

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION

1979-80

ELEVENTH REPORT

**(As Presented to the Haryana Vidhan Sabha
on the 20th March, 1980).**



HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH
MARCH, 1980.

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COMPOSITION OF THE COMMITTEE

(1979-80)

Chairman—

- * Shri Baldev Tayal.
- ** Shrimati Sushma Swaraj.
- ** Chaudhri Partap Singh Thakran.

Members—

- Shri Rajinder Singh
- Shri Shamsher Singh Surjewala.
- γ Shri Har Swarup Bura.
- γγ Thakur Bir Singh
- Shri Hari Chand Hooda
- Ch. Sant Kanwar.
- γγγ Shri Hira Nand Arya.
- γγγγ Ch. Partap Singh Thakran
- Advocate General

@ Special Invitees—

- Shri Satvir Singh Malik
- Rao Dalip Singh
- Ch. Phusa Ram.

Secretariat—

1. Shri Raj Krishan, Secretary.
2. Shri S. S. Ahlawat, Deputy Secretary.
3. Shri S. S. Sanghi, Accounts Officer.

The Committee was originally constituted,—Vide Haryana Vidhan Sabha Secretariat Notification No. HVS-LA (Sub-Leg)-1/79/23, dated the 14th May, 1979.

* Shri Baldev Tayal resigned from the Chairmanship and Membership of the Committee with effect from the 31st July, 1979, on his

appointment as Deputy Chairman of the Haryana State Planning Board, and in his place Shrimati Sushma Swaraj was nominated as a Chairman of the Committee by the Speaker on the 16th October, 1979,—Vide Notification No. HVS-LA (Sub-Leg)-1/79-80/91, dated the 17th October, 1979.

** Shrimati Sushma Swaraj resigned from the Chairmanship of the Committee with effect from 21st November, 1979 and in her place Chaudhri Partap Singh Thakran was nominated by the Speaker, as Chairman of the Committee, on the 12th February, 1980,—Vide Notification No. HVS-LA (Sub-Leg)-1/79-80/3, dated the 13th February, 1980.

γ Shri Har Swarup Bura resigned from the Membership of the Committee with effect from 11th July, 1979,—Vide Notification No. HVS-LA (Sub-Leg)-1/79-80/47, dated the 21st July, 1979.

γγ Thakur Bir Singh, resigned from the Membership of the Committee on his appointment as Minister, Haryana, on the 31st July, 1979,—Vide Notification No. HVS-LA (Sub-Leg)-1/79-80/54, dated the 20th August, 1979.

γγγ Shri Hira Nand Arya was nominated as a Member of the Committee by the Speaker on the 27th August, 1979,—Vide Notification No. HVS-LA (Sub-Leg)-1/79-80/60, dated the 29th August, 1979.

γγγγ Chaudhri Partap Singh Thakran was nominated as Member of the Committee on the 16th October, 1979,—Vide Notification No. HVS-LA (Sub-Leg)-1/79-80/91, dated the 17th October, 1979.

Sarvshri Satbir Singh, Dalip Singh and Phusa Ram, were nominated by the Speaker as Special Invitees of the Committee on the 16th October, 1979,—Vide Notification No. HVS-LA (Sub-Leg)-1/79-80/91, dated the 17th October, 1979.

INTRODUCTION

1. I, the Chairman of the Committee on Subordinate Legislation, having been authorised by the Committee to submit the report on their behalf, present this eleventh Report.

2. The Committee, consisting of eight members including the Advocate General, was nominated by the Speaker, Haryana Vidhan Sabha, under Rule 243 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 12th May, 1979 and was notified in the official Gazette,—Vide notification No. HVS-LA (Sub-Leg)-1/79/23, dated the 14th May, 1979.

3. A brief record of the proceedings of each meeting of the Committee has been kept on record of the Haryana Vidhan Sabha Secretariat.

4. The Committee place on record their appreciation for the valuable and willing assistance given by the Administrative Secretaries/departmental officers and the representative of the Law Department in their deliberations.

5. The Committee also place on record their high appreciation of whole-hearted co-operation and assistance given by the Secretary, Haryana Vidhan Sabha and his staff.

CHANDIGARH :

PARTAP SINGH THAKRAN,

The 26th February, 1980.

Chairman.

REPORT

1. The Committee on Subordinate Legislation for the year 1979-80, consisting of eight Members including the Chairman and the Advocate General was nominated by the Speaker, Haryana Vidhan Sabha, under rule 243 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 12th May, 1979, and was notified in the Official Gazette,—vide notification No. HVS-LA (Sub-Leg)-1/79/23, dated the 14th May, 1979.

2. Shri Baldev Tayal was initially appointed as the Chairman of the Committee by the Speaker, who resigned from the Chairmanship and Membership of the Committee with effect from the 31st July, 1979, on his appointment as Deputy Chairman of the Haryana State Planning Board and in his place Shrimati Sushma Swaraj was nominated as a Chairman of the Committee by the Speaker on the 16th October, 1979, vide notification No. HVS-LA (Sub-Leg)-1/79-80/91, dated the 17th October, 1979. Shrimati Sushma Swaraj also resigned from the Chairmanship and Membership of the Committee with effect from the 21st November, 1979, and in her place Chaudhri Partap Singh Thakran was nominated by the Speaker, as Chairman of the Committee on the 12th February, 1980.—vide notification No. HVS-LA (Sub-Leg)-1/79-80/3, dated the 13th February, 1980.

Shri Har Swarup Bura, resigned from the Membership of the Committee with effect from the 11th July, 1979, vide notification No. HVS-LA (Sub-Leg)-1/79/80/47, dated the 21st July, 1979. Thakur Bir Singh, resigned from the Membership of the Committee on his appointment as Minister Haryana on the 31st July, 1979, vide notification No. HVS-LA (Sub-Leg)-1/79-80/54, dated the 20th August, 1979. Shri Hira Nand Arya, was nominated as a Member of the Committee by the Speaker on the 27th August, 1979,—vide notification No. HVS-LA (Sub-Leg)-1/79-80/60, dated the 29th August, 1979. Shrimati Sushma Swaraj and Chaudhri Partap Singh Thakran were nominated as Chairman and Member, respectively, of the Committee on the 16th October, 1979, vide notification No. HVS-LA (Sub-Leg)-1/79-80/91, dated the 17th October, 1979. Sarvshri Satvir Singh Malik, Dalip Singh and Phusa Ram, were nominated by the Speaker as Special Invitees of the Committee on the 16th October, 1979, vide notification No. HVS-LA (Sub-Leg)-79-80/91, dated the 17th October, 1979.

The committee held 39 sittings only during their term. Before

scrutinising the rules and orders framed under certain Acts, the Committee discussed its scope and functions and the procedure for scrutinizing the rules, regulations orders, etc.

SCOPE AND FUNCTIONS OF THE COMMITTEE.

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

- (i) Whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made;
- (ii) whether it contains matters which in the opinion of the Committee should more properly be dealt within an Act of the Legislature;
- (iii) whether it contains imposition of any tax;
- (iv) whether it directly or indirectly bars the jurisdiction of the courts ;
- (v) whether it gives retrospective effect to any of the 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 there appears to have been unjustifiable delay in the publication or laying it before Legislature ;
- (ix) whether for any reason its form or purport calls for any elucidation

Rule 251 lays down as follows:—

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

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

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

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

The Committee has framed the working rules, wherein the detailed procedure has been laid down. Generally, the Committee, from time to time, select certain set of rules framed under the various Acts for their scrutiny and examine them at the first instance at its own level with the assistance of the Law Department and the Vidhan Sabha Secretariat. The Committee then invites the Administrative Secretary concerned for oral examination to explain the discrepancies found in the various rules. After the rules and the departmental representatives have been examined, the Committee prepares the report and presents it to the House.

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

- (1) The Committee would scrutinise only such rules as had already been framed and published in the Gazette and not the draft rules.
- (2) The Committee should see that rules are framed under an Act as early as possible after the commencement of the Act and in no case this period should exceed six months. If the rules are not framed within six months, the Committee may ask the Department about the reasons for the delay in framing the rules. This is only by convention.

- (3) Executive should ensure that no rule goes beyond the power delegated by the Legislature. If the rules go beyond the power delegated by the Legislature, the Committee may examine the same and report to the House
- (4) The Executive should be impressed upon that whenever rules are framed or amendment are made in the existing rules, these should be serially and centrally numbered and should indicate in the margin of each rule, the reference of the section under which the rules are framed.

GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE.

(i) Delay in framing the Rules.

The Committee observe that the Government framed certain rules, orders, etc. long after the relevant Acts have come into force. In this connection a few instances may be quoted. The Haryana Minerals (Vesting of Rights) Act was enacted in the year 1973 and the Haryana Minerals (Vesting of Rights) Rules thereunder were framed in the year 1979. The Haryana Requisitioning and Acquisition of Movable Property Act was enacted in the year 1975 whereas the Haryana Requisitioning and Acquisition of Movable Property Rules thereunder were framed in the year 1979. The Committee observed that in some of the cases there is a great time lag of even upto six years between the enactment of the Act and the framing of the rules. The Committee observe that it is not understood how in the absence of the rules and orders the provisions of the Act could exactly be carried out and are of the view that the delay in framing the rules actually defeats the very purpose and object of the Act under which they are framed

In this connection the Committee on Subordinate Legislation of the Haryana Vidhan Sabha in its First Report for the year 1968-69 recommended that ordinarily rules should be framed as early as possible after the commencement of the Act and in no case this period should exceed six months. If no rules are framed within the said period after the commencement of the Act, the Department should bring in each case this fact to the notice of the Committee stating the reasons to the satisfaction of the Committee for not framing the rules within that period.

The Committee reiterated the said recommendations in all of their earlier ten Reports. In spite of the repeated observations made

by the Committee in this behalf in their previous Reports, the delay has still persisted in framing certain rules. The Committee reiterate the recommendations made in their previous reports and observe that ordinarily Rules should be framed as early as possible after the commencement of the Act and in no case this period should exceed six months. If no rules are framed within the said period after the commencement of the Act, the Department concerned should bring in each case this fact to the notice of the Committee stating the reasons to the satisfaction of the Committee for not framing the rules within that period.

(2) Reference of Section under which rules are framed.

The Committee observe that whenever the rules are framed/republished by the Government Departments, they do not generally mention in the margin of each rule(s), the reference of the Section under which the same are framed, with the result that sometimes it becomes difficult for the Committee and the general public to understand the precise meaning of the rules, without such reference.

The Committee reiterate the recommendations made in their earlier reports that whenever rules are framed and the authority or the relevant section under which a particular rule or set of rules has/have been framed should also be mentioned in the margin of each rule. If in the margin of each set of Rules already published, there is no reference of the Section(s) under which each rule has been framed, Government Department concerned may invariably supply a memorandum containing the reference to the relevant section of the Act, under which each rule has been framed so that the Committee may be able to understand under what precise authority each rule has been framed and whether in any case the Government has transgressed the powers delegated by the Legislature

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

The Committee observed that certain Departments supplied cyclostyled copies of the rules for scrutiny. During scrutiny of the rules, the Committee came across a large number of typographical/spelling mistakes in those cyclostyled copies, with the result that it was difficult for it to determine whether the errors were typographical or they actually existed in the rules, as originally published in the Gazette. The Committee, therefore, recommend that copies of the rules to be supplied to them by the Departments should be in the printed form or in the form of Gazette in which they are published. If, however, it is not possible for the Departments to do so, it should be ensured that the copies of the rules, orders, etc. are up-to-date, meticulously prepared and

duly corrected before supplying them to the Committee to save their valuable time in pointing out such mistakes.

The Committee further recommend that it is the duty of the Department concerned to see that the copies of 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 or implemented by the Government are incorporated in the Rules.

(4) Annexure to Amending Rules.

The Committee in their tenth Report for the year 1978-79 had observed that —

“The Committee notices that at present in the case of amending rules only amendments are being issued and the rules to be amended are not appended therewith. It was also brought to the notice of the Committee that in the case of amending Bills the relevant sections of the Act sought to be amended are appended as Annexure to each such Bill. The Committee observe that the same procedure may be adopted in the case of amending Rules, i.e., in the case of every amending rule, the rule sought to be amended should also be appended as an annexure so that the Legislators in particular and the public in general should know the amendment and its effect.”

The Committee observed that this recommendation of the earlier Committee has not been implemented in letter and spirit so far.

The Committee recommend that the above observation/recommendation made by them in this behalf be implemented by all the Departments concerned and the Committee be informed at the earliest.

(5) Publishing the Acts and Rules in Hindi.

The Committee observe that at present Acts and Rules are available in English Language only. The Regional Language of the State as well as National Language is Hindi. Under the Haryana Official Language Act, 1969, at present, whenever any Bill is introduced and is under consideration of the State Legislature, its authenticated Hindi translated version is also supplied to the Members. The Committee reiterate their earlier recommendations and recommend that all the Acts and Rules be translated into Hindi at the earliest and made available to the legislators and the public so that everybody may be able to know the law of the land.

SCRUTINY OF RULES

The Committee scrutinised the following rules :—

1. The Punjab Motor Vehicles Rules, 1940, framed under the Motor Vehicles Act, 1939.
2. The Haryana Requisitioning and Acquisition of Movable Property Rules, 1979, framed under the Haryana Requisitioning and Acquisition of Movable Property Act, 1975.
3. The Haryana Minerals (Vesting of Rights) Rules, 1979, framed under the Haryana Minerals (Vesting of Rights) Act, 1973.
4. The Punjab Khadi and Village Industries Board Rules, 1957, framed under the Punjab Khadi and Village Industries Board Act, 1955.
5. The Punjab Khadi and Village Industries Board Regulations, 1958, framed under the Punjab Khadi and Village Industries Board Act, 1955.
6. The Punjab Labour Welfare Fund Rules, 1966, framed under the Punjab Labour Welfare Fund Act, 1965.
7. The Punjab Panchayat Samitis and Zila Parishads Provident Fund Rules, 1965, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.
8. The Punjab Panchayat Samitis and Zila Parishads (Election Petition) Rules, 1961, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.
9. The Punjab Panchayat Samitis (Primary Members) Election Rules, 1961, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.
10. The Punjab Panchayat Samitis (Cooption of Members) Rules, 1961, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.
11. The Punjab Panchayat Samitis and Zila Parishads Chairman and Vice-Chairman (Election) Rules, 1961, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.
12. The Punjab Panchayat Samitis Taxation and Fees Rules, 1963, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.
13. The Punjab Panchayat Samitis (Vacation of Office by Chairman and Vice-Chairman) Rules, 1963, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.

THE PUNJAB MOTOR VEHICLES RULES, 1940, FRAMED UNDER THE MOTOR VEHICLES ACT, 1939.

GENERAL :

The Committee observed from the preamble of the rules that the Punjab Motor Vehicles Rules, 1940, were re-published by the Punjab Government on 1st December, 1963 and since then several amendments/modifications etc have been made in the said rules. The Committee regret to note that the Government of Haryana has not given a serious thought to re-publish these rules during the long period of 17 years. The Committee feel that the public in general and they (this Committee) in particular are greatly inconvenienced by the non-availability of these rules in an up-to-date and consolidated form. The Committee further observed that the said rules are not only required to be republished but also should be made afresh on account of a large number of amendments made therein since these rules were framed in the year 1940.

The Department in their written reply stated that the publication of Punjab Motor Vehicles Rules, were already under their examination and it might take about six months to get the copies of the rules printed.

During the course of oral examination the departmental representative stated that the matter regarding the amendments in the rules was under examination of the Committee set up by the Central Government and the case of framing the rules afresh will be taken up as soon as the model rules are received from the Government of India.

The Committee recommend that they are of the view that these rules should be made afresh under the title "The Haryana Motor Vehicles Rules, 1980" and got published within six months.

RULE 1—

"1.1 (1) These rules may be cited as the Punjab Motor Vehicles Rules, 1940.

(2) They shall come into force on the first day of April, 1940.

(3) They shall also extend to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union.

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1.2 (1) (a) "the Act" means the Motor Vehicles Act 1939 ;

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(e) "pounds" means pounds avoirdupois ;

(f) "State Government" means the Government of Punjab ;

(g) "State" means the State of the Punjab ;

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1.2 (2) **

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1.2 (3) They shall also extend to the territories which immediately before the 1st November, 1956, were comprised in the State of Pepsu".

The Committee observed as under :—

(i) for the sub-rule (3) of Rule 1.1, substitute the following :—

"(3) These rules shall apply to the State of Haryana".

(ii) In sub-rule (1) (a) of Rule 1.2, after the word "Vehicles Act" insert the sign " , " .

(iii) In sub-rule (1) (e) of Rule 1.2, the definition of 'pounds' be substituted by the definition of 'Kilogram' in accordance with the changed Metric system.

(iv) In parts (f) and (g) of rule 1.2 (1) for the word "Punjab" the word "Haryana" be substituted.

(v) Sub-rule (3) of rule 1.2 seems to be redundant and as such should be deleted.

The Department in their written reply agreed to the observations of the Committee.

The Committee recommend that their observations be implemented at the earliest.

Rule 2—

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2.2. (I). No licence shall entitle the holder to drive a public service vehicle unless it contains an authorisation as set forth in Form D granted or countersigned by a Licensing Authority in the province.

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- 2.6. (3). The appellate authority, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, may confirm, vary or set aside the order from which the appeal is preferred and shall make an order accordingly.
- 2.6. (4) Any person preferring an appeal under sections 13, 15 or 16 of the Act, may obtain a copy of any document filed with the Licensing Authority, the Regional Transport Authority or the Appellate Authority, in connection with the order appealed against or a copy of the order of any of aforesaid authorities on payment of a fee at the rate of fifty naye paise per page.

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- 2.9. (4). The fee for a duplicate licence issued under this rule shall be seven rupees; provided that if the licence is lost while in the custody of a court of an authority to which it has been submitted or surrendered in pursuance of the provisions of the Act or these rules, a duplicate copy shall be issued free of charge.

2.13

Procedure when
licence to for-
warded is a court

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2.14

Driving per-Dmts
for learners.

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The Committee observed as under :—

- (i) In line 4 of sub-rule (1) of Rule 2.2, the word "Province" be substituted by the word "State".

- (ii) In line 1 of sub-rule (3) of Rule 2.6 the words "ppellate aauthor-ity" be correted as "appellate authority".
- (iii) In line 7 of sub-rule (4) of Rule 2.6, the word 'Naye' occurring after the word 'fifty' be deleted.
- (iv) In line 3 of sub-rule (4) of Rule 2.9, the word "of" occurring before the word "an" be substituted by the word "or".
- (v) In the marginal heading of rule 2.13 "Procedure when licence to forwarded is a court" be corrected as under :—
"Procedure when licence is forwarded to a court".

- (vi) In the marginal heading of rule 2.14 'iriving per-Dmts for learners' be corrected as under ;—

"Driving permits for learners"

The Department in their written reply agreed to the observations of the committee.

The Committee recommend that their above observations be implemented at an early date under intimation to them.

Rule 3—

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3.2. (1)

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- (2) The Registering Authority shall be the same officer appointed under sub-rule (2) of rule 2.1 to be the Licensing Authority.

Provided that for the purposes of registering the tourists Motor Vehicles, the Registering Authority shall be the Secretary, State Transport Authority, Punjab, whose area of jurisdiction shall be throughout the State of Punjab.

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- 3.4. (4) Any person preferring an appeal under the provisions of section 35 of the Act shall be entitled to obtain a copy of any document filed with the Registering Authority, the Board of Inspection or the Appellate Authority in connec-

tion with the order appealed against a copy of the order of the Registering Authority, Board of Inspection or the Appellate Authority on payment of a fee at the rate of fifty naya paise per page.

