

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

**SUBORDINATE LEGISLATION
TWENTY SIXTH REPORT
1994-95**

(Presented to the Haryana Vidhan Sabha on the 24th March, 1995)



**HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH
March, 1995.**

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COMPOSITION OF THE COMMITTEE

(1994-95)

Chairman

*Shri Hari Singh Nalwa

*Smt. Chandravati

Members

Shri Birender Singh

Shri Chander Mohan

Shri Azmat Khan

Shri Suraj Bhan Kajal

Shri Karan Singh Dalal

Shri Om Parkash Beri

Advocate General

Special Invitee

**Prof. Chhattar Pa' Singh

Secretariat

1. Shri Sumit Kumar, Secretary

2. Shri Data Ram, Under Secretary

The Committee was constituted vide Haryana Vidhan Sabha Secretariat Notification No. HVS-LA(Sub-Leg) 1/1994-95/24, dated the 28th April, 1994.

*Shri Hari Singh Nalwa, M.L.A., resigned from the Chairmanship and the membership of the Committee with effect from the 3rd August, 1994 and in his place Smt. Chandravati, M.L.A., was nominated as Member and Chairman of the Committee by the Speaker with effect from 3rd August, 1994 vide notification No. HVS-LA (Sub-Leg)-1/94-95/36 dated the 5th August, 1994.

**Shri Chhattar Pal Singh, M.L.A., was nominated by the Speaker as Special Invitee of the Committee with effect from the 15th September, 1994 vide notification No. HVS-LA (Sub-Leg)-1/94-95/47, dated 16th September, 1994.

INTRODUCTION

I, the Chairman of the Committee on Subordinate Legislation having been authorised by the Committee to present the report on their behalf, present this twenty sixth report to the House.

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 27th April, 1994 and was notified in the Official Gazette vide Notification No. HVS-LA (Sub-Leg)-1/1994-95/24, dated the 28th April, 1994.

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

4. The Committee also place on record their high appreciation for whole hearted co-operation and assistance given by the Secretary, Under Secretary, Deputy Superintendent and staff of the Legislation Branch.

Chandigarh :
The 20th February, 1995.

CHANDRAVATI
CHAIRMAN

REPORT

1. The Committee on Subordinate Legislation for the year 1994-95 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 27th April, 1994 and was notified in the official Gazette vide notification No. HVS-LA(Sub-Leg)-1/1994-95/24, dated the 28th April, 1994.

2. Shri Hari Singh Nalwa who was initially appointed as the Chairman of the Committee by the Speaker, resigned from the Chairmanship and membership of the Committee w.e.f 3rd August, 1994 and in his place Smt. Chandravati, M.L.A. was nominated by the Speaker as member and Chairman of the Committee w.e.f. 3rd August, 1994 vide notification No. HVS-LA (Sub-Leg)-1/1994-95/36 dated, 5th August, 1994. Prof. Chhattar Pal Singh, M.L.A, was nominated as a Special Invitee of the Committee on Subordinate Legislation w.e.f 15th September, 1994 for the remaining period of the year 1994-95, vide notification No. HVS-LA (Sub-Leg)-1/1994-95/47, dated the 16th September, 1994

3 The Committee held 56 sittings till the presentation of this Report. Before scrutinising the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, the Committee discussed its scope and functions and the procedure for scrutinising the Rules, Regulations, orders etc. The Committee orally examined the representatives of the Town and Country Planning Department of the State Government.

The Committee also examined the Commissioner and Secretaries to Government, Haryana of various departments regarding non-implementing of its outstanding recommendations/observations made by the Committee in its earlier reports.

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 other matters as may be referred to it by the Speaker". Further rule 250 of the said Rules lays down that while examining any such set of rules, 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; and
- (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 order should be brought to the notice of the House, it may report that opinion and matter to the House.

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

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

The Committee is competent to send for persons, papers or records; if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 248 of the rules jo Procedure and Conduct of Business in the Haryana Legislative

Assembly, which reads as under :—

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

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

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

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

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

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

The Committee has framed the working rules wherein the detailed procedure has been laid down. Generally the Committee from time to time select set of rules framed under the various Acts for their scrutiny and examine these at the first instance at their own level with the assistance of the Law Department and the Vidhan Sabha Secretariat. The Committee then invites the Administrative Secretary concerned for oral examination to explain the discrepancies found in the various rules/orders. After the [rules/orders 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 have 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 enactment of the Act and in no case this period should exceed six months. If the rules are not framed within six months, the Committee may ask the Department about the reason for the delay in framing the rules. This is only by convention.

