this rule the figure "(1 of 1974)" may be replaced with "(2 of 1974)" to make the rule correct.

The Department in its written reply stated as under: -

Yes

Rule 18

18. (1) The State Fund for persons with disability shall receive grants-in-aid from the State Government or from the Government of India, other aid, Corporate Social Responsibility (CSR) and voluntary contributions through proper receipt.

Rule-18(2)

- (2) The State Fund shall be managed by an Executive Committee consisting of the following members, namely: -
- | | | |
|--------|--|------------------|
| (i) | Administrative Secretary to Government,
Haryana, Social Justice and Empowerment Department. | Chairperson |
| (ii) | Administrative Secretary to Government,
Haryana, Health Department. | Member |
| (iii) | Administrative Secretary to Government,
Haryana, Women and Child Development Department. | Member |
| (iv) | Administrative Secretary to Government, Haryana,
Industries and Commerce Department. | Member |
| (v) | Administrative Secretary to Government, Haryana,
Labour Department. | Member |
| (vi) | Administrative Secretary to Government, Haryana,
Education Department. | Member |
| (vii) | Administrative Secretary to Government, Haryana,
Finance Department. | Member |
| (viii) | Director, Social Justice and Empowerment Department. | Member-Secretary |
- (3) The Executive committee that manages the State Fund shall be assisted by a Chief Accounts Officer and two Accounts Officers who shall prepare accounts of all inflow and outflow of monies from the State Fund and present to the executive committee every month by circulation.
- (4) The executive committee shall meet at least once in every financial year, or as decided by the Chairperson.
- (5) It shall ensure that funds received through Corporate Social Responsibility (CSR) are accounted for separately and the projects executed by using these funds are monitored closely.
- (6) The executive committee of the State Fund shall ensure that the accounts of the State Fund are audited by the Accountant General, Haryana annually.
- (7) The executive committee shall do the needful to ensure that voluntary contributions or Corporate Social Responsibility (CSR) to the State Fund is exempted under section 80 (G) of the Income Tax Act, 1961 (Central Act 43 of 1961).

- (8) The annual audit report of the accounts of the State Fund shall be placed before the Council of Ministers and the copies of this report shall be made available to the State Commissioner.
- (9) The State Fund shall be utilized for the following purposes, namely: -
- (i) financial assistance in the areas which are not specifically covered under any scheme and programme of the State/Central Government;
 - (ii) providing financial assistance for persons with disabilities and implementing schemes to further the purposes of the Act;
 - (iii) administrative and other expenses, as may be required to be incurred by or under the Act;
 - (iv) such other purposes as may be decided by the executive body.

Observations of the Committee:-

Rule 18(2)

The Committee observed that the word "Member" as mentioned in the rule, may be replaced with the word "Members".

Rule-18(2)(vi)

The Committee would like to know which department's Administrative Secretary will be the member of Executive Committee i.e. School Education or Higher Education Department?

Rule-18(4)

The Committee would like to know is it sufficient to meet Executive Committee at least once in every financial year?

The Department in its written replies stated as under: -

Rule 18(2)

Department agrees with proposal

Rule-18(2)(vi)

Administrative Secretary to Government, Higher Education Department

Rule-18(4)

The rules provide minimum criteria

FROM-1

[see rule 4(1)]

Application Limited Guardianship

From

Date:

To

Designated Authority,

----- is a person with disability and requires protection of his person and property through a guardian. We hereby request that ----- be

be appointed as guardian of the said -----for the protection of his person property.

We furnish hereunder further details and request early decision:

1. Particulars of the person to be provided guardian

Name:

Age:

Nature of disability:

Address:

2. Particulars of the person proposed to be appointed as guardian

Name:

Age:

Relationship with ward, if any Address:

We enclose herewith disability certificate of the said -----obtained from-----

Yours faithfully,

Witness

1st Witness

Authorized signatory

Name:

2nd Witness

Designation:

Office stamp:

Consent of the person proposed to be appointed Guardian

I hereby agree to be the guardian of the person and property of ----- and shall discharge my obligations with due diligence.

Signature:

Name:

Date:

Consent of the guardian, if any, to the aforesaid proposal

I hereby agree to the above proposal to appoint -----as the guardian of-----
-----.

Signature:

Name:

Date:

Observations of the Committee:-

From-1[see rule 4(1)]

The Committee recommended that the words "person property" as mentioned in the third line of the form under review, may be replaced with the appropriate words "persons and property"

The Department in its written reply stated as under: -

Department agrees with the proposal

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