- (5) Any person preferring an appeal under the provision of section 35 of the Act shall be entitled to inspect of the file of the Appellate Authority and the application therefor shall bear a court-fee stamp of —

- (a) in respect of an urgent inspection— two rupees ; and
(b) in respect of an ordinary inspection— one rupee.

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- 3.7 (3) The registration mark shall be in English latters and numerals.

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- 3.16 (1) If at any time the certificate of registration of a vehicle other than a transport vehicle is lost or destroyed the owner shall forthwith intimate the facts in writing to the Registering Authority by whom the certificate was issued or by whom the registration mark of the vehicle was assigned under section 29 of the Act and shall apply in Form CRLD to the said authority for the issue of a "Duplicate Certificate".

The Committee observed that in proviso to sub-rule (2) of rule 3.2, for the word "Punjab" wherever occurring the word "Haryana" be substituted.

The Committee further observed that—

- (i) in sub-rule (4) of rule 3.4 the word “Naya” occurring in line 7 be deleted ;
- (ii) in sub-rule (5) of rule 3.4, the word “preferrng” be read as “preferring” ;
- (iii) in line 2 of sub-rule (5) of rule 3.4, the word “of” occurring after “inspect” be deleted.
- (iv) in sub-rule (3) of rule 3.7, the word “latters” be substituted by the word “letters” ; and
- (v) in sub-rule (1) of Rule 3.16, line 2, after the word “destroyed” the sign “,” be inserted.

The Committee recommend that the above necessary corrections be made in the rules at the time of re-printing of the Rules.

Rule 4—

“4.1 (1) Any official appointed to be member of the State Transport Authority or a Regional Transport Authority shall continue as such until such time as the State Government may otherwise order. A non-official member of the State Transport Authority or a Regional Transport Authority shall hold office for a period of two years and thereafter until a successor is appointed ;

Provided that the State Government may at any time remove any non-official members :

Provided further that when any non-official member dies or is removed or vacates office his successor shall hold his appointment for the remainder of the period of office of the member whose place he takes and thereafter until a successor is appointed.

4.1 (2) A non-official member of the State Transport Authority or a Regional Transport Authority shall be entitled to travelling allowance and halting allowance for attendance at meetings and for any journeys performed by him under the orders of the Chairman in connection with the business of the Authority, at the rates admissible to officers of Grade I drawing pay less than Rs. 1,000 per mensem under the Punjab Travelling Allowance Rules, 1952.

Provided that—

- (a) non-official member who has his residence at a place other than the headquarters of the Authority, will draw halting allowance at full rate even for the day on which he may not have halted for full 24 hours at place at which the meeting of the authority is held, and

Provided further that where a non-official member is a member of the Punjab Legislative Assembly or Punjab Legislative Council as the case may be, he shall be entitled to draw travelling or daily allowance, as admissible to him under the Punjab Legislative Assembly (Allowances of Members) Act, 1952, and rules framed thereunder, or, as the case may be, the Punjab Legislative Council (Allowances of Members) Act, 1952 and rules framed thereunder.

(b)

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- 4.4 (3) Save in the case of the hearing of an objection to the grant of a stage carriage permit or of a public carrier's permit and in the case of the hearing of a representation under sub-section (6) or section 57 of the Act, State or a Regional Transport Authority, as the case may be, may decide any matter without holding a meeting by the majority of the votes of members recorded in writing and sent to the Secretary (hereinafter referred to as procedure by circulation).

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- 4.10 (1) Save in the case of a temporary permit, where the registration mark of the vehicle is to be entered on the permit and the applicant is not at the date of the application in possession of the vehicle duly registered, than the applicant shall within one month of the sanction of the application by the Regional Transport Authority, or such longer period as the Authority may specify, produce the certificate or registration of the vehicle before that Authority in order that particulars of the registration mark may be entered in the permit.

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- 4 13 (2) A Transport Authority outside the State may, with the concurrence of the Punjab State Transport Authority and subject to any conditions which may be mutually agreed upon by the two State Transport Authorities concerned, extend the effect of any permit to the whole of the Punjab or to any route or area therein.

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- 4 22. A Regional Transport Authority may attach to any stage carriage permit or contract carriage a condition that the holder shall exercise such supervision over the work of his employees as is necessary to ensure that the vehicle is operated comfortably with the Act and the rules and with due regard for the comfort, convenience and safety of the public and of any passengers carried.

- 4 23 (1) A Regional Transport Authority may by notification in the official Gazette—

- (i) declare that any permit, licence or other document issued by competent authority within the region under the provisions of any rules made under the Indian Motor Vehicles Act, 1914, or any class of permit, licence or document authorising the use of any transport vehicle within the region in force at the commencement of these rules, shall, notwithstanding that any other date of termination is written therein, be deemed to be a permit granted by the Regional Transport Authority in accordance with the provisions of section 42 of the Act and be remain effective upto such date and subject to such conditions as the Regional Authority may specify in such notification in respect of all such permits, licences, or other documents or any such class or classes thereof ; and
- (ii) call upon the holder of any permit, licence or other document referred to in clause (i) who desires to receive a permit for the region or any part thereof under the provisions of the Act and the rules to make an application for the same (hereinafter referred as a first application) in the appropriate form in accordance with section 45 of the Act before such date as the Regional Transport Authority may specify

or in respect of any class or classes of vehicle or in respect of any class or classes of permit licence or other document as aforesaid.

- (2) Upon receipt of a first application for any permit a Regional Transport Authority may decline to issue a permit—
 - (i) if the vehicle is in its opinion of, an unsuitable type or the certificate of fitness, if any, has been suspended;
 - (ii) unless it is satisfied that the terms of the permit applied for correspond to the actual use of the vehicle prior to the date of the application under the terms of a public motor vehicle licence or registration permit issued under the Punjab Motor Vehicles Rules, 1931, or in the case of a vehicle formerly registered in another province or State, the corresponding documents issued by the authorities in that province or State;
 - (iii) if it is satisfied that in accordance with the provisions of section 45 of the Act the application should have been made to another authority;
 - (iv) if it is satisfied that any permit, licence or other document issued under the Indian Motor Vehicles Act, 1914, previously held by the applicant has been cancelled as a result of any offence or breach of conditions;
 - (v) if it appears to the Regional Transport Authority that in conjunction with any other permit applied for, the grant of a permit would afford the applicant an undue advantage over other provided of roads transport or confer on him the right to ply over an excessive number of routes or throughout an unreasonably large area.
- (3) It shall be a condition of any notification under clause (1) of sub-rule (1) that any permit, licence or other document in force at the date of such notification shall cease to be of effect from the date of the grant or refusal of a new permit in lieu thereof; or if the holder fails to make application by the date specified in accordance with clause (ii) of that sub-rule than from that date.

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4 36(1) Part A of a permit shall be produced on demand made at any reasonable time by any member of a Regional Transport Authority or any police officer not below the rank of sergeant or sub-inspector.

(2) Any police officer in uniform may mount any transport vehicle for the purpose of inspecting part B of the permit.

4 37A (1) The Authority to decide a revision petition against the orders of the appellate authority shall be the State Government (hereinafter referred to as the Revising Authority).

(i-a) A person desirous of seeking relief under clause (b) of section 64 shall, within thirty days of the receipt of the order of the appellate authority, prefer a memorandum (in triplicate) (one copy of which shall bear a court-fee stamps of one rupee and 25 paise) to the Secretary to Government, Punjab, Transport Department, setting forth concisely the grounds of objection to the order of the appellate authority together with a certified copy of that order.

((ii) Upon receipt of the memorandum the revising authority may appoint time and place for the hearing thereof giving the person preferring the memorandum not less than thirty days' notice.

((iii) The revising authority shall not decide the matter in the memorandum or pass any order in relation thereto unless an opportunity of being heard has been given to the person who preferred the memorandum, the Transport Authority concerned and any other person affected by the Appellate Order.

((iv) Any person preferring the memorandum (or any respondent) shall be entitled to obtain a copy of any document filed with any Transport Authority or with the Appellate Authority in connection with memorandum or of the order of the revising authority after paying a fee of Rs. 5.00 to be credited to the head "XLVI-A-Misc.—Other Fees, Fines and Forfeitures—Other Items."

((v) Any person preferring the memorandum or the respondent shall be entitled to inspect the file of the Revising Authority and the application therefor shall bear a court-fee stamp of :—

(a) in respect of urgent inspection—two rupees, and

(b) in respect of ordinary inspection—one rupee ”

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The Committee observed that at the end of first proviso of sub-rule (1) of rule 4.1 add the word “on the ground of his misconduct”, as a non-official member on the Board may be removed on some cogent grounds.

During the course of oral examination the departmental representative stated that they would consider to amend the rules in the light of the observations of the Committee.

The Committee recommend that their observations be considered and implemented at an early date.

The Committee recommend that in the proviso to sub-rule (2) of rule 4.1 delete the references of “(a)” and “(b)” and the second proviso be substituted as under :—

“Provided further that where a non-official member is a member of the Haryana Legislative Assembly, he shall be entitled to draw travelling and daily allowance, as admissible to him under the Haryana Legislative Assembly (Allowances and Pension of Members) Act, 1975, and the Rules framed thereunder.”.

The Department accepted the recommendations of the Committee in their written reply.

The Committee recommend that their recommendations be implemented at the earliest.

The Committee further observed as under —

- (i) that in sub-rule (3) of Rule 4.4 in line 6, after the word “meeting” the words “in the case of urgency” be inserted ;
- (ii) that in sub-rule (1) of Rule 4.10, line 5, for “one month” substitute “three months” ;
- (iii) that in sub-rule (2) of Rule 4.13, for the word “Punjab” wherever occurring substitute the word “Haryana” ;
- (iv) that in Rule 4.22, line 5, for the word “with” occurring after the word “comfortably”, substitute the word “within” ;
- (v) that in Rule 4.23, delete the word “province or” wherever occurring in the rules ;

- (vi) that in part (v) of sub-rule (2) of Rule 4.23, line 4 for the words "other provided of Road" be substituted by "other provision of Road" ;
- (vii) that in sub-rule (1) of Rule 4.36 delete the word "reasonable";
- (viii) that in sub-rule (1) of Rule 4.36, line 3, for the word "Sergeant" the words "Head Constable" be substituted ;

The Department in their written reply accepted the above observations of the Committee.

The Committee recommend that their above observations be implemented at the earliest.

The Committee observe that the time limit of 30 days fixed for preferring an appeal in Rule 4.37A, is inadequate and desired that this time limit be extended to 60 days and similar period may be fixed for filing the revision.

The departmental representative who appeared before the Committee for oral examination agreed to it.

The Committee recommend that the necessary amendment in the aforesaid rule be made at an early date. 29

Rule 6—

- 6.1 No transport vehicle shall be driven within Punjab in such a state that the total weight of the vehicle and its load, including the weight of any trailer drawn by the vehicle and the load carried thereon, exceeds 8 metric tonnes, or in such state that the weights carried on any one axle of the vehicle or trailer exceed 6 metric tonnes.

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- 6.8 Where any road or street is provided with footpaths, or tracks reserved for cycles or specified classes of other traffic, no person shall, save with the sanction of a police officer in uniform, drive any motor vehicle or cause or allow any motor vehicle to be driven on any such footpath or track.

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Stop Sign or
Road Surface.

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The Committee observed as under :—

- (i) that in line 1, of rule 6.1, for the word "Punjab" substitute the word "Haryana" ;
- (ii) that in rule 6.8, in line 2, for the word "cyeles" substitute the word "cycles" and for the word "Persod" substitute the word "Person" ; and
- (iii) that in the marginal heading of Rule 6.17, for the word "Stap" substitute the word "Stop".

The Department in their written reply accepted the observations of the Committee.

The Committee desire that their above observations be implemented at an early date.

Section III-A of the Motor Vehicle Act—1939

During the course of oral examination of the departmental representatives, the Committee pointed out that in the Punjab Motor Accident Claims Tribunal Rules, 1964, no limit for payment of compensation had been fixed. The Committees, therefore, suggested that some minimum limit of compensation should be fixed as was done under the Indian Railways Accidents Act. Moreover, the form/proforma prescribed for claiming compensation in the Road Accidents should be appended with the above said Rules.

The departmental representative assured the Committee to consider the matter for fixing some limit of compensation for fatal injury cases. He also assured that the form/proforma prescribed for claiming compensation would also be appended with the Rules.

The Committee recommend that the Department should consider the matter at the earliest and inform them of the decision taken in the matter.

Rule 7—

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“7.7 All District Magistrates in the Punjab are authorised, subject to the control of the Regional Transport Authority and after consultation with the Superintendent of Police and the local authority having jurisdiction in the area concerned,

to make orders appointing parking places for motor vehicles under Section 76 of the Act.

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7.8. (d) No disabled motor cab shall be kept in the rank unless the disablement can be and is intended to be remedied forthwith.

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In Voluntary Waits

7.10 No person _____ of the road.

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7.14(2)(K) Provide cloak-rooms containing wash-basins, water-taps, etc., for women passengers.

7.19 (3) Before giving permission for the establishment of any stand of class D the District Magistrate shall satisfy himself that the proposed sit is not in such a location as would give the user an undue advantage over the owners of stage carriages operating in competition with him from the general stand or stands.

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- 7.21 (2) In the event of such use the manager and any contractor employed to administer the stand, and the owner, driver and conductor of the vehicle to which the sound was intended to attract custom shall, in addition to the person who used the instrument, be punishable for contravening this rule, unless he can show that the use of the instrument was without his consent."

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The Committee observed as under —

- (i) In line 1 of rule 7.7, for the word "Punjab" the word "Haryana" be substituted;
- (ii) In line 1 of rule 7.8(d), for the word "disabled" "substitute the word "disable";
- (iii) In the margin of the heading of rule 7.10, for the words "In Voluntary Halts" substitute the words "Involuntary Halts";
- (iv) At the end of sub-rule 2 (k) of Rule 7.14, the following new part, namely, (l) be inserted :
 "(l) It shall be the duty of the adda Incharge to maintain and keep the stand in good sanitary condition".
- (v) In line 3 of the sub-rule (3) of Rule 7.19, for the word "sit" substitute the word "site".
- (vi) In line 4 of sub-rule 2 of the rule 7.21, for the word "custom" substitute the word "customer".

The Department in their written reply accepted the observations of the Committee.

The Committee recommend that their observations be implemented at the earliest.

Chapter VIII

The Committee felt that Chapter VIII had become absolutely redundant as there were no gas plants fitted in the Motor Vehicles.

The Department in their written reply accepted the observations of the Committee.

The Committee recommend that this Chapter and Schedule II, be deleted at the time of re-printing of these Rules and the subsequent Chapters be re-numbered accordingly. 41

Rule 9.—

“9.1 The owner of a motor vehicle other than that to which sub-section (2) and sub-section (3) of section 94 of the Motor Vehicles Act applies shall, when applying for the payment of Motor Vehicles Tax under Section 4 of the Punjab Motor Vehicles Taxation Act, 1924, along with his application present or forward by post for the perusal of Taxation Officer a certificate of insurance in Form ‘A’ as specified in the Schedule to this Rule showing that there is in force the necessary policy of insurance for the motor vehicle concerned.”

The Committee observe that in Rule 9.1, in line 6, for the word “of” occurring after the word “present” the word “or” be substituted at the time of re-printing of these rules 42

II. THE HARYANA REQUISITIONING AND ACQUISITION OF MOVABLE PROPERTY RULES, 1979, FRAMED UNDER THE HARYANA REQUISITIONING AND ACQUISITION OF MOVABLE PROPERTY ACT, 1975

General

GENERAL

During the course of oral examination the Committee pointed out to the departmental representatives that the Haryana Requisitioning and Acquisition of Movable Property Act was enacted in the year 1975, but the Rules thereunder, namely, the Haryana Requisitioning and Acquisition of Movable Property Rules, 1979 were framed after the lapse of about four years. The Committee, therefore, desired to know the reasons for inordinate delay in framing the rules.

The departmental representatives stated that they would examine this point and let the Committee know the reasons for the delay in framing the rules at the earliest.

The Committee recommend that the reasons for delay in framing the rules be intimated to them at the earliest.

Rule 6 —

“6(1) The amount payable in respect of requisitioned movable property including vehicles and vessels shall be the sum total of —

- (i) interest on the cost at which the owner had purchased the movable property calculated six monthly at the rate of four per cent per annum ;
 - (ii) the amount representing depreciation of the movable property during the period of its requisition calculated six monthly at the rate of thirty per cent per annum ;
 - (iii) an amount for the loss of the use of the movable property or of any profits that might have been earned but for the requisition at four per cent per annum of the cost referred to in (i) above as reduced by depreciation at the rate of thirty per cent per annum as referred to in (ii) above .
- (2) The amount so arrived at shall be payable six monthly by a bank-draft”.

The Committee felt that the rate of interest of 4% per annum provided in sub-clauses (i) and (iii) of sub-rule (1) is on the low side and observed that it should be increased to 6% per annum.

The departmental representative during the course of oral examination agreed to the suggestion of the Committee.

The Committee recommend that necessary steps be taken to implement their recommendation at the earliest and supply a copy of the rules so amended.

III. THE HARYANA MINERALS (VESTING OF RIGHTS) RULES, 1979, FRAMED UNDER THE HARYANA MINERALS (VESTING OF RIGHTS) ACT, 1973. *Industries*

GENERAL

During the course of oral examination, the Committee enquired the reasons for inordinate delay of about six years in framing of the rules under the said Act. The representative of the Department informed the Committee that the Punjab and Haryana High Court held the Act ultra-vires of the Constitution of India. Thereafter, the Government filed an appeal to the Supreme Court against the said judgment of the High Court. The Supreme Court held that the Government did not have the right to acquire the Minerals. The Committee desired to have a copy of the judgement of the Court. The departmental representative promised to send a copy of the judgment, which was not received till the writing of this Report.

The Committee desired that the copy of the judgment be supplied at an early date and observed that in future rules should be framed at the earliest and in no case the interval of six months should elapse between the enforcement of the Act and the framing of rules.

Rule 1—

“1 These rulus may be called the Haryana Minerals (Vesting of Rights) Rulus, 1979”.

The Committee observed that in rule 1, for the word “rulus” the word “rules” be substituted.

The Department in their written reply agreed to it being a spelling mistake.

The Committee recommend that the necessary amendment be made in the rules under intimation to them

Rule 5—

“5. In the case of the mineral bearing land which had been exploited by the State Government itself in the preceding year ending on 31st March, the State Government shall calculate the royalty or dead rent; whichever is higher, on the quantity of mineral or minerals actually raised and removed from the mine or quarry and furnish the statement, mutatis mutandis, to the Collector in the form and manner laid down in rule 4”.

The Committee observed that in the last line of rule 5, for the word “ond” substitute the word “and”.

The Department in their written reply agreed to it being a spelling mistake.

The Committee recommend that the necessary amendment be made in the rules under intimation to them.