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

4. The Executive should be impressed upon that whenever rules are

framed or amendments are made in the existing rules, 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.

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

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

GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

1. Delay in framing the Rules

The Committee reiterates the recommendations made in its previous twenty five Reports and observes that ordinarily Rules should be framed as early as possible after the enactment of an Act and in no case the period should exceed six months. If no rules are framed within the said period after the enactment 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.

The Committee further recommends that whenever an Ordinance is promulgated, the rules should be prepared simultaneously so that there should not be wide gap between the Ordinance/Act and the Rules.

2. Reference of Section under which Rules are framed

The main function of the Committee on Subordinate Legislation is to scrutinise and report to the House whether the powers to make regulations, rules etc., conferred by the Constitution or delegated by Legislature are being properly exercised by the Executive within the delegation. The Committee observes that the Government Department generally supply the copies of rules without the preamble or note above the rules with the result that it becomes rather difficult for Committee to know under what precise authority the rules have been framed. The Committee further observes that reference of the section under which each rule or order was framed is not indicated generally in the margin of each rule. The Committee is of the view that giving of reference of the section under which each rule has been framed in the margin of each rule is essential to enable the Committee and all concerned to know under what precise authority each rule has been framed.

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

If in the margin of each set of rules there is no reference of the section(s) under which each rule has been framed. Government Departments may invariably supply a 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.

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

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

The Committee observed that certain Departments supplied cyclo-

styled copies of the rules for its scrutiny. During the scrutiny of the rules the Committee came across a large number of typographical/spelling mistakes in those 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, recommends that copies of the rules to be supplied to it by the Department should be in the printed form or in the form of Gazette in which they are published if, however, it is not possible for the Department to do so, it should be ensured that the copies of the rules, order etc. are up-to-date meticulously compared and duly corrected before supplying these to the Committee to save its valuable time in pointing out such mistakes.

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

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

(ii) Footnote in the Act and Rules

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

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

4. Publishing the Acts and Rules in Hindi

The Committee observes 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 in the State Legislature, its authenticated Hindi translated version is also supplied to the Members. The committee reiterates its earlier recommendation and recommends that all the Acts and Rules be translated into Hindi and made available to the legislators in particular and the public in general so that every body may be able to know the law of the land.

5. Laying of Rules on the Table of the House

The Committee has observed that a majority of the Acts contain provisions requiring the Government merely to publish the Rules framed thereunder in the Official Gazette. There is no provision for laying the

same on the Table of the House, with the result that the House can exercise no direct check over them. The committee is of the view that there should be uniformity in the provisions of the Acts, delegating legislative powers and recommends that in future all the Acts, enacted by the State Legislature whether falling in the State List or Concurrent List of Seventh Schedule of the Constitution of India, which contain provisions for making rules, should also invariably lay down provisions for laying of rules on the Table of the House as soon as possible.

6. Delay in laying Rules on the Table of the House

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

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

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

Sr. No.	Name of order	Description of "Order"	Date of publication in the Gazette	Date of laying on the Table	Approximate delay and reasons of delay if any	Department concerned

7. Implementation of recommendations of the Committee

The Committee observes with great regret that the work regarding the implementation of recommendations/observations is very slow. The Committee, which works on behalf of the House, felt that the object with which it was constituted would be defeated if its recommendations are either not implemented at all or are implemented after a long time.

The Committee, therefore, recommends that the action on the outstanding recommendations and observations contained in its earlier reports should be given top priority and expedited. The Committee also recommends that when a recommendation is implemented by the Government, the Depart-

ment concerned should supply a copy of the notification containing the amendment in the rules alongwith the statement showing the action taken by the Government in the implementation of the recommendations/observations.

8. Availability of Copies of Acts and Rules to Public

The Committee is of the view that copies of all the Acts and Rules framed thereunder, as amended up-to-date, are generally not available in the Government Press for the use of the Public. The Committee, therefore, recommends that copies of all the Acts and Rules made thereunder should be kept up-to-date in the Press for sale to the Public.