Rule 6 —

“6 ** ** **

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**NOTICE FOR FILLING CLAIMS ON ACCOUNT OF MINERALS
ACQUIRED BY GOVERNMENT.**

“Whereas the State Government by notification No.———, dated———, published in Haryana Government Gazette, dated———, has acquired the right to the minerals in the land specified below under section 3 of the Haryana Minerals (Vesting of Rights) Act, 1973, all persons interested are hereby called upon to attend personally or through an agent at——— on the———at———O’clock to file a claim showing
(place) (date)

the nature of their respective interest in such minerals and their claim to the amount on the basis of such interest and their objections, if any. The claim shall be in writing and signed by the claimant or his agent :—

PARTICULARS OF THE MINERAL BEARING LAND DEMISED
BY GOVERNMENT

District	Tehsil	Village with Hadbast No.	Area with khasra/ Rectangle numbers belonging to the claimant and exploited during the year ending on 31st March,—	Name of the mineral in respect of which mining, lease/ contract granted	Period of contract/ lease with name of contractor/ lessee	Total amount payable to him or payable for the year ending on 31st March, ———.
1	2	3	4	5	6	7

This notice is issued under rule 6 (2) of the Haryana Minerals (Vesting of Rights) Rules, 1979.

Date _____,

Collector.

- (4) The Collector shall also serve a notice to the same effect on the owner and occupier of such land and on all such persons known or believed to be interested or their agents authorised to receive service on their behalf, within the revenue district in which such land is situated.

Where the person on whom notice is to be served cannot be found, a copy of such notice shall, in addition to any other manner of service, be affixed in a conspicuous place of business such person or be delivered to some adult member of his family.

- (5) In case any person so interested resides outside the revenue district in which such land is situated and has no such agent, the notice shall be sent to him at his last known residence or address.”.

The Committee observed as under :—

- (i) that in sub-rule (3) of Rule 6, for the word “erspective” substitute the word “respective.”

[(ii)] in sub-rule (4) of rule 6, in line 1, the word "Cotlector" substitute the word "Collector" and in line 3, for the word "theitr" substitute the word "their".

[(iii)] In sub-rule (5) of rule 6, in line 4, after the word "address", the words "under registered cover" be inserted.

The Department in their written reply agreed to the suggestions of the Committee.

The Committee recommend that the necessary amendments in the rules be made under intimation to them.

Rule 9—

"9. (1) ** ** *

(2) If the persons interested do not consent to receive it, or if there is no person competent to sell out the minerals in their land or if there be any dispute as to the title to receive the amount or as to the apportionment of it, the Collector shall not not pay the same :

Provided that any person admitted to be interested may receive such amount under protest :

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 5 :

Provided further that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any amount awarded under these rules to pay the same to the person or persons lawfully entitled thereto."

7 The committee observed that in sub-rule (2) of Rule 9, in line 5, the word "not" occurs twice. Therefore, one word "not" is superfluous which should be omitted.

The Department in their written reply agreed to it.

The Committee recommend that the necessary amendment in the rules be made under intimation to them.

IV—THE PUNJAB KHADI AND VILLAGE INDUSTRIES BOARD RULES, 1957, FRAMED UNDER THE PUNJAB KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1955.

General :

The Committee observed that the drafting of the Rules and the

Regulations framed under the Punjab Khadi and Village Industries Board Act, 1955, was very poor both in terms of language used and the sense they convey. It appeared "that the drafting of these Rules/Regulations had been done by some junior staff who was not conversant with the drafting of Rules etc.

The Committee, therefore, desire that these Rules/Regulations be framed afresh with the help of experts in drafting of Rules etc. so as to make them more intelligible and comprehensive and there should not be any ambiguity and incoherence in the rules.

Rule 6—

(a) ** ** **

(b) ** ** **

(c) Any other contract or agreement on behalf of the Board beyond the value of Rs. 10,000/- shall be entered into by the Secretary in the presence of another member so authorised by the Board, who would attach his signatures to the contract or agreement in token that the same was signed in his presence. The signatures of such a member shall be in addition to the signatures of any witnesses to the execution of such a contract or agreement".

The Committee observed that in line 4 of rule 6(c), for the word "attach" substitute the word "append".

The Department in their written reply agreed to it.

The Committee recommend that their recommendation be implemented at the earliest.

V—THE PUNJAB KHADI AND VILLAGE INDUSTRIES BOARD REGULATIONS, 1958, FRAMED UNDER THE PUNJAB KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1955.

Regulation No 6—

(1) ** ** **

(2) At least one special meeting shall be called by the Chairman every year to consider and frame budget and programme for the next financial year in the month of July or August, or as soon thereafter as may be possible special meetings can also be requisitioned if two thirds of the members so desire in writing The date, time and place of such meeting shall be fixed by the Chairman.

The Committee observed as under :—

- (i) that in line 4, after the word 'possible' insert the sign “” and for the word 'special' substitute the word 'Special'.
- (ii) that at the end of the rule, after the word 'Chairman' insert the words, “within a period of fifteen days of the receipt of the requisition for holding the special meeting.”

The Department in their written reply agreed to it.

The Committee observed that their recommendations be implemented at the earliest.

Regulation No. 12—

“12. * * * *

(1) ** **

- (2) In case of equality of votes, the Chairman, Vice-Chairman or the person residing shall have and exercise a second or a casting vote.”

The Committee observed that in line 2, for the word “residing” substitute the word “presiding”.

The Department in their written reply agreed to it being a typographical mistake.

The Committee recommend that the necessary amendment in the Regulation be made under intimation to them.

Regulation No. 14—

“14. The proceedings of the meeting shall be maintained by the Secretary and shall be confirmed in the next succeeding meeting of the Board”.

The Committee observed that in line 2, the word “succeeding” occurring after the word “next” be omitted.

The Department in their written reply did not offer any comments.

The Committee, however, recommend that the proposed amendment be made in the Regulation under intimation to them.

Regulation No. 15—

“The Vice-Chairman, while presiding over the meeting in the absence of the Chairman shall exercise such powers as may be delegate to him by the Chairman”.

The Committee felt that in view of the presence of Regulation No. 9, this Regulation No. 15 be deleted.

The departmental representative agreed to it during the course of his oral examination.

The Committee, therefore, recommend that Regulation No. 15 be deleted in view of the provision of Regulation No. 9 and the subsequent Regulations be re-numbered accordingly.

Regulation No. 16—

“The Board shall appoint from time to time amongst its members one or more Committees under Section 11 of the Act for the discharge of its various functions and duties”.

The Committee observed that in line 1, after the words “time to time” insert the word “from”.

The departmental representative during the course of oral examination stated that it was a typographical omission and the needful would be done.

The Committee recommend that the necessary correction be made in the Regulations under intimation to them.

Regulation No. 18—

“The functions of the Committees shall mainly be :—

A Budget & Finance Committee :

1. Preparation of Budget estimates,
2. Procurement of finances,
3. Scrutiny of annual programme,
4. Watching progress of expenditure,
5. Study & evaluation of progress made results achieved.

B. Executive Committee.

- (i) It will discharge functions of the Board under Section 16, 17 & 18 of the Act with regard to appointment, fixation of pay, conditions of service and functions & duties of officers & servants of the Board.
- (ii) It will decide all matters of urgent importance left ambiguous under the resolutions of the Board.

(iii) All matters of urgent importance as the Chairman considers proper to be placed before the Committee.

(iv) All matters that may be referred to the Executive Committee for consideration & decision by the Board.

C. Khadi Committee :—

Consideration of ways and means to expend Khadi and Village Industries in the State.

D. Cooperative Advisory Committee :—

Consideration of ways and means to expend Khadi and Village Industries in the State on Coop. lines.

E. Pilot Project Committee :—

Consideration of work to be done in the Community Projects Areas".

The Committee observed as under :—

- (i) In serial No. 5, under part 'A' add the word "and" after the word "made".
- (ii) In line 2 of part 'C' for the word "expend" substitute the word "Promote".
- (iii) In line 3 of part 'D' for the word "expend" substitute the word "promote".
- (iv) In regulation 18, for the sign "&" wherever occurring substitute the word "and".

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

The Committee recommend that the necessary amendments be made in the Regulation under intimation to them.

Regulation No. 19—

"19. (i) **	**	**
(ii) **	**	**
(iii) **	**	**
(iv) **	**	**
(v) **	**	**

- (vi) In case of equality of votes, the Chairman or the person presiding shall have & exercise a second or casting vote."

The Committee observed that in part (vi), line 2, the sign and word "& exercise" be deleted. 12

The Department in their written reply agreed to it.

The Committee recommend that necessary amendment in the Regulation be made under intimation to them.

PART—IV

REMUNERATION ALLOWANCE AND OTHER CONDITIONS OF SERVICE OF MEMBERS OF THE STAFF OF THE BOARD

The Committee observed that in line 2, of the heading under part IV for the words "MEMBERS OF THE STAFF" substitute the words "THE EMPLOYEES".

The Department in their written reply stated that in view of the provision in the Act the heading may be "Remuneration allowance and other conditions of service of the officers and other servants of the Board".

The Committee accepted the suggestion of the Department and desired that the necessary amendment in the heading of the Regulation be made accordingly under intimation to them.

Regulation No. 21—

"The employees of the Board shall generally be governed by the same conditions & rules of service as are applicable to the Government servants of the State of Punjab possessing equal status."

The Committee observed as under :—

- (i) In line 3, for the words "State of Punjab" substitute the words "State of Haryana".
- (ii) In line 3, for the word "equal" substitute the word "equivalent".

The Department in their written reply accepted the suggestions of the Committee.

The Committee recommend that necessary amendments in the Regulation be made accordingly under intimation to them.

Regulation No. 24—

“The Board may take on deputaion Government servants on such terms & conditions as may be mutually settled with the State Government concerned”.

The Committee observed that in line 3, omit the word ‘concerned’.

The Department in their written reply agreed to it.

The Committee recommed that necessary amendment in the Regulation be made accordingly under intimation to them.

PART V

**FUNCTIONS AND DUTIES OF THE SECRETARY, JOINT
SECRETARY AND OTHER MEMBERS OF THE SEAFF
OF THE BOARD.**

The following shall be the duties and powers of the Secretary :—

- | | | | |
|------|---|----|----|
| “(1) | ** | ** | ** |
| (2) | To act as convenor of the mettings. | | |
| (3) | ** | ** | ** |
| (4) | ** | ** | ** |
| (5) | ** | ** | ** |
| (6) | With the exception of such funds as may be provided in Regulations of the Board, to deposit cash with the State Bank of India, or a Coop. Bank or a Scheduled Bank with the approval of the Board. | | |
| (7) | To purchase or sanction purchase of raw-materials required for any scheme, work or institution sanctioned under the scheme & also to purchase or sanction purchase of goods, instalments of sundry articles as may be approved in the budget or under the contingent grant provided the amount does not exceed Rs. 10,000/- and with the sanction of Chairman for an amount exceeding Rs. 10,000/- upto the full limit of personal ledger accounts. | | |

- (8) To engage skilled or unskilled labourers etc. or permit the same to be engaged on daily wages as may be required under schemes.
- (9) ** ** **
- (10) ** ** **
- (11) To send the proceedings of the meetings of the Board to the Government of Punjab in the Administrative Department concerned under Section 10 of the Act.
- (12) ** ** **
- (13) ** ** **
- (14) ** ** **
- (15) ** ** **
- (16) With the approval of the Executive Committee to increase or reduce the staff employed in the various scheme or institutions in consonance with the increase or decrease in the value of work so long as there is no notable loss."

The Committee recommend that regulation under this part be numbered as Regulation No. "25" and the existing Regulation No. "25" be renumbered as Regulation No. "26" in order to maintain the continuity of the Regulations.

The Committee further observed as under :—

- (i) that for the existing main heading substitute "Functions and Duties of the Secretary and other employees of the Board".
- (ii) that in serial No. (2) for the word "convenor" substitute the word "Convener" and for the word "mettings" substitute the word "meetings."
- (iii) that in lines 2-3, of serial No. (6), the words "the State Bank of India, or" be omitted.
- (iv) that in line 4 of serial No. (7), omit the word "instalments of"
- (v) that in line 2 of serial No. (8), after the word "under" insert the word 'the'.

- (vi) that in line 2 of serial No. (11), for the word "Punjab" substitute the word "Haryana".
- (vii) that in line 2 of serial No. (16), for the word "scheme" substitute the word "schemes".
- (viii) that in line 4 of Serial No. (16), for the word "os" substitute the word "as".

The departmental representative during the course of oral examination agreed to the observations of the Committee.

The Committee recommend that the Regulations be amended accordingly at an early date under intimation to them.

**VI—THE PUNJAB LABOUR WELFARE FUND RULES, 1966,
FRAMED UNDER THE PUNJAB LABOUR WELFARE FUND
ACT, 1965.**

Rule 3—

- "3. Agency for and manner of collecting sums specified in sub-section (3) of section 3.—(1) Every employer shall pay in cash or by money order or by postal order or by demand draft or cheque drawn on the State Bank of India or any Scheduled Bank duly crossed in favour of the Welfare Commissioner within thirty days of the commencement of these rules".

The Committee observed that in line 2, the word "Section" occurs twice, one after the other, therefore, one of them be omitted being superfluous.

The Department in their written reply admitted it as a typographical error.

The Committee recommend that necessary correction be made in the rules accordingly under intimation to them.

Rule 8—

- "8. Constitution of the Board.—The Board shall consist of twelve members out of which four shall be representatives of employers, four of employees and four independent members including the Chairman."

During the course of oral examination the Committee desired to know the criteria fixed for nominating members on the Board

The departmental representatives stated that the Department invites suggestions from the field offices and representatives of various

Unions simultaneously to send names for nomination on Labour Welfare Board. On receipt of names from aforesaid agencies, the Government take the final decision to nominate the persons on the Board. The departmental representatives assured the Committee to examine the suggestion of the Committee that the representatives of the employees, be taken from the labourers who actually work in the Mills and other Industrial concerns etc. to give the labourers due representation on the Board, as this is the object of the rules and Act.

The Committee recommend that the suggestion of the Committee be thoroughly examined by the Government at an early date and the decision taken be intimated to them. 2

Rule 9—

"9 Allowances of members.—For attending meetings of the Board the members of the Board shall be entitled to the travelling and daily allowances as admissible to Punjab Government officers drawing pay of Rs. 1,000 per month. Other conditions as laid down in Travelling Allowance Rules for Government Servants will also apply to journeys performed by the members of the Board for the aforesaid purpose."

The Committee recommend that in line 3 for the word "Punjab" the word "Haryana" be substituted and the rule be amended accordingly under intimation to them. 3

Rule 10—

- '10. Meetings of the Board —(1) The Board shall meet at least once every quarter and as often as may be necessary.
- (2) All members of the Board shall be given at least seven days notice of a meeting specifying the date, time and place of the meeting and the business to be transacted thereat :—

Provided that no such notice shall be necessary when in the opinion of the Chairman, business of emergent nature has to be transacted".

The Committee observed as under:—

- (i) that in sub-rule (2) of rule 10, at the end of line 3, the sign:—' be substituted by sign ":", and
- (ii) that no meeting can be held without giving a proper notice to the members. However, the Committee feel that an emergent

meeting can be called at a short notice (say, by giving 24 hours notice) but in proviso to rule 10, no such provision has been made for holding an emergent meeting prescribing the minimum period of notice for calling such a meeting. The Committee, therefore, recommend that this proviso be redrafted accordingly.

The Department in their written reply agreed to the observations of the Committee.

The Committee recommend that the sign “:—” at the end of line 3 of sub-rule (2) be Substituted by the sign “:” and the proviso to sub-rule (2) be redrafted in the light of above observations of the Committee at an early date and the Committee be informed accordingly.

Rule 11—

“11. Quorum—The number of members necessary to constitute a quorum at a meeting of the Board shall be six including the Chairman : Provided that no matter concerning finances shall be decided unless there is a quorum of not less than seven members including the Chairman present and voting.”.

The Committee observed that rule 11 should be redrafted as follows :—

“*Quorum.*— The number of Members necessary to constitute a quorum at a meeting of the Board shall be six.”.

The Department in their written reply agreed to it.

The Committee recommend that the rule be amended accordingly at an early date under intimation to them.

Rule 12 —

“12. Adjournment of meetings.—If there is no quorum as laid down in rule 11, the Chairman shall, after waiting for one hour after the time fixed for the meeting of the Board adjourn the meeting to such hour on some other day as he may deem fit. A notice of such adjourned meeting shall be sent to every Member of the Board and the Business which would have been brought before the original meeting, had there been a quorum there at, shall be brought before the adjourned meeting and disposed of at such meeting, whether there be a quorum or not.”.

The Committee observed that in lines 2-3, the word "after waiting for one hour after the time fixed for the meeting of the Board" be omitted, being superfluous. 9

The Department in their written reply agreed to it.

The Committee recommend that the rule be amended accordingly at an early date under intimation to them.

Rule 14—

"14. Minutes of the meeting.—The Board shall keep minutes of the proceedings of each meeting of the Board and shall include therein the names of the members present. A copy of such minutes shall be submitted by the Board to the State Government as soon as they are confirmed by the Board".

The Committee observed that in lines 2-3, the words "of the Board and shall include therein the names of the members present" be omitted being superfluous. 9

The Department in their written reply agreed to it.

The Committee recommend that the necessary amendment in the rule be made at an early date under intimation to them.

Rule 16—

"16. Application for grant from the Funds.—

(1) Any local authority or any other body except an employer may make an application to the Welfare Commissioner for a grant under section 10(3). Such an application shall be placed by the Welfare Commissioner before the Board within two months of its receipt (duly completed in all respects) or the next meeting of the Board, whichever is later with his remarks. If the application is approved by the Board then the same shall be forwarded by the Welfare Commissioner to the State Government, alongwith the recommendations of the Board, for obtaining the approval of the State Government."

(2) Within two months of the approval of the State Government the Welfare Commissioner shall remit the amount so approved by means of a demand draft or a cheque drawn on any branch of the State Bank of India duly crossed, (Payees account only).

The Committee observed that in sub-rule (1) in line 3, for the words "under section 10(3)", substitute the words "from the funds".

The Department in their written reply agreed to it.

The Committee further observed that in lines 5—7 of sub-rule (1) the words "(duly completed in all respects) or the next meeting of the Board, whichever is later with his remarks" be omitted, being superfluous.

The Department in their written reply stated as under :—

"The Government does not fully agree with regard to the proposed omission in lines 6—7 of sub-rule (1) of Rule 16. However, the words "(duly completed in all respects)" are considered superfluous and may be omitted. It is necessary to keep the words "or the next meeting of the Board, whichever is later" because the meeting of the Board may not sometimes be held within a period of two months".

The Committee agreed with the views of the Department and recommend that the rule be amended accordingly at an early date under intimation to them.

The Committee also observed that in sub-rule (2), in line 4, for the words "State Bank of India" the words "Scheduled Bank" be substituted.

The Department in their written reply stated as under :—

"The Government is of the view that instead of substituting by the words "Scheduled Bank", it may be substituted by the words "any Scheduled Bank of India" omitting the word "the" before the words "State Bank of India" as has been mentioned under sub-rule (5) of rule 3".

The Committee agreed with the views of the Department and recommend that the rule be amended accordingly under intimation to them.

Rule 18—

"18. Investment of Fund .—Such portion of the fund as cannot be plied or sometime for the purposes of the Act shall be invested by the Board in the National Savings Certificate or other securities referred in section 20 of the Indian Trust Act, 1882".

The Committee observed that Rule 18 be re-drafted as follows :—

“18. *Investment of fund*.—Such portion of the funds as remained un-utilised shall be invested by the Board in the National Savings Certificates or other securities referred to in Section 20 of the Indian Trust Act, 1882.”.

The Department in their written reply agreed to it.

The Committee recommend that necessary amendment in the rule be made at an early date under intimation to them.

Rule 19—

“19. *Powers of Inspectors*.—Every Inspector shall for carrying out the purposes of the Act, and in discharge of his duties as an Inspector shall have the power to require any employer to produce any document for his inspection to supply him a true copy thereof and to give him a statement in writing”.

The Committee observed that for the existing rule 19, substitute the following :—

“19. *Powers of Inspectors*.—Every Inspector shall have the power to require any employer to allow inspection of a document and to supply him a copy thereof or to give him a statement”.

The Department in their written reply agreed to it.

The Committee recommend that necessary amendment in the rule be made at an early date under intimation to them.

Rule 20—

“20. *Expenditure of the staff and other administrative measures*.—The expenses of the staff of the Board and other administrative expenses of the staff of the Board and other administrative expenses of the Board shall not exceed 75 per cent of the annual income of the Fund or such percentage of the annual income of the Fund not exceeding 75 per cent as may be fixed by the Government from time to time.”.

The Committee observed that the provision for the expenditure of the staff and other administrative expenses upto the limit not exceeding 75 per cent was exceedingly on the high side and if it was allowed to remain, it would frustrate the very purpose of the Act.

The Committee, therefore, desired that the existing rule 20 be substituted by the following :—

*"20. Expenditure of the staff and other administrative measures .—*The expenditure on the establishment of the Board shall not exceed 20% of the annual income of the Board from the fund."

The Department in their written reply stated as under :—

"It is not feasible to meet the expenditure towards the staff and other administrative measures within the limit of 20% of the annual income of the Board from the funds."

The matter was discussed by the Committee at length with the representatives of the Department during their oral examination. After thorough discussion it was decided that the Government should find out the upper limit of expenditure on the staff and other administrative measures which has been fixed in the other States

The Committee recommend that the Department should take early steps to obtain the desired information from other States and furnish the same to them for their information and taking final decision.

(vii) The Punjab Panchayat Samitis and Zila Parishads Provident Fund Rules, 1965, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.

S. Panchayats

The Committee observed that the services of the employees of the erstwhile Zila Parishads and existing Panchayat Samitis had been provincialised. There was no necessity of retaining these rules and, therefore, should be repealed.

The departmental representative stated during the course of oral examination that this would be done in due course.

The Committee recommend that necessary steps be taken at an early date to repeal these Rules.

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

S. Panchayats

"1. These Rules may be called the Punjab Panchayat Samitis and Zila Parishads (Election Petition) Rules, 1961."

The Committee noticed that the title of the Act had been amended as "The Punjab Panchayat Samitis Act, 1961" by deleting the words "and Zila Parishads". Therefore, the words "and Zila Parishads" wherever occurring in the rules should also be deleted.

The Department in their written reply stated that the recommendations of Ashok Mehta Committee on Panchayati Raj, which favoured the re-constitution of Zila Parishads, at District level, were under consideration of the State Government.

The Committee enquired from the departmental representative that by what date the decision on the recommendations of Ashok Mehta Committee regarding reconstitution of Zila Parishads was likely to be taken.

The departmental representative stated during the course of oral examination on the 13th February, 1980, that the Cabinet was likely to consider this matter in its meeting fixed for the 17th February, 1980. He however, also stated that on their part, they were trying their best to get matter expedited.

The Committee desire that the decision of the Government, implementing the recommendations of ASHOK MEHTA Committee, be intimated to them at the earliest.

Rule 4—

"4 (1) ** **

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

The Committee observed that in sub-rule (2) of Rule 4, for the word 'no' occurring after the words "which is" be substituted by the word "not".

The Department in their written reply stated that it was a printing mistake and would be corrected at the time of reprinting of rules.

The Committee recommend that the necessary amendment in the rule be made

Rule 6 —

- “(1) Before presenting an election petition, the petitioner or petitioners shall deposit in the treasury or sub-treasury a sum of rupees two hundred in cash or in Government promissory notes of equal value, as security for all costs that may become payable by him or them.
- (2) If the petitioner by whom the deposit referred to in sub-rule (1) was made withdraws his election petition, and, in any other case, after final orders have been passed on the election petition, the deposit shall after such amount as may be ordered to be paid as costs, charges and expenses has been deducted, be returned to the petitioner by whom it was made, and if the petitioner dies during the course of the enquiry into the election petition, any such deposit, if made by him, shall after the amount of such costs a may be ordered to be paid, have been deducted be returned to his legal representative”.

The Committee observed as under:—

- (i) that the heading of the Rules should be clearly printed as ‘Deposit to be made’.
- (ii) that in sub-rule (2) of Rule 6, line 9, for the word ‘a’ occurring after the word ‘costs’ be substituted by the word ‘as’.

The Department in their written reply accepted the observations of the Committee. The Committee recommend that the necessary amendments in the rule be made at an early date.

Rule 8 —

“8.

(a)

- (b) the prescribed authority shall not be required to record the evidence in full but shall make a memorandum of evidence sufficient in his opinion for the purpose of deciding the petition;

(c)

- (d) the prescribed authority for the purposes of deciding any issue, shall only be bound to require the production of, or to receive so much evidence, oral or documentary, as it considers necessary;

(e) and (f)

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The Committee recommend that clauses (b) and (d) of the proviso to rule 8 be deleted and the remaining clauses of the proviso be re-numbered.

The Committee further recommend that a suitable provision for filing the appeal and revision against the order of the prescribed authority be made in the rules, after getting the draft approved from them.

Rule 9 —

“(1) The prescribed authority hearing an election petition shall have the same powers and privileges as a Judge of a Civil Court when trying a suit and may, for the purpose of serving any notice or issuing any process or doing any other such thing, employ any officer clerk or peon attached to his Court”.

The Committee observed that in sub-rule (1) of rule 9, after the word “officer”, insert the sign ‘;

The Department in their written reply accepted it.

The Committee recommend that the rule be amended accordingly under intimation to them.

Rule 10—

“(1) **

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(2) At the time of making an order under sub-rule (1), the prescribed authority shall also make an order—

(i) recording a finding whether any corrupt practice has or has not been proved to have been committed;

(ii) specifying the names of persons who have been proved at the trial to have been guilty of any corrupt practice or of conniving at or abetting the same ;

(iii) fixing the period for which the persons referred to in clause (ii) above shall be incapable of becoming members of Panchyat Samitis or Zila Parishads ; and

- (iv) fixing the total amount of costs payable if any costs are awarded and specifying the persons by and to whom such costs shall be paid " .

SCHEDULE

(See rule 3)

Corrupt Practice

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“Explanation.—For the purposes of this paragraph the term “gratification” is not restricted pecuniary gratification estimable in money, and it includes all forms of entertainment and all forms of employment for reward ; but it does not include, the payment of any expenses bona fide incurred for the purpose of such election.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or any other person with his connivance or authority with the free exercise of any electoral right :—

Provided that—

- (a) without prejudice to the generality of the provisions of this paragraph any such person as it referred to the em who—
 - (i) threatens any candidate, or any elector, or any person in whom a candidate or an electoral is interested, with injury of any kind including social ostracism and ex-communication or of expulsion from any caste or community ; or
 - (ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure ;
- (b) a declaration of public policy, or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this paragraph.

(3) The systematic appeal by a candidate or by any other person on his behalf to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as, the

national flag or the nation emblem, for the furtherance of the prospects of that candidate's election.

(4) The publication by a candidate or by any other person with his connivance or authority of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character, or conduct of any candidate, or in relation to the candidature or withdrawal or retirement from contest of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle by a candidate or by any other person with his connivance or authority for the conveyance of any elector other than the candidate himself or, any member of his family to or from any polling station or place fixed for the poll :

Provided that the hiring of a vehicle by an elector or by several electors at their joint cost for the purpose of conveying him or them to or from any such polling station or place fixed for the poll shall not be deemed to be corrupt practice under this clause if the vehicle so hired is a vehicle not propelled by mechanical power :

Provided further that the use of any public transport vehicle or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this paragraph the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or by any other person on his behalf any assistance other than the giving of vote for the furtherance of the prospects of the candidates election from any person serving under the Government of India or the Government of any State or any local authority.

Explanation.—A person serving under the Government of the State of Haryana shall include a Patwari, Chowkidar and Daffedar, employed in the State, whether the office he holds is a whole time office or not.

The Committee observed that in the definition of Corrupt Practice, delete the words "but it does not include the payment of any expenses *bona-fide* incurred for the purpose of such election."

The Department in their written reply accepted it.

The committee recommend that necessary amendment in the Schedule be made at an early date under intimation to them.

(ix) **The Punjab Panchayat Samitis (Primary Members) Election Rules, 1961, Framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.**

Rule 2—

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

- (a) 'Act' means the Punjab Panchayat Samitis and Zila Parishads Act, 1961;
- (b) 'Assistant Registrar' means the Assistant Registrar, Co-operative Societies, or such other Officer as may be appointed by the Deputy Commissioner to perform the duties of the Assistant Registrar under these rules in respect of a block;
- (c) 'Form' means a form appended to these rules;
- (d) 'Managing Committee' means the governing body of a Co-operative Society to whom the management of its affairs is entrusted;
- (e) 'Section' means a section of the Act; and
- (f) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act."

The Committee observed as under :—

- (i) that the word "requires" occurring in the first line of the rule be printed correctly as "requires" and
- (ii) the word 'othr' occurring in the second line of clause (b) be printed correctly as "other."

The Committee recommend that necessary corrections be made in the rule under intimation to them.

Rule 3—

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

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

The Committee observed as under :—

- (i) that in item (3) of sub-rule (1), for the words “District Development and Panchayat Officer” substitute the words “Additional General Assistant to Deputy Commissioner” as there is no post of District Development and Panchayat Officer and the Additional General Assistant to Deputy Commissioner is looking after the duties of the District Development and Panchayat Officer, these days.

- (ii) After item (6) of sub-rule (1), add item (7) as under :—

“Panchayat Ghar”.

The Department in their written reply stated in respect of (1) above, that for the words “District Development and Panchayat Officer” the words “officer-in-charge of Panchayats at the District” may be substituted. This will obviate the difficulty when some other officer with different designation would be posted.

As regards (ii) above, the Department stated that rule 3(1) ends with the words “Offices of”. Therefore, it would be appropriate to add item (7) as under :—

“Panchayat or Revenue Patwar.”.

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The Committee recommend that the necessary correction be carried out in the rule at the time of their re-printing.

Rule 15—

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

The Committee observed that in sub-rule (1) of rule 15, in line 7, insert the words "for cogent reasons to be recorded" after the words "Deputy Commissioner may".

The Department in their written reply agreed to it.

The Committee recommend that the necessary amendment in the rule be made at the earliest under intimation to them.

Rule 16—

"16. (1)

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- (2) Immediately before the commencement of poll, the Returning Officer shall show the ballot-box to such contesting candidates as may be present to satisfy them that the ballot-box is empty. The Returning Officer shall, thereafter lock the ballot-box and affix his seal as well as the seal, if any, of the contesting candidates, if they so desire, upon it in such a manner as to prevent its being opened without breaking such seals.
- (3) Every elector wishing to vote shall bring with him a certificate of identity in Form IV from the Block Development and Panchayat Officer or Social Education and Panchayat Officer, or Extension Officer, Co-operation Agriculture/Industries/Animal Husbandry, or the Revenue Officer having Jurisdiction in the block. After his identity has been so established, he shall be supplied with a ballot-paper on which the names of contesting candidates along with the symbols allotted to them shall be printed, typed or legibly written in English, or Regional Languages in Form V.

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

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- (ii) that first para of sub-rule (3) be deleted, being superfluous, as this sub-rule also causes harassment to the electors at the time of election. Moreover, such type of provision does not exist even for general elections. The Committee, therefore, recommend that sub-rule (3) of Rule 16 be substituted as under :—

“Every elector wishing to vote shall be supplied with ballot-paper on which the names of contesting candidates along with the symbols allotted to them shall be printed, typed or legibly written in English, or Regional languages, in Form V. The Returning Officer shall also affix on the ballot-paper before supplying to the voters, a stamp and his signature so as to indicate its authority.”.

- (iii) that sub-rule (4) of rule 16, be substituted as under:—

“The voter shall then proceed to the place set apart for voting and affix in column (4) of the ballot-paper, against the name of the candidate for whom he wishes to vote with a seal provided for this purpose. Each voter shall have one vote only.”.

- (iv) that sub-rule (6) of rule 16, be substituted as under :—

“In the case of an elector who is physically incapacitated from voting, he/she shall be allowed to take helper with him/her, at his/her request who may help him in casting one vote.”

- (v) that in sub-rule (9) of rule 16, line 3, after the word “Candidates”, insert the words “or their agents”

- (vi) In clause (b) of sub-rule (9) of rule 16, lines 4-7, for the words “in the presence of such contesting candidates for the number of seats that remain to be filled and the candidate or candidates whose name or names is or are first drawn shall be declared to have been duly elected.”, the following may be substituted :—

“by using slips of papers on which the names of such candidates be written shall be equal in shape and size and be got prepared in the presence of the contesting candidates or their agents. After being rolled in equal size, the slips shall be placed in a container which shall be thoroughly mixed and then got picked up. The name or names which is or are first drawn shall be declared to have been duly elected.”.

The Department in their written reply accepted the observations of the Committee.

13 The Committee recommend that necessary amendments in the light of their above observations be made in the rule at the earliest under intimation to them.

Rule 17—

“17. Any ballot-paper which bears any mark or signature by which the voter can be identified or in which the mark (x) is placed in an ambiguous manner or against the names of more than one candidate or which does not bear the official seal or signatures prescribed in sub-rule (3) of rule 16 shall be invalid.”

14 The Committee observed that in line 1 of rule 17, after the words “bears any” insert the word ‘distinguished’.

The Department in their written reply agreed to it, but suggested that to bring this rule in line with the proposed sub-rule (4) of rule 16, for the words “mark (x) is placed” the words “seal is affixed” be substituted.

The Committee agreed to the suggestion of the Department and recommend that the rule be amended accordingly.

Rule 19—

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

- (a) prepare in Form VII a record of the proceedings of election and sign it, attesting with his initials every correction made therein and also permit every contesting candidate, if he expresses his desire to do so, to affix his signature or thumb-mark to such record ;
- (b) publish the election results in Form VIII, by posting a copy of it at the office of the Panchayat Samiti or at such other conspicuous place as may be determined by the Returning Officer and shall, at the same time, send another copy to the Deputy Commissioner for publication in the Official Gazette.”.

15 The Committee observed that in rule 19 after the clause (b) insert a new clause (c) as under:—

“(c) Shall issue a certificate to each of the candidates who have been elected under his seal and signatures ”.

The Department in their written reply agreed to it.

The Committee recommend that necessary amendment in the rule be made at an early date under intimation to them.

Rule 21—

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

- (a) draw up an election programme in Form IX for the election under sub-clause (ii) of clause (a) of sub-section (2) of section 5, of two representatives of Cooperative Societies, within the jurisdiction of every Panchayat Samiti to be constituted in the district;
- (b) prepare a list of Co-operative Societies within the jurisdiction of every Panchayat Samiti to be constituted in the district,
- (c) publish the list of Co-operative Societies prepared under clause (b) by posting its copies at conspicuous places in the offices of—

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

The Committee observed that after item (6) of sub-rule (1), clause (c), add item (7) as under —

“(7) Panchayat Ghar.”.

The Department in their written reply stated that since clause (c) ends with the words “offices of” it would, therefore, be appropriate to add item (7) as under:—

“Panchayat or Revenue Patwar”,

and against item (3) for the words “District Development and Panchayat Officer” the words “Officer-in-charge of Panchayats at the District”, may be substituted.

The Committee accepted the suggestions of the Government and recommend that the rule be amended accordingly under intimation to them.

Rule 22-A—

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

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

- (2) Every order under sub-rule (1) shall be published by posting its copies at conspicuous places in the offices specified in clause (c) of sub-rule (1) or rule 21:

Provided that where the variation, amendment or modification relates to any date already fixed for the filling of nomination papers, scrutiny or withdrawal thereof or of taking of poll, the order shall be communicated not less than seven days before the date fixed for any of the aforesaid purposes according to the revised programme to—

- (a) the Chairman or the President of every Co-operative Society concerned requiring him to intimate forthwith the revised programme to all the members of the Society and also to the representative of the Society elected under clause (a) of sub-rule (1) of rule 22;
- (b) all candidates nominated under sub-rule (1) of rule 23, if any”.

Rule 31 A—

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

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

- (2) Every order under sub-rule (1) shall be published in the manner prescribed in rule 31”.

17 The Committee observed that in rule 22-A (1) and 31-A(1) after the words “at any time” add the words “after recording specific reasons which are beyond the control of the authorities concerned such as natural calamities etc.”.

The Department in their written reply agreed to it.

The Committee recommend that the rules be amended in the light of their above observations at an early date under intimation to them.

x. The Puniab Panchayat Samities (Co-option of Members) Rules, 1961 framed under the Pnnjab Panchayat Samitis and Zila Parishads Act, 1961. *3-10-65*

Rule 2—

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

The Committee observed that in clause (e) of rule 2, the word “works” be substituted by the word “words”.

The Department in their written reply stated that it was a printing mistake and would be corrected at the time of reprinting of the Rules.

The Committee recommend that the necessary correction in the Rules be made at the time of their reprinting.

Rule 3—

“(1) After a notification of election of Primary Members of a Panchayat Samiti has been issued, the Deputy Commissioner or any Gazetted Officer appointed by him in this behalf not below the rank of Extra Assistant Commissioner (hereinafter referred to as ‘Presiding Officer’), shall convene a meeting of these Members at the Office of the Panchayat Samiti or at such other place as he may determine in this behalf for the purpose of co-opting members as required by clauses (c) and (cc) of sub-section (2) of section 5, such meeting shall be convened after giving five days’ clear notice to the Members”.

The Committee observed that in sub-rule (1), line 8, for the words and brackets “clauses (c) and (cc)” be substituted by “clause (c)”.

The Department in their written reply stated that there was no clause (cc) in the Act and the reference of it would be deleted.

The Committee recommend that necessary amendment be made in the rule at an early date under intimation to them.

Rule 4—A

"4-A. Notwithstanding anything contained in rule 4, no quorum shall be necessary for the purpose of co-opting members under clause (cc) of sub-section (2) of section (5) from amongst women or persons belonging to Scheduled Castes and Scheduled Tribes, securing the highest number of votes, and their names shall be determined and declared by the Presiding officer in the presence of Members, if any, attending the meeting convened under rule 3 :

Provided that if on account of equality of votes/secured by women candidates or those belonging to Scheduled Castes and Scheduled Tribes, as the case may be, it cannot be determined as to who amongst them is or are to be co-opted, the matter shall be decided by the Presiding Officer in the presence of Members, if any, by drawing lots and the candidate or candidates whose name or names is or are drawn first shall be declared to have been duly co-opted".

The Committee observed that since section 5 (2) (cc) had been omitted from the Act. Therefore, rule 4-A has become redantant which should be deleted.

The Department in their written reply accepted the observation of the Committee.

The Committee recommend that this rule be omitted at the time of reprinting of the Rules.

Rule 7—

"10 (a) The candidate who is found to have obtained the largest number of valid votes, or if more than one is to be co-opted, the candidates up to the number of persons to be co-opted who are found to have obtained the largest number of valid votes shall be declared to have been co-opted.

(b) In the event of a number of contesting candidates polling the ame numbers of votes, the Presiding Officer shall draw lots in the presence of Members and the candidate or candidates whose name or names is or are first drawn shall be declared to have been duly co-opted."

The Committee observed that in sub-rule (10), clause (b) line 2, the word 'ame' be printed correctly as "same." The Department in their written reply stated that it was a printing mistake and would be corrected at the time of reprinting of rules.

The Committee recommend that the necessary correction be made at the time of reprinting of Rules.