SEVENTEENTH REPORT 1985-86

LABOUR DEPARTMENT

The Workmen's compensation Rules, 1924 framed under section 32 of the Workmen's compensation Act, 1923.

A copy of the 17th report of the Committee on Subordinate Legislation which was presented to the House on 28th February, 1986, was sent to the Labour Department for taking necessary action with regard to the implementation of the observations/recommendations on 12th March, 1986. After forwarding the report to the Labour Department, 11 letters/D.O. letters were issued to the Department but the Labour Department does not appear to realise that they owe a responsibility to the Committee for actual implementation of its recommendations. They only woke up when they were reminded in the matter by issuing a letter to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department on 19th March, 1987.

The Committee regret that infirmities in the rules have been allowed to remain till the finalisation of this report. The Committee express its displeasure for not implementing the recommendations of the Committee for such a long time. The Department on its own, is required to keep the Committee informed about the progress in the matter of implementation of their recommendations. They however, chose to remain silent and did not respond view in the matter for a period of 9 years. The committee for the year 1994-95 took up the matter of implementation of its long out standing recommendations and orally examined the Labour Department on 23rd May, 1994. The Department made a request to the Committee for extension of time for a period of three months for the implementation of its recommendations. But even after the period of three months the recommendations of the Committee were not implemented by the Department and again the representatives of the Department were orally examined by the Committee on 23rd August, 1994 for not implementing its outstanding recommendations even after an extended period of three months. The Committee on 23rd August, 1994 observed that the recommendations/ observations of the Committee relating to the Workmen's Compensation Rules, 1924, framed under section 32 of the Workmen's Compensation Act, 1923, as contained in its 17th report for the year 1985-86 which was presented to the House on 28th February, 1986 remained unimplemented and no action to implement the said recommendations/observations was taken suo-motu even after a period of 9 years. The Committee observed that this was not the exceptional case and it was with other departments also.

The Departmental representatives were again orally examined by the Committee on 29th November, 1994 in which they gave an assurance for implementing the recommendations of the Committee before 18th January, 1995 but till the finalisation of this report no intimation has been received by the Committee from the department as to whether they have implemented the recommendations of the Committee or not.

The Committee, therefore, recommends that the Government should look into such type of in-ordinate delay taken by the Department for not implementing the recommendations of the Committee and initiate the action in this regard.

The Committee also recommends that a final reply after implementing all the outstanding recommendations be sent to the Committee expeditiously.

NINETEENTH REPORT 1987-88**EXCISE AND TAXATION DEPARTMENT**

The Punjab Entertainments Duty Rules, 1956 framed under the Punjab Entertainments Duty Act, 1955.

The Committee for the year 1994-95 took up the matter of implementation of its recommendations in respect of the Punjab Entertainments Duty Rules, 1956 framed under the Punjab Entertainments Duty Act, 1955. The Committee note from the correspondence with the Excise & Taxation Department that their Committee's report was forwarded to them on 12th April, 1988 and the matter remained under correspondence between the Department and the Vidhan Sabha Secretariat uptill the finalisation of this report. The Department was orally examined by the Committee for not implementing the recommendations of the Committee on 30th May, 1994. The Financial Commissioner and Secretary to Government, Haryana, Excise and Taxation Department tendered unqualified apology to the Committee for not implementing the observations/recommendations of the Committee for such a long time. He also feels that there is absolutely no justification for taking such a long time and assured the Committee that the amendments proposed by the Committee will be implemented in the next about three months. But after the period of three months the recommendations of the Committee were not implemented by the Department and again the representatives of the Department were orally examined by the Committee on 6th December, 1994 for not implementing its recommendations even after an extended period of three months. They were again given three months time for the implementation of the recommendations of the Committee.

The Committee observes that the implementation of the recommendations in the present case is pending since 1988. The Committee note with concern the casual manner in which the Excise & Taxation Department have treated the communication sent to them by Parliamentary Committee. The matter is still pending.

The Committee, therefore, recommends that the Excise and Taxation Department should finalise the matter and amend the Punjab Entertainments Duty Rules 1956 framed under the Punjab Entertainments Duty Act, 1955 suitably without any further delay, as already recommended by the Committee and publish the same in the Haryana Government Gazette at an early date and the Committee be informed accordingly.