Rule—8—

“Validity ballot papers”. “8 Any ballot-paper which bears any mark or signature by which the voter can be identified or on which the mark “(x)” is placed against more than the number of persons to be co-opted or in an ambiguous manner or the contravention of the provisions of sub-rule (5) of rule 7, or which does not bear the signature of the presiding Officer prescribed in sub-rule (3) of rule 7, shall be declared invalid”.

The Committee recommend that the heading of Rule 8 be printed correctly as “Validity of ballot papers” at the time of reprinting of Rules. 5

Rule 9—

“Immediately after the meeting for co-option is over, the Presiding Officer shall.—

- (a) prepare in form E a record of proceedings of the meeting and sign it, attesting with his initials every correction made therein and also permit any member present at the meeting to affix his signature or thumb mark to such record, if he so desires ; and
- (b) publish on the notice board of the Panchayat Samiti and such other conspicuous place as may be determined by him, a notification signed by him, stating the names of the members who have been co-opted and send a copy of such notification to the Deputy Commissioner for publication in the official Gazette.”.

The Committee observed that after clause (b) of rule 9, insert clause (c) as under :— 6

“(c) also issue a certificate to every member duly co-opted”.

The Committee further observed that the word ‘and’ at the end of Clause (a) be deleted and the same be inserted at the end of Clause(b).

The Department in their written reply agreed to it.

The Committee recommend that the rule be amended in the light of their above observations at an early date under intimation to them.

- (xi) **The Punjab Panchayat Samitis and Zila Parishads Chairman and Vice-Chairman (Election) rules, 1961, framed under the Panchayat Samitis and Zila Parishads Act, 1961.**

Rule 4—

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

Form A to the Members specifying the date and time of the meeting.”.

The Committee observed that in sub-rule (1) of rule 4 for the words “and time” substituted the sign and words, “time and place”.

The Department in their written reply agreed to it.

The Committee recommend that the proposed amendment in the rule be made at an early date under intimation to them.

Rule 6—

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

The Committee observed that in rule 6 after the word “candidature” insert the word “at” and in line 4 for the word “of” occurring after the word “signature” the word “or” be substituted.

The Department in their written reply agreed to it

The Committee recommend that the proposed amendment in the rule be made at an early date under intimation to them.

Rule 8—

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

The Committee observed that in sub-rule (3) of rule 8 for the words “Regional Languages in an Alphabetical order” the words “Hindi in Devnagri alphabetical order” be substituted.

The Department in their written reply agreed to it.

The Committee recommend that necessary amendment in rule

be made at the earliest under intimation to them.

(XII) The Punjab Panchayat Samitis Taxation and Fees Rules, framed under the Panchayat Samitis and Zila Parishads Act, 1961.

D + Panchayat

Rule 2—

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“(g) ‘Registrar and Sub-registrar’ means the Officer appointed with the designation under the Indian Registration Act, 1908”.

The Committee observed that in rule 2 (g), the word “means” be substituted by the word “mean”.

The Department in their written reply agreed to it.

The Committee recommend that necessary correction be made in the rule at the time of re-printing of the Rules.

Rule 3—

“3. *Prescribed Period*.—For the purpose of sub-section (6) of the said section the prescribed period shall be one month.”.

The Committee observed that in rule 3, for the words, brackets and figure “sub-section (6) of the said Section”, be substituted by “Section 67 of the Act.”

The Department in their written reply suggested that it would be proper to substitute for the words “the said section” by the words “section 67 of the Act.”

The Committee accepted the suggestion of the Department and recommend that the rule be amended accordingly at an early date under intimation to them.

Rule 4—

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“(6) A copy of the statement of Preliminary assessment so made shall be exhibitd in the office of the Panchayat Samiti and Gram Panchayats concerned for the information of the assesseees together with a notice to the effect that any assessee who objects to the inclusion of his name in the

statement or who on any ground denies his liability for payment of the tax may, within 30 days from the date of the exhibition of the statement, submit his objections to the Assessing Authority. The fact of exhibition of the preliminary statement in the offices of the Panchayat Samiti and the Gram Panchayats concerned will also be proclaimed by beat of drum in the villages concerned :

Provided that in the case of employees referred in sub-rule (2), a copy of the assessment statement will be furnished to the Head of Office concerned.

- (8) When the period within which objections may be submitted under sub-rule (6) has expired, the Assessing Authority shall pass an order confirming every assessment in respect of which no objection has been received within the period specified in sub-rule (6). In the case of objections received within the specified period the Assessing Authority shall cause a notice to be exhibited in the office of the Panchayat Samiti intimating the date on which and the time and place at which such objections will be heard by him, and a copy of such notice will also be served upon the objector either personally or sent to him by post under postal certificate.
- (9) On the date and at the time and place specified in the notice, the Assessing Authority shall take up the objections received in the order in which they are entered in the Register of Tax objections in Form T.F.R. 2 and shall pass an order dismissing such objections in which the objector is not present. In other cases, the assessing authority shall, after hearing the objector and making a brief memorandum of such evidence as the objector may produce in support of his objections and any other evidence which the Assessing Authority may think fit to record, pass such orders in respect of each objection as it may think fit :

Provided that if the objector is a female or is incapacitated from appearing in person by old age, sickness or any other reason which the Assessing Authority considers to be sufficient, the object may be allowed to appear through a representative.

- (10) * * * * *

- (11) Any assessee who objects to this assessment as shown in the final assessment statement prepared under sub-rule (10) may within sixty days from the date of exhibition of the final assessment statement under sub-rule (10) submit in writing an appeal against such assessment to the Deputy Commissioner. The Deputy Commissioner shall fix the date, time and place for hearing the appeal, and shall send an intimation about the same to the appellant and the Assessing Authority. The Deputy Commissioner shall, after giving an opportunity to the appellant or his representative of being heard and after making such further inquiry as he may deem necessary, pass such orders in respect of the appeal as he may think fit. Such orders shall be final and the assessment statement shall, if necessary, be corrected in accordance therewith :

Provided that no appeal shall be heard by the Deputy Commissioner, unless he is satisfied that the tax in question has been deposited. If the appeal is accepted the tax so deposited by the appellant shall be refunded in accordance with the terms of the order.

Note.—No appeal filed after the expiry of the prescribed period will be entertained or heard by the Deputy Commissioner on any ground."

The Committee observed as under :—

- (a) that in sub-rule (6) for the word "exhibitd" substitute the word "exhibited".
- (b) that in last line of sub-rule (8), for the words "under postal certificate" the word "under registered cover" be substituted.
- (c) that in proviso to sub-rule (9), for the words "object" substitute the word "objector".
- (d) that in sub-rule (11), line 10, for the word "emaking" substitute the word "making".
- (e) that the "Note" under sub-rule (11) be deleted.

The department in their written reply accepted the above observations of the Committee.

The Committee recommended that necessary amendments in the rule be made at an early date under intimation to them.

Rule 7—

“ 7. *Rectification of clerical mistakes.*—The Assessing Authority or the appellate authority, as the case may be, under whose order the assessment and statement is finalised under sub-rule (10) of sub-rule (11) of rule 4 may, at any time, within one year from the date of any order made by it, rectify any clerical or arithmetical mistake apparent from the record :

Provided that no such rectification, which may have the effect of enhancing the assessment, shall be made unless the authority concerned has given notice to the assessee concerned of its intention to do so and has allowed him a reasonable opportunity of being heard”.

The Committee observed that in line 3, of rule 7, for the word “of” the word “or” be substituted.

The Department in their written reply accepted it.

The Committee recommend that the necessary correction be made at the time of re-printing of Rules.

Rule 9—

* * * * *

“(5). The taxes assessed under these rules shall become payable within one month of the date of issue of the Demand Slips failing which these shall become liable to be recovered as arrears of land revenue under section 76 of the Act. :

* * * * *

Provided further that in the case of quarter or half year in which Demand Slip is served, the assessee shall pay the amount of the quarterly instalment or half-yearly instalment, as the case may be, within 30 days from the service of Demand Slip or before the expiry of quarter or half-year, as the case may be whichever is later.”.

The Committee observed that in the second proviso to rule 9(5) after the words “as the case may be” insert the sign “,”.

The Department in their written reply accepted it.

The Committee recommend that the necessary amendment in the rule be made under intimation to them.

Rule 10—

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“(3). the Tax Collector on receipt of the amount of the Demand Slip shall make an entry of the payment in his Collection Challan Form No. T.F.R. 4, and shall issue receipt in Form T.F.R. 5, which shall be prepared in duplicate by means of carbon process”.

The Committee observed that in sub-rule (3), the words “by means of carbon process” be deleted.

The Department in their written reply agreed to it.

The Committee recommend that the necessary amendment in the rule be made at an early date under intimation to them.

Rule 11—

“11. *Preparation of Tax Demand and Collection Register.*—(1) When the final assessment statement is prepared, it shall be copied out in the Tax Demand and Collection Register in Form No. T.F.R. f-Village-wise and Tax-wise by assigning separate pages to different taxes.”.

The Committee observed that in line 3 of rule 11(1) for the words “T.F.R.—f” substitute “T.F.R. 6.”

The Department in their written reply accepted it.

The Committee recommend that the necessary correction be made at the time of re-printing of Rules

(XIII) The Punjab Panchayat Samitis (Vacation of Office by Chairman and Vice-Chairman) Rules, 1963, framed under the Punjab Panchayat Samitis and Zila Parishads Act, 1961.

Rule 5—

“5. If the Chairman or Vice-Chairman, as the case may be, on receipt of the notice fails to call a meeting within the period specified in rule 4, all or any of the Members of the Samiti who had given notice of the intention to move a resolution under rule 3 may forward to the Executive officer, a copy of the notice (together with a copy of the motion) requesting him to convene a meeting of the Panchayat Samiti. The Executive officer shall within 15 days of the receipt of such request,

convene a meeting of the Panchayat samiti, for the consideration of the motion at such date and time as may be appointed by him."

The Committee observed that in 9, line for the words "and time" substitute the sign and words, "time and place".

The Department in their written reply accepted the observation of the Committee.

The Committee recommend that necessary amendment in the Rules be made at an early date under intimation to them.

Rule 6—

"6. The Chairman, Vice-Chairman or the Executive Officer as the case may be, shall issue not less than seven days before the appointed date of meeting a notice of such meeting and of the date and time appointed therefor to every Member of the Panchayat Samiti (including the Chairman and Vice-Chairman). The notice shall be in Form II and shall be served on the Members in the manner given below ;—

- (a) by giving or tendering such notice to the Members;
- (b) if any Member is not found by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family;
- (c) if any member does not reside in the Panchayat Samiti area and his address elsewhere is known to the Chairman or Vice-Chairman or the Executive Officer of the Panchayat Samiti, by sending the same to him by registered post;
- (d) if service is not practicable through any of the means specified in clauses (a), (b) and (c) by fixing the same at conspicuous part of the Members' place of abode or business'.

The Committee observed as under :—

- (i) that in line 4 of rule 6 for the words "and time" substitute the sign and words "time and place".
- (ii) that at the end of clause (c) after the words "by registered post", add the words "with acknowledgement due".

The Department in their written reply agreed to it.

The Committee recommend that necessary amendment in the rule be made at an early date under intimation to them.

Rule 8—

“8. If within half-an-hour after the time appointed for the meeting, the quorum is not present, the meeting shall stand dissolved and the notice shall lapse.”.

The Committee discussed the provision of rule 8 with the representatives of the Department during their oral examination and decided that the existing rule 8 be amended as under :—

“8. If within half-an-hour after the time appointed for the meeting two-third of the total number of members are not present, the meeting shall stand dissolved and the notice shall lapse”.

The Committee recommend that necessary amendment in the rule be made in the light of their above observation under intimation to to them at the earliest.

FORM II

The Committee observed that Form II, has not been properly printed and it may be re-cast in accordance with rule 6 of the Punjab Panchayat Samitis (Vacation of office by Chairman and Vice-Chairman) Rules, 1963.

The Department accepted the observation of the Committee and admitted that the form had been misprinted. The correct form II should be as under :—

FORM II
(RULE 6)

To

Chairman/Vice-Chairman/Member of the
————Panchayat Samiti

Sir/Madam,

Whereas a notice of intention to move a motion requiring the Chairman and/or Vice-Chairman to vacate the office, under the proviso to sub-section (1) of Section 18 of the Punjab Panchayat Samiti and Zila Parishads, Act, 1961, has been received on————

2. Now, therefore, I hereby give notice that a meeting of the Panchayat Samiti shall be held in [the office of Panchayat Samiti on (date)————at time———— for considering the said motion requiring the Chairman and/or Vice-Chairman to vacate the Office.

3. A copy of the motion, proposed to be made requiring the Chairman and/or Vice-Chairman to vacate the office is enclosed.

Dated

Chairman/Vice-Chairman/
Executive Officer, Panchayat
Samiti————District————

The Committee recommend that Form II be correctly printed as above at an early date under intimation to them

APPENDIX I

REPORT OF THE IMPLEMENTATION SUB-COMMITTEE

On having been authorised by the Committee on Subordinate Legislation in its meeting held on the 28th May, 1979 the Chairman appointed an Implementation Sub-Committee consisting of the following four Members to examine and report on the implementation of the outstanding observations/recommendations contained in the Reports of the previous Committees on Subordinate Legislation:—

* (1) Shri Baldev Tayal .. Chairman.

(2) Shri Rajinder Singh.

(3) Shri Shamsher Singh Surjewala.

(4) Shri Hari Chand Hooda.

2. Sarvshri Sant Kanwar and Hira Nand Arya, Members of the committee were later on appointed as Members of the Sub-Committee.

3. The Sub-Committee held six meetings, viz, on the 6th August, 1979, 7th August, 1979, 13th August, 1979, 4th September, 1979, 10th September, 1979 and on the 18th September, 1979, at Chandigarh, at which they scrutinised the action taken by various Departments, in respect of the recommendations contained in the First to Eighth Reports of the Committee on Subordinate Legislation.

A statement showing those recommendations in the above Reports on which no action has been taken by the Government, or the action taken is considered inadequate is appended. Items on which adequate action in the opinion of the Sub-Committee has been taken by the Government or further action is no longer required, in view of the changed conditions do not appear in this statement. In cases, where a recommendation on a specific point has been made in the previous Report and reiterated in this Report, has been dropped from the previous Report in order to avoid repetition.

4. The Committee recommend that action taken by the Government on the observations/recommendations contained in the Ninth and Tenth Reports of the Committee on Subordinate Legislation may be reviewed at a later date as most of these are still outstanding or information with regard to these is still awaited.

*Shri Baldev Tayal resigned from the Chairmanship and Membership of the Committee with effect from 31st July, 1979, on his appointment as Deputy Chairman of the Haryana State Planning Board.

5. While scrutinising the replies of Government, about implementation of the recommendations of the Committee, the Sub-Committee found that all recommendations contained in its third and sixth Reports have been fully implemented and that there were very old recommendations contained in First, Second, Fourth Fifth, Seventh and and Eighth Reports of the Committee which had not been implemented or in regard to which no satisfactory answer had been received from the Departments concerned, which appear in Appendix II.

APPENDIX—II

RECOMMENDATIONS OF THE COMMITTEE WHICH HAVE NOT SO FAR BEEN IMPLEMENTED BY THE GOVERNMENT AND COMMITTEE'S REMARKS THEREON.

First Report					
Serial Reference No.	Subject	Summary of the recommendation.	Gist of Government's reply.	Remarks by the Committee.	
1	2	3	4	5	6
1. 35—36	Rule 4 of the Punjab village Common Lands (Regulation) Rules, 1964, framed under the Punjab village Common Lands (Regulation) Act, 1961.	<p>The Committee thought that in view of proviso (VI) to clause (g) of section 2 of the Punjab village common lands (Regulation) Act, 1961, the house, which lies outside the abadi deh, has been exempted from the definition of Shamlat Deh. It does not, therefore, vest in the Panchayat and the Panchayat has got no rights to sell or lease out the site of the house. The Committee was, therefore, of the view that rule 4 was ultra vires of the provisions of the Act and may be deleted.</p> <p>The Departmental representatives stated that the Legal Remembrancer would be consulted on the point and further action would be taken on the basis of his advice and the Committee informed accordingly.</p>	<p>These recommendations may be reconsidered in view of the following advice of the Law Department : —</p> <p>“Rule 4 of the Punjab Village Common Lands (Regulation) Rules, 1964 relates to a house which has been built by a person on any land in the Shamlat Deh and not in the Land which has been excluded from the Shamlat Deh, vide sub-clause (vi) of clause (g) of section 2 of the Punjab Village Common Lands (Regulation) Act, 1961. It, therefore,</p>	<p>The Committee desired to orally examine the Departmental representative at one of their meetings in regard to the reply furnished by the Government.</p>	

cannot be said that the latter provision invalidates the rule. However, the rule appears to be bad on another ground, namely, that it virtually recognises as valid on illegal possession and multitalles against the clear intention envisaged in section 4(1) of the said Act.

2. 37—38 Sub rule (3) of rule 6 of the Punjab village common lands, (Regulation), rules, 1964, framed under the Punjab village common lands (Regulation) Act, 1961.

The Committee noted that the term "Abadi Deb" used in Sub-rule (3) of the rule 6, has neither been defined in the Punjab village common lands (Regulation) Act, 1961, nor in the rules. Therefore, the Committee are of the view that this term ought to be defined either in Act or in the rules framed there under'. The Departmental representative assured the Committee that the matter would be examined.

The recommendations may be reconsidered in view of the following advice of the Law Department :—

"The expression 'Abadi Deb' has been used in the Punjab Village Common Lands Act, 1961 at various places and this expression used in the Punjab Village Common Lands (Regulation) Rules, 1964, shall have the same meanings, as may be assigned to it in the Act. It is felt that the expression 'Abadi

The Committee would like to discuss the matter with the Departmental representative in one of its subsequent meetings.

1	2	3	4	5	6
3.	37-38	<p>Sub-rule (4) of rule 6 of the Punjab Village Common Lands (Regulation) Rules, 1964, framed under the Punjab Village Common Lands (Regulation) Act, 1961</p>	<p>The committee are of the view that the ponds for the Shingharas should be auctioned in the month of July, because the crop is ripe in the month of September and there is no use in auctioning the land in the month of September as mentioned in Sub rule (4) of rule 6. Therefore, the committee feel that in the sub-rule for 'September' substitute 'July'.</p>	<p>Deh' shall have its ordinary meaning i.e. the area which lies in the "Lal Lakir" of the village. If that is to be so, there is no need to define this expression."</p>	<p>The Director of Agriculture, Hayana, like to examine the has advised that the Departmental representative at one of its meetings.</p>
1		<p>The Departmental representative assured the committee that the matter would be examined</p>	<p>The Director of Agriculture, Hayana, like to examine the has advised that the Departmental representative at one of its meetings.</p>	<p>Deh' shall have its ordinary meaning i.e. the area which lies in the "Lal Lakir" of the village. If that is to be so, there is no need to define this expression."</p>	<p>The Director of Agriculture, Hayana, like to examine the has advised that the Departmental representative at one of its meetings.</p>

Second Report

Serial Reference No.	to page number of the report	Subject	Summary of the recommendation.	Gist of Government's reply.	Remarks by the Committee.
1	2	3	4	5	6
1.	16	Rule 2 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Co-operative Societies Act, 1961.	The Committee are of the view that in line 1, for the sign " :— " occurring after the word "requires", the sign " ,—" be substituted.	No reply received from Government.	The Committee while examining the report for the year 1969-70 in respect of the Punjab Co-operative Societies Rules, 1963, observed that no reply has been given by the Cooperative Department despite issuing a number of reminders. This was highly regrettable. The Committee recommend to the Government that the explanation of the officers concerned for not furnishing the necessary information, so far, be called and suitable action

1	2	3	4	5	6
2.	16-17	Rules 5,7 and 13 of the Punjab Co-operative Societies rules, 1963, framed under the Punjab Co-operative Societies Act, 1961.	<p>The Committee observe that where an application for registration of a cooperative society under rule 5 is rejected, the applicant may be provided a reasonable opportunity of being heard in person or through his duly authorised representative.</p> <p>Similarly, in the case of an appeal filed against the order of rejection under rule 7, the appellant may also be afforded an opportunity to be heard in person.</p> <p>The Committee further desired to know to when an appeal against refusal to register amendments to bye-laws is made, whether any opportunity is given to an appellant to be heard personally.</p> <p>The Departmental representative stated that it appears that it was not being given.</p> <p>The Committee recommend that suitable provisions in the Rule may be made so that an opportunity be afforded to an applicant/appellant to be heard personally.</p>	Do	Do
					taken against them and the Committee should be informed of the action so taken by the Government.

1	2	3	4	5	6
3.	17	Rule 6 of the Punjab Cooperative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	The Committee are of the view that after the word "Post", the words and signs "(acknowledgement due)" be inserted.	Do	Do
4.	17—18	Rule 11 of the Punjab Cooperative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	The Committee are of the view that in line 1, for the word "There" the word "Three" be substituted and in line 6, for the word "aforesaid" the word "aforesaid" be substituted	Do	Do
5.	18	Rule 14(1) (b) of the Punjab Cooperative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	The Committee desired from the Departmental representative to make it clear as to what kind of offences were of 'Political character', and what were the offences 'involving moral turpitude'. In the opinion of the Committee it would be better if such offences were specifically laid down in the rules for the guidance of the concerned authorities.	Do	Do
			The Departmental representative stated that the matter was discussed with the L.R. According to him it was possible to define it better if some specific offences involving offence of 'Political character' and 'moral turpitude' are laid down.		
6.	18—19	Rule 15(1) of the Punjab Cooperative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961	The committee are of the view that rule 15(1) envisages that an individual could not remain a member of two primary societies with similar objects unless he had obtained general or special permission of the Registrar. It is generally observed that an individual remained member of two or more Cooperative societies with similar objects without even	Do	Do

1	2	3	4	5	6
7.	19	Rule 18 of the Punjab Cooperative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	<p>seeking general or special permission of the Registrar. If the Registrar fails to take action in such cases or his subordinates did not bring to his notice such cases what would be the legal position of that member in respect of those societies so far his membership was concerned. Under those circumstances, how could he be removed from the membership of the society; and from which society?</p> <p>The Departmental representative stated that they would amend this rule.</p> <p>The Committee recommend that rule 15(1) should be suitably amended keeping in view their above observation.</p> <p>The Committee are of the view that for the words "to effect", the words "to that effect" be substituted.</p> <p>The committee noted that under sub-rule (3) it was stated that no member of a Co-operative society with limited liability should ordinarily be permitted to seek withdrawal or the refund of his shares. But it was no where envisaged in the Act. In the view of the committee, it appears to be substantive provision and recommend that it should be included in the Act whenever amendment to the Act is brought before the Legislature.</p> <p>The Departmental representative undertook to examine this proposal of the Committee and to inform the committee accordingly.</p>	Do	Do
8.	19-20	Rule 19 of the Punjab Cooperative societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	<p>The committee are of the view that although rule 19 has been shown to have been framed under section 85(2)(xx), yet it would be better if reference of Section 21 is also indicated in the margin. In sub-rule (6) for the word "acquir" the word "acquire" be substituted.</p>	Do	Do

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9.	20	Rule 20 of the Punjab Cooperative Societies Rules, 1963, framed under the Punjab cooperative societies Act, 1961.	<p>The Committee are of the view that sub-Section (2)(xvi) of section 85 of the Act provides for the formation and maintenance of a register of Members, and where the liability of the Members is limited by shares, of a register of shares, but actually rule 20 of these rules stipulates the maintenance of a register of members only.</p> <p>The Committee, therefore, desire the Department to clarify the position in this regard. The Departmental Representative stated that they will amend this rule accordingly.</p>	Do	Do
10.	20—21	Rule 22 of the Punjab Cooperative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	<p>The Committee observed that according to old sub-rule 22(a), the General Meeting alone had the power to fix the maximum credit limit of the cooperative society subject to the approval of the Registrar, but in accordance with the newly substituted sub-rule 22(a) the General meeting has the power to fix the maximum credit limit of Cooperative Society having 1000/- or less members, subject to the approval of the Registrar. The committee, therefore, desire to know the reasons from the Department for amending the sub-rule.</p>	Do	Do
11.	21—23	Rules 25—26 of the Punjab Cooperative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	<p>The Departmental representative stated that it was superfluous and would be omitted</p> <p>The Committee are of the view that in part (b) of rule 25, the expression "directly or indirectly" was vague, and gives unreasonable discretion and leaves scope for misuse of power. Similarly, in part (f) of rule 25, the word "inactive" also leaves scope for misuse of power.</p>	Do	Do

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The Departmental representative admitted that the use of the word "indirectly" gave considerable discretion with regard to disqualification of members of the Committee. The suggestion of the Committee that its implications should be clearly spelt out and type of relationship through which the person concerned derived interest for the particular transaction, should be defined, would be considered by the Government.

After discussion and having been agreed to by the Departmental representative, the committee observe that in clause (f), for the words "remained inactive as member", the words "made no transaction with the society as a member in accordance with its objects and as stated in the Bye-laws of the society" be substituted.

In the latest copy of the rules, as supplied to the Committee, there is a mention about the substitution of clause (g), for clause (f). According to the departmental representative, clause (f) of the rule stands as it is. It, therefore, recommends that in the amendment slip pasted in the latest copies of the rules, for "(f)" substitute "(g)" and for "g" substitute "(gg)".

In clause (h) of the rule, for the word "incure" the word "incurs" be substituted.

The departmental representative stated that they would examine part (f) of rule 25, especially the use of the word "inactive" and its import in the context of the co-operative movement as a whole and send their comments to the Committee.

After going through the provisions of rules 25 and 26, the Committee are doubtful if there is

any provision in the rules or the Act itself to remove a person, who escapes from being disqualified on the date of his election to the Committee due to one reason or the other, from the membership of the Committee. The Committee, therefore, recommend that necessary amendments in the rules be made as early as possible.

Do

Do

Rule 28 of the Punjab Cooperative Societies Rules 1963, framed under the Punjab Cooperative Societies Act, 1961.

12. 23—24

The Committee note that under section 85 (2) (xxviii) the Govt is required to prescribe qualifications of the members of the Committee in addition to that of the employees of the society. Under rule 28(1) the Registrar has been empowered only to prescribe qualifications and the amount of security required from the employees of the society. The Committee desired to know the reasons for not prescribing the qualifications of the members of the Committee of the society.

The Departmental representative stated that instead of prescribing these qualifications in the bye-laws, these should be prescribed in the rules to enable a person to become a member of the Committee of the society.

The Departmental Representative further stated that a Govt. servant may be debarred from seeking election to the managing committee of the Cooperative Society, by suitably amending the rules.

The Committee further noted that in sub-rule (2) of rule 28, the Registrar had been given the powers to relax the provisions contained in sub-rule (1) of rule 28 for

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			special reasons. In the view of the Committee, these powers appear to be arbitrary and in a number of cases, the High Court had struck down such rules. The High Court was reported to have observed that relaxation can be only for a class or category of persons and not for any individual. The Committee, therefore, desired that the Department should clarify this position.		
13.	24	Rule 29 of the Punjab Co-operative Societies Rule, 1963, framed under the Punjab Co-operative Societies Act, 1961.	The Committee observed that in the margin of the rule, there is reference of section 85 (2) (XXXVII) which in fact should be "85(2) (XXXVIII)".	Do	Do
14.	24	Rule 30 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Co-operative Societies Act, 1961	The Committee recommend that for the reference of section "36(1)" the reference of section "36" be substituted	Do	Do
			The committee recommend that the proviso to this rule be substituted as under :— "Provided that the said certificate shall be dated and signed by an officer of the Co-operative Society as prescribed in the bye-laws".		
15.	24	Rule 36 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act 1961.	The Committee observe that in line 1, after the figure "36" delete the signs and figure "(1)" since there is no sub-rule	Do	Do
16.	24-25	Rule 37 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Co-operative societies Act, 1961,	The Committee observe that in line 1 of sub-rule (3) (b) for the word "for" occurring between the words "Lease" and "Lands," the word "of" be substituted.	Do	Do

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17.	25	Rule 43 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	The Committee observed that in line 3 of sub-rule (1) for the word 'receipt', the word 'receive' be substituted.	Do	Do
18.	25	Rule 44 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	<p>The Committee observed that the term "fluid resources" had no where been defined.</p> <p>The Departmental Representative stated that the term "fluid resources" had been defined in a circular of the Registrar Co-operative Societies, Haryana, of the 17th Dec., 1968. This would also be defined in the Rules.</p> <p>The Committee further observed that in the heading of the rule for the words "Maintenance of fluid resources" the words "Maintenance of fluid resources" be substituted.</p>	Do	Do
19.	26	Rule 52 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Co-operative Societies Act, 1961.	<p>The Committee enquired from the Departmental Representative about the qualifications which must be possessed by an Arbitrator to be appointed by the Registrar because thus power to appoint Arbitrator was likely to be misused and in some cases Arbitrators of doubtful integrity and lower qualification were reported to be appointed. So, is the case with the appointment of Liquidators in which case also no qualifications for appointment as such had been prescribed although their (Arbitrator and Liquidator) position was highly responsible.</p>	Do	Do
20.	26	Rule 53 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Co-operative Societies Act, 1961.	The Committee recommend that in line 3 after the words 'may be' the sign 'be' be inserted.	Do	Do

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21.	26	Rule 54 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	After some discussion, the Committee observed that, under this rule, power had been given to the Registrar or the Arbitrator to appoint or remove a guardian for the party to the dispute who was a minor etc. The difficulty would arise where such a person would go before the Arbitrator. But in the Civil Procedure Code no such provision exists. Therefore, the Committee are of the opinion that the Registrar or the Arbitrator should not have the power to remove the guardian.	Do	Do
22.	26—27	Rule 55 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	The Committee recommend that in line 8, after the word 'filed', the word 'in' be inserted and for the word 'Registrars' the word 'Registrar' be substituted.	Do	Do
23.	27	Rule 57 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	The Committee also observed that under C.P.C., if the proceedings were carried on ex-parte or the case was decided ex-parte there was provision for setting aside the ex-parte order or decree on sufficient grounds. Similar provision, in view of this Committee, needed to be made in rule 55.	Do	Do
24.	27—28	Rule 58 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	The Committee recommend that in line 1, in the short title, between "record" and "arbitration", the word "of" be inserted.	Do	Do
			The Committee recommend that in line 2, after the word "Shall" the sign, " , " be inserted.		
			The Committee observed that the mode of the publication of a notice, under this sub-rule, should not be left at the discretion of the liquidator. It would be better if the same was prescribed in the rule itself.		

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			<p>The Departmental representative stated that in line 4, after the word "publish," they would insert "in the manner as prescribed in the C.P.C."</p> <p>The Committee recommend that in sub-rule (2), for the word "setting" the word "settling" be substituted</p> <p>The Committee observe that in the margin, between the figure "59" and "k," the figure "(2)" be substituted.</p>		
25.	28	Rule 65 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.		Do	Do
26.	28—29	Rule 72 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	<p>The Committee recommend that the word "shall" be inserted before the word "ordinarily," in sub-rule (4).</p> <p>The Committee recommend that for the word "suppose" occurring in sub-rule (4)(h), be substituted by the word "believe"</p> <p>The Committee desired to know why the words "other door" had been put in line 9 of the part (h) when there was generally one door in the dwelling houses of rural areas.</p> <p>The Departmental Representative stated that the word "other" will be replaced by the word "outer."</p>	Do	Do
27.	30	Rule 75 of the Punjab Co-operative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	<p>The Committee desired to know the procedure for obtaining copies of order to be appealed against, inasmuch as there was no provision either in the Act, or in the rules for obtaining or supplying the copies of such orders.</p>	Do	Do

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			The Departmental Representative stated that they will examine the aspect of the matter and then inform the Committee.		
28.	30-31	Rule 80 of the Punjab Cooperative Societies Rules, 1963, framed under the Punjab Cooperative Societies Act, 1961.	The Committee recommend that in line 2, of proviso to clause (1) for the word "generally," the word "general" be substituted.	Do	Do
			The Committee observe that the reference to the Indian Limitation Act, 1908 in section 66 is inappropriate as this Act has been replaced by the Indian Limitation Act, 1963. The Committee, therefore, recommend that an appropriate amendment in this Act be brought before the Legislature.		
			The Departmental representative stated that the necessary amendment will be brought before the Legislature.		
			The committee observe that the recurring fine imposed under the Gram Panchayat Act was reported to have been held ultra vires by the High Court. There is provision of recurring and continuing fine in the sub-sections (1) and (5) of Punjab Cooperative Societies Act, 1961. The Committee, therefore, recommend that the Department should get the legal opinion in the matter and see the desirability of bringing forward an amendment to the Act.		
			The Departmental Representative stated that this point would be got examined by the L.R.		
29.	31-32	Appendix B of the Punjab Cooperative Societies Rules, 1963, framed under the	The Committee are of the view that in clause 3 of Appendix B, line 2, for the word "fails," the word "fails" be substituted.	Do	Do

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The Committee are also of the view that in clause 3 of Appendix B, line 4, for "may," if he thinks fit" the word "shall" be substituted.

The Departmental Representative stated that it was not necessary to replace the word "may" by the word "shall", since the idea was to leave it to the affected parties to request the Registrar for calling the General Meeting. However, a provision to the effect would be made that if the Registrar does not call the general meeting he will record the reasons therefor. That would serve the purpose.

The Committee are further of the view that in clause 9 of the Appendix B, line 10, for the word "may" the word "shall" be substituted.

30. Rule 18 of the Punjab Cooperative Societies Rules, 1963, framed under the Cooperative Societies Act, 1961

The Departmental representative promised that the question "whether under rule 18 a member is actually entitled to withdraw from membership unless there is some body to purchase his shares," would be examined and the Committee be informed in due course.

Do

Do

31. Rule 3 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1963, framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.

No reply received from Government.

While examining the recommendations of the Committee in respect of these rules, it was observed that the Department has not cared to send any reply to the recommendation of the Committee despite about 10 re-

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32.	59	Rule 4 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965.	<p>The committee observe that in this rule as also in some other rules reference has been made to the old system of measurement, i.e. feet, inches and square yards, etc. and, at places, both, the new and the old systems of measurement have been used. The old system of measurement can no longer be used legally and, wherever, this has been used, it should be replaced by new system of measurement. The Committee therefore, desired to know from the Deptt. as to why the old system of measurement had been used in these rules when the new system, i.e., metric system had come into vogue in 1965 when these rules were framed.</p>	Do	<p>The Committee view this lapse on the part of the Department seriously. The Committee, therefore, recommend that explanation of the officials concerned should be obtained and necessary action be taken against them for not implementing the recommendations and the Committee be informed about the latest position regarding action taken by the Govt in implementing these recommendations/observations of the Committee.</p>
33	59-60	Rule 6 of the Punjab Scheduled Roads and Cont-	<p>The Committee are of the view that between the words "applicant" and "for" the words</p>	Do	Do

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34.	60	<p>rolled Areas Restriction of Unregulated Development Rules, 1965.</p> <p>Rule 10 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965.</p>	<p>“stating the reasons for returning the application” be inserted. The Departmental Representative stated that the proposed amendment is likely to throw the burden of pointing out all the defects at one time on the Director, while it is the responsibility of the applicant to know the law and Act accordingly. The Committee did not feel satisfied with this reply, therefore, the committee observe that in rule 6, a provision may be made to the effect that reasons should be stated to the applicant. The Director, Town and Country Planning undertook that it would be examined in consultation with the Law Department and let the Committee know the views of the Govt. within 30 days.</p> <p>The Committee observed that certain information was asked for by the Committee in respect of Rule 6, within 30 days on the 16th Oct., 1969, but the Committee is amazed to note that the same has not been received till the finalisation of the Report.</p> <p>The committee are of the view that the publication should also be done in some Hindi weekly or daily paper.</p> <p>The Departmental Representative stated that this was not published in any newspaper. The suggestion would, however, be kept in view in case it was published in papers. He also agreed on the suggestion of the Committee that a provision may also be made in the rule to publish the plan by displaying a copy thereof at a conspicuous place at the office of the Zila Parishad in Hindi Language.</p>	<p>Do</p> <p>Do</p>	<p>Do</p> <p>Do</p>

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35.	60—61	Rule 15 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated development Rules 1965.	The committee observe that the word "fees" may be substituted by the words "charges" or any other appropriate word.	Do	Do
36.	61.	Rule 16 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965.	After a good deal of discussion with the Departmental Representative the Committee observe that the word "to the satisfaction of the Director" gives wide discretionary powers to the Director. A provision should be made that in case the application is to be returned to the colonization officer for non-compliance the reasons should be stated. The Committee further observe that the matter may be got examined in consultation with the L R and Committee be informed accordingly.	Do	Do
37.	61—62	Rule 19 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965.	The Committee are of the view that clauses (c), (d), (e), (f) be renumbered as clauses (b), (c), (d) and (e) respectively, in as much as clause (b) already stands deleted	Do	Do
38.	62	Rule 20 of the Punjab Scheduled and Controlled Areas Restriction of Unregulated Development Rules, 1965.	The Committee is further of the view that in the existing clause (f), clause (e) so renumbered, after the word "him" the words "in writing" be inserted The Committee feel that the words "to the satisfaction of the Director", are unnecessary, specially because the Colonizer is already required to fulfil all the conditions laid down in rule 19. The Departmental Representative stated	Do	Do

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that the observation of the Committee had been noted, and the matter would be got examined in consultation with the Law Deptt.

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| 39. | 62 | Rules 24 of the Punjab Scheduled and Controlled Areas Restriction of Unregulated Development Rules, 1965. | The Committee wanted to know whether it would not be proper to prescribe the period within which colonizer is required to remove the deficiencies and deviations in the rules itself instead of giving unlimited power to the Director to specify the time in the notice. | Do | Do |
| 40. | 62—63 | Rules 26 B, 26C, & 26E, of the Punjab Scheduled and Controlled Areas Restrictions of Unregulated Development Rules, 1965. | 26B.—The Committee observe that the word "to the satisfaction of the Director" in this rule gives wide discretionary powers to the Director. That in case the application is to be returned to the Colonization Officer for non-compliance the reasons should be stated. The Committee further observe that the matter may be got examined in consultation with the Law Department and the Committee be informed. | Do | Do |

26C.—The Committee are of the view that at the end of the sub-rule (1) add "(acknowledgement due)".

26E.—The Committee desired to know the necessity of the words "to the satisfaction of the Director," appearing in sub-rule (1), when the applicant has already fulfilled the conditions required by rule 26 D.

The Desartmental representative noted the observations of the Committee and stated that further action would be taken in consultation with the Law Department.