NINETEENTH REPORT 1987-88**LABOUR DEPARTMENT**

The Punjab Welfare Officers Recruitment and Conditions of Service Rules, 1952 framed under the Factory Act, 1948.

The Committee note from the correspondence with Labour Department that their Committee's report was forwarded to them on 12th April, 1988. When implementation of Committee's recommendations was pursued, the department in their communication dated 4th September, 1989 informed that they had not received the Vidhan Sabha Secretariat letter dated 1st February, 1989. A copy of this letter was sent to the department on 22nd September, 1989. But the department failed to supply the copies of the final notification till the finalisation of this report.

The Committee observes that the Department have not shown enthusiasm to implement their recommendations. In short the action appears to have been initiated by the Department after six years of presentation of the report by the Committee to the House which reveals an inordinate delay on the part of the Department. It seems that the department is not serious in implementing the recommendations of the Committee.

The Committee, therefore, urge the Department to initiate steps to implement their recommendations expeditiously and Committee be supplied the copies of the final notification without further delay.

NINETEENTH REPORT 1987-88**AGRICULTURE DEPARTMENT**

The Haryana Cold Storage (Licencing and Regulation) Order, 1979 framed under the Essential Commodities Act, 1955.

A copy of the Nineteenth Report of the Committee on Subordinate Legislation of Haryana Vidhan Sabha which was presented to the House on 30th March, 1988 was sent to the Agriculture Department on 12th April, 1988 with the request to intimate the action taken by the Government in implementation of observations/recommendations made by the Committee concerning the Haryana Cold Storage (Licensing and Regulation) Order, 1979 framed under the Essential Commodities Act, 1955.

The present Committee took up the implementation work relating to the Haryana Cold Storage (Licensing and Regulation) Order, 1979 framed under the Essential Commodities Act, 1955 and note with concern that even after a period of six years the Agriculture Department have not implemented the recommendations concerning the above said order. The Committee are not convinced by the reasons advanced by the Agriculture Department for not implementing the recommendations of the Committee. The Agriculture Department failed to implement the recommendations of the Committee even after the three months time given by the Committee on 30th May, 1994 as requested by the Department. The Department do not appear to realise that they owe a responsibility to the Committee for actual implementation of its recommendations. The Committee regret that infirmities in the order have been allowed to remain till to-date despite acceptance of their recommendations by the Department at the time of oral examination. The Committee express its displeasure for not implementing the recommendations/observations of the Committee made in its 19th report concerning the Haryana Cold Storage (Licensing and Regulation) Order 1979 framed under the Essential Commodities Act, 1955.

The Committee, therefore, recommends that the Government to look into the matter and fix the responsibility for taking unreasonably long time and not implementing the recommendations of the Committee. The Committee also desire that the recommendations made by them in this regard should be implemented without any further delay and Committee be informed accordingly.

TWENTIETH REPORT 1988-89**LABOUR DEPARTMENT****The Punjab Factory Rules, 1952 framed under the Factories Act, 1948.**

A copy of the 20th report of the Committee on Subordinate Legislation of Haryana Vidhan Sabha which was presented to the House on 15th March, 1989 was sent to the Labour and Employment Department on 20th March, 1989 with the request to intimate the action taken by Government in respect of implementation of recommendations/observations made by the Committee concerning the Punjab Factory Rules, 1952 framed under the Punjab Factories Act, 1948.

The Committee for the year 1994-95 pursued the implementation work and orally examined the Labour Department on 14th June, 1994 in which three months time for the implementation of its recommendations was given to the department. On getting no reply after the extended period of three months the department was again orally examined for not implementing the recommendations on 13th December, 1994. The Committee are not convinced by the reasons advanced by the department for not implementing the recommendations due to non-availability of the original notification of Punjab Factory Rules, 1952 even after strenuous efforts with the department as was asked by the Law Department for vetting the amendments proposed by the Committee. However, the department was again given time upto 15th February, 1995 for the implementation of its recommendations.

The Committee observes that the manner in which the implementation of the recommendations has been handled is far from satisfaction. More than 5 years have elapsed since the Committee had made recommendations in this regard in March, 1989 but the Punjab Factory Rules, 1952 framed under the Factories Act, 1948 are still to be amended as proposed by the Committee. The most depressing part of it is that the Labour Department has failed to intimate on their own, the progress of action taken on the Committee's recommendations. The Department has to be reminded time and again in order to ascertain the fate of the recommendations of the Committee.