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41.	63—64	Rule 40 Sub-rule (2)(C) of the Punjab Scheduled and Controlled Areas Restrictions of Unregulated Development Rules 1965.	The Committee is of the view that the word "of" occurring for the first time the word "or" be substituted.	Do	Do
42.	64	Rule 42 of the Punjab Scheduled and Controlled Areas Restrictions of Unregulated Development Rules, 1965.	<p>The Committee observe that Rule 42 is ultravires of the provisions of the Act, as no specific provision has been made in the Act empowering the Govt to levy any fee in regard to the type plans.</p> <p>The Departmental representative undertook to examine this matter in consultation with the Law Department.</p> <p>The Committee further observe that if rule 42 is intra-vires of the Act in that case the fee should be specified in the Rule itself. The Departmental representative also undertook to examine this aspect of the matter in consultation with the L.R. and inform the Committee.</p>	Do	Do
43.	64	Rule 48 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965.	The Committee observe that the 'Note' specified in this rule explains the meaning of expression "Building Unit". This "Note" should be in the form of 'Explanation'. Committee therefore suggest that for the word The 'Note' the word 'Explanation should be' substituted.	Do	Do
44.	64—65	Rule 54 of the Punjab Scheduled Roads and Controlled Areas, Restriction of Unregulated Development Rules, 1965.	<p>The Committee observe that rule 54 is ultravires of the Act on two grounds, viz.—</p> <ol style="list-style-type: none"> 1. It is coloured with excessive delegation; and 2. Sub-rule (3) does not provide the guide-line which has to be observed by the Director at the time of giving relaxation of any of the provision of rule 54. 	Do	Do

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			The Departmental Representative after some discussion, undertook to examine the matter in consultation with the Law Department and inform the Committee.		
45.	65	Rule 76 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965.	<p>The Committee are of the view that for the word "Loading" substitute "Leading".</p> <p>The Departmental Representative stated that it would be got amended being typographical error</p> <p>The Departmental Representative accepted the suggestion of the Committee made in regard to this rule, that between the words "him" and "free", the words "in writing" be inserted.</p>	Do	Do
46.	65	Rule 123 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965.		Do	Do
47.	66	Form BK-I of the Punjab Scheduled Roads & Controlled Areas Restriction of Unregulated Development Rules, 1965.	The Committee are of the view that at the end of the form BK-I, mentioned in this Rule, for the word 'Address', substitute "Applicant's signatures and address."	Do	Do
48.	71-72	Rule 5 of the Punjab Reclamation of Land Rules, 1960, framed under the Punjab Reclamation of Land Act, 1959.	<p>The Committee are of the view that in sub-rule(1) of Rule 5, between the words "authorise" and "in" the words "in writing" be inserted.</p> <p>The Committee observe that in sub-rule (4) of Rule 5, the words "or in any such other manner as the Director thinks fit" are vague, and recommend that the manner of substituted service should be specifically provided for in the Rules and should not be left to the discretion of the Director.</p>	No reply received from Government	The Committee, while examining the action taken on the recommendations/observations made by the Committee in respect of the Punjab Reclamation of Land Rules, 1960, found that in spite of issuing various reminders extending from 1970-71, the Govt. has not been able to implement the recommendations

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			<p>The Committee further observe that in "Note-1" under rule 5, the word "Naib Sarpanch" has been used. Therefore, the committee wanted to know whether this nomenclature exists in the Gram Panchayat Act or any other Act, if not, then this word should be substituted by an appropriate word.</p> <p>The Departmental Representative stated that this nomenclature did not exist now and, therefore, the words and sign "the Naib Sarpanch, or" will be deleted.</p>		<p>tions of the committees. The state of affairs is very much deplorable. The Committee desired that the replies to the observations/recommendations made in respect of these rules be furnished immediately without any further delay.</p>
49.	72	<p>Rule 7 of the Punjab Reclamation of Land Rules, 1960, framed under the Punjab Reclamation of Land Act, 1959.</p>	<p>The Committee feel that Rules 6 and 7 are beyond the scope of the Act as no power has been conferred by the Act on the Director to lease out the land after reclamation in case the land owner does not take its possession and also for the disposal of the lease money. Such powers should be specifically provided in the Act. Since this matter is not free from doubt, the committee wanted the Departmental Representative to examine it in consultation with the Law Department and inform the Committee.</p>	Do	Do
50.	72	<p>Rule 8 of the Punjab Reclamation of Land Rules, 1960, framed under the Punjab Reclamation of Land Act, 1959.</p>	<p>The Departmental Representative agreed to examine the matter in consultation with the Law Department and to inform the committee accordingly.</p> <p>The Committee observe that in sub-rule (2) of Rule 8 after the words "registered post", insert "(acknowledgement due)".</p>	Do	Do
51.	78—79	<p>Rule 1 of the Punjab State Aid to Industries Rules,</p>	<p>The Committee observe that in the Rules supplied by the Department, the sub-rule (2)</p>	<p>No reply by the Government</p>	<p>The committee would like the Industries De-</p>

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		1936, framed under the Punjab State Aid to Industries Act, 1935.	has been reproduced as under :—		
			“(2) In the Punjab State Aid to Industries Rules, 1936 (hereinafter referred to as the said rules), for the figures, “1954” and “1913” wherever occurring, the figures “1961” and “1956” shall be substituted, respectively”.		
			The Committee, suggests that this sub-rule (2) should not find place in Rule 1, and the necessary amendments with regard to the change of years should be made in the rules.		
			The Committee recommend that the suitable definition may be brought before the Legislature with a view to make the provisions for the “small scale Industrial Unit” in the Act.		
			The Committee are of the view that since the term ‘Board’ has been defined in the Act, its definition, as given in sub-rule (4), appears to be redundant and may be deleted.		
52.	79	Rule 2 of the Punjab State Aid to Industries Rules, 1936, framed under the Punjab State Aid to Industries Act, 1935.	The Committee recommend that the words “of Industries” occurring between the words “Board” and “Shall”, be deleted.	Do	Do
53.	80	Rule 3 of the Punjab State Aid to Industries Rules, 1936, framed under the Punjab State Aid to Industries Act, 1935.	The Committee recommend that for the existing proviso to rule 3, the following proviso be substituted as there is no upper chamber in Haryana :— “Provided that the members of the Legislative Assembly will draw T.A. and halting allowance, as admissible under the Punjab Legislative Assemblies (Allowances of members) Act, 1942, and rules made thereunder.”.	Do	Do

partment to send the latest position in the matter in an annotated form at the earliest.

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54.	80—81	Rule 4 of the Punjab State Aid to Industries Rules, 1936, framed under the Punjab State Aid to Industries Act, 1935.	The Committee recommend that in rule 4 and in other subsequent rules for the word "Punjab" wherever occurring, the word "Haryana" be substituted. The Committee are also of the view that rule 4 be deleted, as this is not in accordance with the intention of the Act.	Do	Do
55.	80—81	Rule 5 of the Punjab State Aid to Industries Rules, 1936, framed under the Punjab State Aid to Industries Act, 1935.	The Committee recommend that rule 5 (1) should be amended in view of the re-organisation of the Punjab State, as the places like Simla, Kulu etc. etc., do not form part of the Haryana State. The committee further recommend that similar amendments be made in Rules 7 (e) and (g), 16(4) and 17.	Do	Do
56.	81—82	Rule 5 of the Punjab State Aid to Industries Rules, 1936, framed under the Punjab State Aid to Industries Act, 1935.	The committee recommend that rule 5 (1) may be suitably amended and rule 5 (2) should be deleted. <i>Forms</i> —The Committee observed that there were several mistakes of printing both in English as well as in Hindi Forms. The Committee recommend that it would be better if suitable headings are given at the top of various forms appended to these rules for the sake of convenience of the public in general and for the industrialists in particular.	Do	Do
57.	82	Rule 7 of the Punjab State Aid to Industries Rules, 1936 framed under the Punjab State Aid to Industries Act, 1935.	The committee feel that the insertion of this new loan "Emergency loan" seems to be discriminatory, not only regarding the areas in which they were given, but also regarding the terms and conditions of the loan.	Do	Do

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58.	83	Rule 11 of the Punjab State Aid to Industries Rules, 1936, framed under the Punjab State Aid to Industries Act, 1935.	The Committee are of the view that the rate of interest cannot be determined under sec.46 (2) (g) as it relates to recovery only and it may be determined under sec. 46 (2) (f).	Do	Do
59.	83—84	Rules 13&13A of the Punjab State Aid to Industries Rules, 1936, framed under the Punjab State Aid to Industries Act, 1935.	<p>Rule 13 :—The Committee are of the opinion that this rule is ambiguous in as much as in the case of loan over Rs. 5,000. There is no period prescribed up to which the Govt. can extend the period beyond seven years, nor there are any specific grounds mentioned for extending the period and also the fraction of instalments fixed if the period is extended beyond seven years</p> <p>The Departmental Representative agreed to amend this rule suitably so as to make it unambiguous.</p> <p>Rule 13 A :—The Committee are of the view that since the provisions of this rule is no longer applicable, this rule should be deleted. The departmental Representative agreed to it.</p> <p>The Committee are of the view that at the end of sub-rule, (1) after the word "Post", add "(acknowledgement due)".</p>	Do	Do
60.	84	Rule 16 of the Punjab State Aid to Industries Rules, 1936, framed under the Punjab State Aid to Industries Act, 1935.		Do	Do
61.	84	Rule 19 of the Punjab State Aid to Industries Rules, 1936.	The Committee recommend that in rule 19, the word "Punjab" be deleted. It is also recommended that the word "Punjab" wherever occurring in the subsequent rules may also be deleted.	Do	Do
62.	84—85	Rule 20 of the Punjab State Aid to Industries Rules, 1936.	The Committee after examining the departmental Representative, recommend that in sub-rule (2), for the words "shall become" substitute "becomes".	Do	Do

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63	85	Rules 25 & 29 of the State Aid to Industries Rules, 1936.	<i>Rule 25 :—</i> The Committee are of the view that after the word "by registered Post" insert "(acknowledgement due)".	Do	Do
64.	85—86	Rule 34 of the State Aid to Industries Rules, 1936.	<i>Rule 29 :—</i> The committee are of the view that for the word "Designed" the word "designated" be substituted. The Committee desired to know whether any rules have been issued by the Department for the grant of subsidy as contemplated under this rule.	Do	Do

The Departmental Representative stated that at present, the Department does not give any subsidy, but as and when the question of giving subsidy arises, necessary rules in this connection would be issued.

FOURTH REPORT

1	12	Rule 3 of the Punjab Co-operative Land Mortgage Banks Rules, 1959, framed under the Punjab Co-operative Land Mortgage Banks Act, 1957.	The Committee observed that in rule 3, the letter "S" be substituted "Ss", The Committee also observed that similar amendments be made in rules 12, 13, 17, 19, 22, 23, 24, 25, 27, 28 and 31.	No reply received from the Govt	While examining the report of the Committee for the year 1970-71 regarding the observations of the Committee in respect of the Punjab Co-operative Land Mortgage Banks Rules, 1959, framed under the Punjab Co-operative Land Mortgage Banks Act, 1957, the Committee observed that the Department neither implemented the Committee's recommendation nor sent any reply in respect of any of the
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recommendations and observations despite several reminders issued by the Haryana Vidhan Sabha Secretariat. This attitude of the department is highly regrettable.

The Committee would like to have the latest position in respect of all these recommendations.

2. 12-13 Rule 5 of the Punjab Co-operative Land mortgage Banks Rules, 1959, framed under the Punjab Co-operative Land Mortgage Banks Act, 1957.

The Committee are of the view that after the words "resides and" the words "one copy shall be pasted on some conspicuous part of the village or Panchayat Ghar", be inserted.

The Committee recommend that this rule be amended accordingly.

The Committee observed that the following additions, alterations, deletions and amendment be made in the rules :—

- (i) In Rule 6, after "registered post" the words "with acknowledgement due" be inserted.
- (ii) In rule 7, after "authorised" the words "in writing" be inserted.
- (iii) In rule 12, after "distraîner shall" the words "sell" be inserted.
- (iv) In rule 17 (1), after "duly authorised" the words "in writing" be inserted.
- (v) In rule 17 (2), "sale other" the words "sale officer" be substituted.
- (vi) In rule 19 (2) (d), for "Purchase" the word "Purchaser" be substituted.

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			<p>(vii) In rule 26, for "enter up" the word "ensure" be substituted.</p> <p>(viii) In rule 28, after the word "Bank" the sign "a," be inserted.</p> <p>(ix) In rule 29, after "entitled" the word "to" be inserted.</p> <p>(x) In rule 30 (1), after the words "therein" and "Act" the sign "a," be inserted.</p> <p>(xi) In sub rule (3) of rule 30, for "Naya Paice" the word "Paice" be substituted.</p> <p>The Committee note that <i>inter alia</i> there are some spelling and grammatical mistakes in the rules and in the forms and desire that these should be rectified when the rules are got re-printed /re-published.</p>	<p>No reply received from the Govt.</p>	<p>After examining the report of the Committee and the relevant records, the Committee observed that the Department has not implemented the recommendations/observations of the Committee so far. The Committee decided to have latest position in the matter.</p>
3.	14	By-law 8 of the Bye-laws of the Haryana State Co-operative Land Mortgage Bank Ltd., Chandigarh.	<p>The Committee observed that in Bye-law 8, line 1, after the word "provision" the word "in" be inserted.</p> <p>The Committee are of the view that this Bye-law be amended accordingly.</p> <p>Similarly, the Committee observed that the following amendments be made in the Bye-laws :—</p> <p>(i) In Bye-law 12, part (b) be re-lettered as part (d).</p> <p>(ii) In Bye-law 28, for the word "given," the word "give" be substituted.</p> <p>(iii) In Bye-law 32, for "out of themselves" substitute "from among themselves".</p> <p>(iv) In Bye-law 33, after the word "if" the word "he" be inserted.</p> <p>(v) In Bye-law 59, for the words "Punjab Co-operative Union" the word "Haryana Co-operative Union" be substituted.</p>		

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The Committee recommend that these Bye-laws be amended accordingly.

4. 14 Bye-Law 63 of the Bye-laws of the Haryana State Co-operative Land Mortgage Bank, Ltd., Chandigarh

The Committee observed that this Bye-law had not been properly worded.

The Department in their written reply, proposed the following amendment in the Bye-Law :—

Do

Do

“63 It shall be invested and utilised in a manner as laid down in the statutory Rules notified by the State Government.”

The Department in their written reply stated that this amendment, will, however, be placed before the next meeting of the General Body of the Bank.

The Committee recommend that this Bye-law be suitably amended so as to provide for the proper investment and utilisation of the Funds.

5. 15 Regulation No. 2 of the Punjab State Co-operative Land Mortgage Bank Debentures, Regulations, 1959, framed under the Punjab Co-operative Land Mortgage Banks Act, 1957

The Committee observed that in regulation No. 2 and wherever necessary, for “Punjab” substitute “Haryana”.

The Department in their reply stated that before giving effect to the suggestion, the approval of the State Govt. and the trustee was necessary and steps were being taken in that connection

The Committee recommend this regulation be suitably amended after completing the necessary formalities.

No reply received from the Govt

After examining the report of the Committee and the relevant records, the Committee observed that the Department has not implemented the recommendations/observations of the Committee so far. The Committee decided to have latest position in the matter.

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6.	15-16	Regulations No. 4 & 5 of the Punjab State Co-operative Land Mortgage Bank Debentures, Regulations, 1959, framed under the Punjab Co-operative Land Mortgage Banks Act, 1957.	The Committee observed that section 11 of the Act, lays down that the Board may, subject to the approval of the Trustee and of the State Govt. make regulations for fixing the period of debentures and the rate of interest payable thereon.	Do	Do

The Committee further observed that the rate of interest and the period have not been fixed in regulations Nos. 4 & 5 but these have been left to the discretion of the Executive Committee.

Therefore, the Committee wanted to know whether it was not worthwhile to fix the rate of interest and the period for repayment in these regulations.

The Department in their written replies stated that section 11 of the Act, deals with the fixation of period of debentures and interest payable thereon. Whereas regulation Nos. 4 & 5 of the Debentures Regulation deals with the interest on deposits which are received in advance and later on converted into regular debentures. In view of the above, these are entirely two different matters and the powers vested in the Board and the Executive committee are clearly demarcated. At present, we are not collecting any debenture deposits vide Regulation Nos. 4 & 5. The Committee recommend that this matter should be thoroughly examined by the Govt. in consultation with the L.R. and the Committee be informed.

The Committee also observed that the

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			following amendments be made in the Regulation :—		
			(a) In regulation No 8, for the word "provided" the word "proved" be substituted.		
			(b) In regulation No. 9, for the words "in otherways" the word "otherwise" be substituted and further for "Punjab" substitute "Haryana".		
			(c) In regulation No. 15 and 16, for "therefore" the word "therefor" be substituted.		
			FIFTH REPORT		
			The Committee recommend that the words "non-Negotiable receipt" wherever occurring in rule 2(c) and in subsequent rules be substituted by the words "Negotiable receipt".		
			2(c).—The Committee recommend that the definition of the "year" be as follows :— "year means a financial year commencing from the first day of April", and recommend that it may be amended accordingly".		
1	9	Rule 2 (c) of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957		No reply received from the Govt.	The committee examined the report of the Committee for the year 1972-73 in regard to the recommendations and observations made under the above mentioned Act/Rules. After going through the records, it was revealed that the Department had not yet implemented the recommendation of the Committee so far. The committee would like to have the latest position in the matter at the earliest.
2.	9—10	Rule 5(i) of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957		Do	Do
3.	10	Rule 5 (iii) of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.		Do	Do

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			The Department stated in their written reply that this may be substituted by the words "incapable of conducting".		
4.	10	Rule 7(2) of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee recommend that in line 3, for the word "was" substitute the word "has", and the following proviso be added at the end of this sub-rule :— "Provided that Warehouseman shall be given an opportunity of being heard before his security is forfeited".	Do	Do
5.	10—11	Rule 8 & 9 of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee recommend that for the words "Punjab Govt. Gazette" occurring in these rules be substituted by the words "Haryana Govt Gazette".	Do	Do
6.	11	Rule 15 of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee recommend that for the words "Local News Paper" occurring in lines 2-3 substitute "DAILY HINDI NEWS-PAPER having wide circulation in that locality".	Do	Do
7.	11	Rule 18. of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee were of the view that some form should be prescribed for making compliance of this rule and suggest a Form for this purpose The department agreed to this suggestion with the proviso that Warehousing Corporation set up as a result of the Parliamentary enactment called "Warehousing Corporation Act 1962" are exempted.	Do	Do

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8.	11—12	Rule 21 of the Punjab Warehouse Rules, 1958, framed under the Punjab Warehouse Act, 1957.	The Committee were of the view that a provision should be added in this rule that a Warehouse man shall maintain a fire extinguisher at his own cost.	Do	Do
9.	12	Rule 23(1) of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee was of the opinion that for the words "a company which is on the list of companies approved for this purpose by the Registrar", be substituted by the words "a scheduled Insurance company".	Do	Do
10.	12	Rule 23(3) of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee recommend that this sub-rule may be deleted.	Do	Do
11.	12	Rule 25 of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee recommend that in line 4 for the word "and" the word "of" be substituted.	Do	Do
12.	12—13	Rule 30 of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee recommend that in line 6, for the words "bylk" and "asserted" substitute the words "bulk" and "assorted".	Do	Do
13.	13	Rule 39 of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee recommend that in this rule for the words and figures "The Punjab Agricultural Produce Markets Act, 1939" substitute "The Punjab Agricultural Produce Markets Act, 1961", because the Act of 1939 was repealed in the year 1961.	Do	Do
14.	13	Rule 44(4) of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee observed that reference of the title and the year of "The Indian Arbitration Act, 1940" seemed to be in correct, which the Committee desired to be corrected.	Do	Do

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15.	13-14	Rule 46 of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee recommend that after the word "Registered Post" insert "with acknowledgement due".	Do	Do
16.	14-15	Rule 47 of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957	<p>The Committee was of the view that this rule should be worded as follows :-</p> <p>"In case a licence is held by a partnership firm and the Registrar or the prescribed authority received intimation from any of the partners that the firm has been dissolved, he shall issue notice inviting objection from the other partners of the firm before passing final orders."</p>	Do	Do
17.	14	Rule 51(1)(b) of the Punjab Warehouses Rule., 1958, framed under the Punjab Warehouses Act, 1957.	The Committee observed that in this sub-rule it is provided that appeal from the order of the Registrar will lie to the Govt. The Committee would like to know who is the Government, i.e. Secretary to Govt., Co-operative Department or the Minister or the Chief Secretary to Govt. Haryana". The term may be classified and defined.	Do	Do
18	14-15	Rule 51(2) of the Punjab Warehouses Rules, 1958, framed under the Punjab Warehouses Act, 1957.	The Committee noted that the words "a copy of the orders" have been used in this rule whereas there is no provision in the rules where a copy of the order could be obtained by a person concerned. Therefore, the Committee was of the view that a provision should be made to this effect	Do	Do
			The Committee recommend that this rule should be amended in the light of the said observation.		

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19.	19	The Punjab Khadi and Village Industries Board Rules, 1957, framed under the Punjab Khadi and Village Industries Board Act, 1955.	<p>The Committee observed that there was no reference of the section of the Act in the margin of each rule, in the absence of which it was difficult for the Committee to find out under what precise authority each rule had been framed.</p> <p>The department in their written reply agreed to it and stated that it would be quoted at the time of republication of these rules</p>	No reply received from the Government.	After examining the report of the Committee and the reply of the Khadi Board, the Committee observed that the department has not yet implemented the recommendations of the Committee. The Committee decided to have latest position in the matter at the earliest
20.	19--20	Rule 6(b) of the Punjab Khadi and Village Industries Board Rules, 1957, framed under the Punjab Khadi and Village Industries Board Act, 1955.	<p>The Committee observed that this sub-rule is not happily worded and recommend that it should be re-drafted so as to convey its sense properly.</p> <p>The Department in their written reply stated that the Law Department will be approached to get the sub-rule (b) re-drafted in the light of the observations made by the Committee.</p>	Do	Do
21.	20--21	Regulation 18 of the Punjab Khadi and village Industries Board Regulations 1958, framed under the Punjab Khadi and Village Industries Board Act, 1955.	<p>The Committee agreed to the proposal and desired that sub-rule (b) be re-drafted in consultation with the Law Department and they may be apprised accordingly.</p> <p>The Committee observed that the power of appointment, fixation of pay, conditions of service and functions and duties of officers and servants of the Board have to be determined by the Board under sections 16, 17 and 18 of the Act. Regulation 18B delegates all these functions to the Executive Committee. Regulation 20 further provides that recruitment to the post under the Board shall be made by the Executive committee. There is, however, no provision in the Act for delegat-</p>	Do	do

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ing powers and functions which vest in the Board under the aforesaid sections of the Act to any authority, as has been done under the above mentioned Regulations. The Committee, therefore, desired to know as to whether this was not an instance of excessive delegation.

The department stated that according to section 11 of the said Act, the Board has to authorise to appoint one or more committees for the purpose of securing efficient discharge of its functions etc.

In view of this the Board delegated its functions with regard to the appointment of officers and servants etc. under Regulation 18 to the Executive Committee consisting of 5 members of the Board. There does not appear to be excessive delegation since the constitution of such a Committee is envisaged in section 11 of the Act.

The departmental representative stated during oral examination that the department will obtain the Legal Advice of the L.R. Haryana, and would apprise the Committee.

22. Regulation 21 of the Punjab Khadi and Village Industries Board Regulations 1958, framed under the Punjab Khadi and Village Industries Board Act, 1955.

The Committee recommend that in this regulation as well as in subsequent regulations for the word "Punjab" wherever occurring substitute the word "Haryana".

Do Do

SEVENTH REPORT

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1 18-19 Rules framed under the Punjab Medical Registration Act, 1916

The Committee recommend that the Medical Council be constituted within next six months and the Treasurer be also appointed. The Committee further recommend that the necessary amendments in the Schedule may also be made soon after the Medical Council is constituted.

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

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

- (1) The rules are not centrally and serially numbered;
- (2) No marginal heading has been given to majority of the Rules;
- (3) No reference of the section has been indicated in the margin of each rule, in the absence of which it is difficult to understand under which provision of the Act each rule has been framed, and
- (4) There is no proper arrangement of the rules and the Appendices

The Committee recommend that the aforesaid formalities may be complied with by the Govt. when the rules are published/republished.

No reply received from the Government.

The Committee decided that the attention of the Commissioner and Secretary to Govt. Haryana, Health Department be invited to Haryana Vidhan Sabha Secretariat letter No. H V.S.-LA (sub-leg) 17/69-79/20960 dated 4-9-79 and desired that the department should send replies in respect of the observations/recommendations of the Committee in regard to the rules framed under the Punjab Medical Registration Act, 1916, without any further delay

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2.	19	Rule 1 framed under the Punjab Medical Registration Act, 1916.	The Committee recommend that in rule 1(1), for, "the expression" the Act, the sign and the words the expression "the Act", may be substituted.	Do	Do
3.	19	Rule 2 framed under the Punjab Medical Registration Act, 1916.	The Committee recommend that the forms appended to the rules should also be made available to the practitioners in Hindi language also.	Do	Do
4.	19-20	Rules 6, 6-A, 6-B and 7 framed under the Punjab Medical Registration Act, 1916.	The Committee recommend that in rules 6, 6-A, 6-B and 7, and in subsequent rules wherever occurring, for the word "Province" substitute "State".	Do	Do

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

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

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

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5.	20	Rule 7-A framed under the Punjab Medical Registration Act, 1916.	<p>The Committee was of the view that under the Act, the Registrar was not empowered to erase the name of any Registered Practitioner from the Register, but rule 7-A empowers the Registrar for erasing the name of a practitioner.</p> <p>During the course of oral examination, the departmental representative stated that this rule seems to have been framed under section 11 of the Act and the Committee would examine it in the light of the Punjab Govt. Notification No. 21774, dated the 19th Aug., 1933, with which this rule was notified, and promised to supply a copy of the same to the Committee.</p> <p>The Committee recommend that a copy of the said notification may be supplied to the Committee at the earliest and the matter also be examined by the Govt. with a view to substituting the word "remove" for the word "erase".</p>	Do	Do
6.	21	Rule 13 framed under the Punjab Medical Registration Act, 1916.	<p>The Committee recommend that at the end of the para 1, after the word "provided", for the sign ":", substitute ".,—"</p>	Do	Do
7.	21—22	Rule 14 framed under the Punjab Medical Registration Act, 1916.	<p>The Committee, after going through this rule and having the departmental representative examined, recommend that:—</p> <p>(i) In rule 14(4), delete the words "sent by registered post or" and after "delivered personally", insert "or by any proposer or secondor of a candidate";</p>	Do	Do

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8	22	Rule 15 framed under the Punjab Medical Registration Act, 1916.	<p>(ii) In rule 14(9), after "registered post" insert "with acknowledgement due" and for sign " " occurring after "therein", insert " ";</p> <p>(iii) In rule 14(9), in proviso, after "rejected" insert "after recording the grounds of such rejection". However, the grounds of rejection are required to be mentioned only when the ballot paper is rejected in any manner other than the receipt of the ballot paper after 12 noon;</p> <p>(iv) In rule 14(11), for "letter" substitute "registered letter"; and</p> <p>(v) In rule 14(12), line 1, for "an quality" substitute "equality".</p> <p>The Committee are of the view that the words "corrupt practice" should have been mentioned in the body of the Act. Hence, this rule seems to be ultra-vires and as such the Committee recommend that appropriate action be taken.</p>	Do	Do
9.	23	Rule 17 framed under the Punjab Medical Registration Act, 1916.	<p>The Committee recommend that in rule 17, for "copy of" the words "copy to" be substituted.</p>	Do	Do
10.	23	Rule 18 framed under the Punjab Medical Registration Act, 1916.	<p>The Committee are of the view that in rule 18(1), for the word "resident" substitute "residence".</p> <p>The departmental representative stated during oral examination that they would examine this matter after having the opinion of the L.R.</p>	Do	Do

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			The Committee recommend that it may be examined at the earliest with the consultation of L.R. and the Committee be informed.		
11.	23	Rule 24 framed under the Punjab Medical Registration Act, 1916.	The Committee recommend that in rule 24, after "as the case may be" the sign " , " be inserted.	Do	Do
12.	23—24	Rule 29 framed under the Punjab Medical Registration Act, 1916.	The Committee recommend that for "(1)" and "(1i)" substitute "(1)" and "(2)" respectively.	Do	Do
13.	24	Rule 31 framed under the Punjab Medical Registration Act, 1916.	The Committee observe that the last words of rule 31(1) are not clear and create ambiguity. The Committee, therefore, recommended that this rule be re-examined and this sub-rule may be suitably amended.	Do	Do
			The Committee further recommend that in rule 31(2) for the word "erase" the word "remove" be substituted.		
14.	24	Form III framed under the Punjab Medical Registration Act, 1916.	The Committee recommend that in Form III of "signature of the seconder" the words "signatures of the proposer" be substituted.	Do	Do

EIGHTH REPORT

1. The committee felt that Haryana State could not be free from plant diseases and Noxious weeds and desired that steps must be taken to notify some of diseases in order to take preventive measures in time.
- 1 16—17 The East Punjab Agricultural Pests, Diseases and Noxious Weeds Rules, 1949, framed under the East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949.
- No reply received from the Government
- The Committee examined the recommendations of the Committee with reference to these rules.

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			2. The Committee observed that in the copies of the Act supplied by the department references had been made to the "Provincial Govt." at some places. The Committee observes that the words "Provincial Govt." wherever occurring in the Act should be substituted by the words "State Govt."		As many as nine reminders have been issued by the Haryana Vidhan Sabha Secretariat to the Agriculture Department asking for the implementation of the recommendations of the Committee but the same has not been intimated so far. The act and the Rules under which the Committee made recommendations are very important as the Haryana is predominantly an Agricultural State. It is a sad commentary on the functioning of the Agriculture Department that they have been sleeping over the recommendations of the Committee of such an important matter. The sub-Committee now recommends that suitable action should be taken against the person (s) found responsible for not attending to the recommendations of the Committee and this Committee should be intimated about the action taken.

2. 17. Rule 3 of the East Punjab Agricultural Pests, Diseases and Noxious Weeds Rules, 1949. The Committee recommend that in rule 3, for the words "degree of" the words "degree or" be substituted.

Do Do

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3.	17	Rule 5 of the East Punjab Agricultural Pests, Diseases and Noxious Weeds Rules, 1949.	The Committee recommends that in rule 5, for "Lambardar of," the words "Lambardar or" be substituted and after "Municipal Committee" sign " . . .", be inserted.	Do	Do
4.	17	Rule 7 of the East Punjab Agricultural Pests, Diseases and Noxious Weeds Rules, 1949.	<p>The Committee enquired whether there was any extra Assistant Director of Agriculture in Haryana and, if not, the rule(s) be amended suitably.</p> <p>The departmental representative stated that there was no extra Assistant Director of Agriculture in Haryana and this rule was being amended and the words "extra Assistant Director of Agriculture", was being substituted by Deputy Director of Agriculture or Project Officer.</p>	Do	Do
5.	17	Rule 8 of the East Punjab Agricultural Pests, Diseases and Noxious Weeds Rules, 1949.	The Committee recommends that in rule 8, for the words "in authorised" the words "is authorised", be substituted.	Do	Do
6.	18	Rule 9 of the East Punjab Agricultural Pests, Diseases and Noxious Weeds Rules, 1949.	<p>The Committee observed that this rule is not happily worded and it be amended as under :—</p> <p>"9. if the notified area included a common land infested with Pests/disease/ Noxious weed all right holders according to the revenue record will be held responsible for the eradication of the said pests/diseases/ Noxious weed.</p>	Do	Do
7.	18	Rule 10 of the East Punjab Agricultural Pests, Diseases and Noxious Weeds Rules 1949.	The Committee recommends that in rule 10, after the word "eradication" the word "of" be inserted.	Do	Do

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8.	18	Rule 11 of the East Punjab Agricultural Pests, Diseases and Noxious Weeds Rules, 1949.	The Committee recommends that in rule 11, for the words "maintain registered" the words "maintain registers" be substituted.	Do	Do
9.	18	Form B. of the East Punjab Agricultural Pests, Diseases and Noxious weeds Act, 1949.	The Committee recommends that in line 4, for " <u>to permises will</u> " the <u>land</u> words and sign " <u>the premises will</u> " be substituted. <u>Land</u>	Do	Do
			The Committee further recommends that in line 6, for the words "whether who the said" the words "whether the said" be substituted.		
10.	18—19	Form D of the East Punjab Agricultural Pests, Diseases and Noxious Weeds Rules, 1949.	The Committee observed that form D is not happily worded and recommends that it may be amended and read as under :—	Do	Do
"FORM D"					
		Notice	No.		
		After inspection of land/premises of—			
		Shri	S/o Shri	village	
		Tehsil	District		
I am satisfied that pest/Disease Noxious Weed declared under section 3 exists and necessary remedial measures have not been carried out. He is, therefore, informed of this and under section 6 and is required to comply with the					

instructions within—days after the receipt of this notice.

Otherwise Legal action will betaken against him

Inspector

11. 30 Rule 1 of the Punjab Agricultural Produce Markets (General) Rules, 1962, framed under the Punjab Agricultural Produce Markets Act, 1961

No reply received from the Government

The Committee has examined the recommendations of the Committee in respect of the Punjab Agricultural Produce Markets (General) Rules, 1962, made in the year 1975-76, and Communications sent to the Vidhan Sabha Secretariat, from time to time by the Agriculture Department. The recommendation of the committee have not been implemented so far. It is highly regrettable that the Agriculture Department has not implemented the recommendations of the Committee contained in its Report pertaining to the year 1975-76. The Committee would like that suitable action should be taken against the persons found responsible for not implementing the recommendations of the Subordinate Legislation Committee. The action taken should be communicated to the Committee at the earliest.

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12.	30—31	Rule 2 of the Agricultural Produce Markets (General) Rules 1962, framed under the Punjab Agricultural Produce Markets Act, 1961.	The Committee recommend that in sub-rule (16) of rule 2, after “(civil)” occurring for the first time, insert “,” and delete “,” occurring after “located”.	Do	Do
13.	31—32	Rule 5 of the Agricultural Produce Markets (General) Rules 1962, framed under the Punjab Agricultural Produce Markets Act, 1961.	The Committee observed that as and when the bye-laws relating to the better marketing of the Agricultural produce and classification of committees are framed, copies thereof be supplied to the Committee.	Do	Do
14.	32—33	Rule 7 of the Agricultural Produce Markets (General) Rule, 1962.	The Committee recommends that in rule 7 (1) (a), (b) & (c), for the words “the regional” wherever occurring, the words “Hindi” be substituted as there is no regional system in vogue now and, further in rule 7(1)(b), the words “and Zila Parishad” should also be deleted as the institution of Zila Parishad has since been abolished.	do	Do
15.	33—34	Rule 11 of the Agricultural Produce Markets (General) Rules, 1962.	The Committee observes that this matter regarding resignation by member of the Committee should be referred to the Law Department and the opinion given by the Law Department be also sent for the information of the members of the Committee.	Do	Do
16.	34—35	Rule 13 of the Agricultural Produce Markets (General) Rules, 1962.	The Committee recommend that in Line 3 of Sub-rule (1) of rule 13 after the word “consisting” insert the word “of”. The Committee further recommends that in line 2 of the rule 13(3) (a) insert the sign “,” after the word “fails”.	Do	Do
17.	35	Rule 19 of the Agricultural Produce Markets (General) Rules, 1962.	The Committee recommends that before the proviso for “,” substitute “,”.	Do	Do

1	2	3	4	5	6
18.	35	Rule 20 of the Agricultural Produce Markets (General) Rules, 1962.	The committee recommends that in proviso to rule 20(1)(a) for "hindu" substitute "Hindi".	Do	Do
			20(2)(a) The Committee recommends that in the proviso to Rule 20(2) (a) for "hindu" substitute "Hindi".		
			20(2)(b) The Committee recommends that in rule 20(2)(b), line 6, for "who" substitute "which".		
19.	36	Rule 22 of the Agricultural Produce Markets (General) Rules, 1962.	The Committee recommends that in sub-rule (2) between the words "prohibit" and "person" insert the word "any".	Do	Do
20.	36-38	Rule 24 of the Agricultural Produce Markets (General) Rules, 1962.	The committee recommend that in sub-rule (3) the sign " , ", occurring after the word "Board" be shifted after the word "shall" in the same line	Do	Do
			24(8) :- The Committee recommends that in sub-rule (8) after the word "spot" for the sign " , ", substitute the sign " : ".		
			24(8A) :- The Committee recommends that in sub rule (8A) for the words "disposed off" substitute the words "disposed of".		
			24(10) :- The committee recommends that in proviso to sub-rule 10 for the word "exempt," substitute the word "exempted".		
			24(12) :- The Committee recommends that in sub-rule 12 after the words "kacha Artuya," for the sign " , ", substitute the sign " : ".		

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21.	38	Rule 25 of the Agricultural Produce Markets (General) Rules, 1962.	25(1) The Committee recommends that in sub-rule (1), between the words "as" and "bag", insert the word "a".	Do	Do.
22.	38—39	Rule 30 of the Agricultural Produce Markets (General) Rules, 1962.	25(5) : The Committee recommends that in sub-rule (5) for the words "not lower the rank to" substitute the words "not lower in rank than". The Committee recommends that in sub-rule (4), for the word "exempt", substitute the word "exempted" and after the word "time", for the sign ":", substitute the sign "·".	Do	Do
23.	39—40	Rule 31 of the Agricultural Produce Markets (General) Rules, 1962.	The committee recommends that the word "exempt" occurring for the first time in the first proviso to sub-rule be substituted by the word "exempted" and for the words "be exempt," the words "stand exempted" be substituted.	Do	Do
24.	40—41	Rule 32 of the Agricultural Produce Markets (General) Rules, 1962.	The Committee further recommends that in the first proviso to sub-rule (1), for "rule", substitute "rules", and after the words "him" for the sign ":", substitute the sign "·" and the second proviso after the word "Sold", for the sign ":", substitute "·". The Committee also recommends that in sub-rule (9), between the words "defaulter" and "penalty" insert the word "a". The Committee recommends that in the heading of rule 32, for the words "godown keeper" substitute the words "go down keepers" and in part (a) for the word "prescribed" substitute the word "prescribe".	Do	Do

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25. 41 Rule 37 of the Agricultural Produce Markets (General) Rules, 1962.

The Committee recommends that in sub-rule (1), for the words "exhibit in", substitute the words "exhibit at", and in sub rule (2) for the words "in conspicuous places," substitute the words "at conspicuous places".

Do

Do

26. 41 Rule 40 of the Agricultural Produce Markets (General) Rules, 1962.

The Committee recommends that in sub-rule (2), for the words "one month" the words "Thirty days" be substituted.

Do

Do

9253—H.V.S.—H.G.P.