The Committee recommends the Government to fix the responsibility for the casual way the Committee's recommendations were treated by the persons concerned and inform the Committee about the action taken in the matter expeditiously.

TWENTY-FIRST REPORT 1989-90**EXCISE & TAXATION DEPARTMENT****The Punjab Distillery Rules, 1932 framed under the Punjab Excise Act, 1914.**

The Committee note from the correspondence with the Excise and Taxation Department that their Committee's report was forwarded to them on 9th April, 1990 for implementation of observations/recommendations made by the committee concerning the Punjab Distillery Rules, 1932 framed under the Punjab Excise Act, 1914. When implementation of the Committee's recommendations were pursued the department in their communication dated 31-8-93 stated that they had not received the Vidhan Sabha Secretariat letter dated 23-7-92. Another copy of the Vidhan Sabha letter dated 23-7-1992 was sent to the department on 17-9-1993 although it was only a reminder. On getting no reply the matter was again pursued with the department and they were orally examined by the Committee on 6th June, 1994 and 14th June, 1994 for not implementing the recommendations of the Committee. The department straight way apologised for the enormous delay taken by them in the finalisation of these rules.

The Committee note with concern that even after five years their recommendations are still to be implemented.

The Committee, therefore, recommends that the Excise and Taxation Department should amend the Punjab Distillery Rule, 1932 framed under the Punjab Excise Act, 1914 suitably without any further delay as already recommended by the Committee and publish the same in Haryana Government Gazette at an early date and the Committee be informed accordingly.

TWENTYSECOND REPORT 1990—91**ENVIRONMENT DEPARTMENT**

The Haryana Air (Prevention and Control of Pollution) Rules, 1983 framed under the Air (Prevention and Control of Pollution) Act, 1981.

The Committee for the year 1994-95 pursued the implementation of its recommendations concerning the Haryana Air (Prevention and Control of Pollution) Rules, 1983 framed under the Air (Prevention and Control of Pollution) Act, 1981 and orally examined the Environment Department for not implementing the recommendations of the Committee on 20th June 1994. The department was given six months time for completing the implementation work upto 31st December, 1994 but till the finalisation of this Report the department failed to notify the amendments proposed by the Committee in the above said rules.

The Committee, therefore, observes with great regret that the work regarding the implementation of recommendations is very slow. The Committee which works on behalf of the House felt that the object with which it was constituted would be defeated if its recommendations are either not implemented at all or implemented after a long time.

The Committee, therefore, recommends that the action on the recommendations contained in its 22nd Report for the year 1990-91 concerning the Haryana Air (Prevention and Control of Pollution) Rules, 1983 framed under the Air (Prevention and Control of Pollution) Act, 1981 should be given top priority and expedited. The Committee also recommends that when a recommendation is implemented the department should supply a copy of the notification containing the amendments in the rules for the information of the Committee at the earliest.

TWENTY THIRD REPORT 1991-92**HEALTH DEPARTMENT**

The Punjab Medical Registration Rules, 1917 framed under section 24 of the Punjab Medical Registration Act, 1916.

A copy of the 23rd report of the Committee on Subordinate Legislation of the Haryana Vidhan Sabha which was presented on 25th March, 1992 was sent to the Commissioner and Secretary to Government, Haryana, Health Department, Chandigarh on 2nd April, 1992 with the request to intimate the action taken by the Government in respect of implementation of recommendations/observations made by the Committee concerning the Punjab Medical Registration Rules, 1917 framed under section 24 of the Punjab Medical Registration Act, 1916.

The Committee note with concern the utter disregard shown by the Health Department to the communication received from a Parliamentary Committee. The department, on its own, is required to keep the Committee informed about the progress being made in the matter of implementation of their recommendations. They, however, chose to remain silent and did not respond view in the matter till they were asked to appear before the Committee for oral examination on 13th June, 1994. However, oral examination on above said date was postponed due to inability shown by the Commissioner and Secretary to Government, Haryana. Health Department to appear before the Committee on that date. The Department appeared before the Committee on the 4th July, 1994 and assured the Committee that their recommendations will be implemented in one and a half month. When no reply was received till January, 1995 the department was again orally examined by the Committee on the 9th January, 1995 for not implementing its recommendations within the stipulated period.

The Committee feels that no serious efforts have been made by the Department to implement the recommendations of the Committee.

The Committee, therefore, urge the Health Department to finalise the matter and amend the Punjab Medical Registration Rules, 1917 framed under section 24 of the Punjab Medical Registration Act 1916 as proposed by the Committee without any further delay and publish the same in the Haryana Government Gazette at the early date and the Committee be informed accordingly.

TWENTY FOURTH REPORT 1992-93**CO-OPERATION DEPARTMENT**

The Haryana Co-operative Societies Rules, 1989 framed under Section 131 of the Haryana Co-operative Societies Act, 1984.

A copy of the 24th Report of the Committee on Subordinate Legislation for the year 1992-93 was forwarded to the Co-operation Department on 18th March, 1993 with the request to intimate the action taken by the Government in implementing the recommendations/observations made by the Committee concerning the Haryana Co-operative Societies Rules, 1989 framed under section 131 of the Haryana Co-operative Societies Act, 1984 within two months

The Committee for the year 1994-95 pursued the implementation of its recommendations and orally examined the Co-operation Department on 20th June, 1994. At the time of oral examination the Committee came to know that all recommendations of the Committee has been implemented by the Department and a notification in this behalf has been issued on 19th October, 1993. However the Committee also came to know that the old rules which were notified by the Department on 31st January, 1989 are still in existence. This shows that there are two sets of notifications/rules in force in the department. The departmental representatives apologised their mistake and agreed to rectify the mistake by issuing a fresh notification by repealing the old notifications dated 31st January, 1989 and 19th October, 1993. However, the department failed to reply in the matter till the finalisation of this report.

The Committee has no option but to recommend, that the matter was taken up in a casual manner for not repealing the rules already in existence.

The Committee, therefore, recommends that the department may issue a fresh notification after implementing all its recommendations as were made in its 24th Report within one month after the presentation of this report and the Committee be informed accordingly.

The Committee further recommends that the Government should look into the matter and initiate the action against the defaulting Officers/Officials by conducting enquiries and fixing the responsibility under intimation to the Committee expeditiously in respect of not repealing the old rules.

TWENTY-FIFTH REPORT 1993-94
AGRICULTURE DEPARTMENT

The Rules, Bye-laws and Regulations made under the Punjab Agricultural Produce Markets Act, 1961.

A copy of the 25th report of the Committee on Subordinate Legislation for the year 1993-94 was forwarded to the Agriculture Department on 22nd March, 1994 with the request to intimate the action taken in implementation of recommendations/observations made by the Committee in respect of the Rules, Bye-Laws and Regulations made under the Punjab Agricultural Produce Markets Act, 1961 within two months. When implementation of the Committee's recommendations was pursued, the Agriculture Department in their communication dated 23rd June, 1994 stated that they had not received the Vidhan Sabha Secretariat letter dated 22nd March, 1994 forwarding therewith a copy of the report of the Committee to the Agriculture department. Another copy of the report of the Committee was handed over to the representatives of the department on 24th June, 1994. The department was orally examined by the Committee on 27th June, 1994 for not implementing its recommendations and the Committee are not convinced by the reasons advanced by the Agriculture department for not implementing its recommendations. However, taking a lenient view in the matter the Committee agreed to give six months more time for implementing all the recommendations of the Committee as contained in its 25th report.

The department partly accepted the recommendations of the Committee as intimated by them vide their letter dated 6th January, 1995.

The Committee, therefore, recommends that the department should initiate steps to implement their outstanding recommendations expeditiously and the Committee be informed of the action taken in the matter.

SCRUTINY OF THE PUNJAB SCHEDULED ROADS AND CONTROLLED AREAS RESTRICTION OF UNREGULATED DEVELOPMENT RULES, 1965 FRAMED UNDER THE PUNJAB SCHEDULED ROADS AND CONTROLLED AREAS RESTRICTION OF UNREGULATED DEVELOPMENT ACT, 1963.

The Committee scrutinise the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 and made the following observations/recommendations thereon:—

General Recommendations

1. While scrutinising the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, the Committee came across a large number of printing mistakes in the copies of the Rules supplied to the Committee which had resulted in unnecessary wastage of valuable time of the Committee in pointing out the spelling mistakes etc. Therefore, the Committee recommends that the Rules be got reprinted after implementing the recommendations/ observations made by the Committee.

2. While scrutinising the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965, the Committee observed that in various rules of the *ibid* rules inherent and discretionary powers have been given to the Director. The Committee after perusing the written reply submitted by the department orally examined the representatives of the department in this regard. During the course of oral examination, the Committee observed that the representatives of the department were not inclined to review the powers so given to the Director. However, the Committee are not convinced by the reasons advanced by the Town and Country Planning Department for not reviewing the powers of the Director as vested in the rules which are against the intention/spirit of the Act and are too much arbitrary.

The Committee, therefore, is of the view that these powers are required to be rationalised and recommends that the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 should be gone through by the Government for reviewing the powers of the Director in order to draft the rules in such a way that work in the department is streamlined.

Rule—9

“9. *Publication of development plans for inviting objections.*—A copy of the development plan notified by Government under sub-section (4) of Section 5 shall be sent by the Director to every local authority within whose

limits any land included in the controlled areas is situated so as to enable it to make any representation it may like to make with respect to the plan.”.

3 The Committee recommends that in line 5 of Rule 9 between the words “representation” and “it may” the words “within a period of 3 months” be inserted.

Rule—16 A

“16-A. *Earnest money*.—(1) Before proceeding under rule 17 and rule 18 the Director shall, by order in writing, require the colonizer to furnish within a period of thirty days from the date of service or such order, an earnest money at the rate of five paise per square yard calculated for the gross area of the land under the proposed colony in the form of a demand draft in favour of the Director and drawn on any scheduled Bank at Chandigarh.

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4 The Committee recommends that for the words “five paise” appearing in line 4 of Rule 16-A(1) the words “one rupee” be substituted.

Rule—60

“60. *Materials*.—All materials to be used for the erection or re-erection of a building shall conform to the specifications and standards laid down in the Punjab Public Works Department Specifications 1963 edition.”.

5 The Committee recommends that for the words “Punjab Public Works Department Specifications 1963” the words “Haryana Public Works Department Specifications, 1990 first” be substituted in Rule 60.

Rule—63

“63 (1) * * * * *

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(2) Materials specified as damp-proof course shall be as indicated in Punjab Public Works Department Specifications 1963 edition.

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6 The Committee recommends that for the words “Punjab Public Works Department Specifications, 1963” the words “Haryana Public Works Department Specifications, 1990 first” be substituted in sub-rule (2) of Rule 63.

Rule—65

"65. *Floors*.—All floors of every building including floor of a kitchen, bathroom, latrine, urinals shall be damp and rat proof and shall be constructed of materials so treated as to protect it from white ants, dry rot, wet rot as per Punjab Public Works Department Specifications 1963 edition".

The Committee recommends that for the words "Punjab Public Works Department Specifications, 1963" the words "Haryana Public Works Department Specifications, 1990 first" be substituted in Rule 65.

Rule—67

"67. *Thickness of Walls*.—(1) Where walls of buildings are constructed of bricks, stones, blocks or of other hard and incombustible material laid in horizontal beds of courses, every wall or part of a wall shall be so designed and constructed as to be capable of safely sustaining and transmitting the dead loading and the superimposed loading to which it may be subjected (calculated in accordance with the Schedule II annexed to these rules so far as it is applicable) and the horizontal and inclined forces to which it may be subjected, without undue settlement or deflection and without exceeding the intensity of pressure on the materials as given below:—

Description of wall	Allowable safe pressure in tonnes/square (Slenderness ratio not exceeding six)
Burnt bricks in cement mortar (1:3) to (1:4)	8
Burnt bricks in lime mortar (1:2) or current mortar (1:6)	4
Burnt bricks in mud mortar	2½
Coursed rubble masonry (other than Ashler) in cement mortar (1:4)	2
Coursed rubble masonry (other than Ashler) in lime mortar (1:2) or cement mortar (1:6)	4½
Random rubble masonry in cement mortar (1:4)	8
Random rubble masonry in lime mortar (1:2) or cement mortar (1:6)	4
Ashler masonry in cement mortar (1:3) with 1:3:6 mass concrete backing	12
Ashler masonry in lime mortar 1:2 or cement mortar 1:6 with 1:4:8 mass concrete backing	6
Blocks in 1:3 cement mortar average crushing strength of block not less than—	
500 lb/sq. inch.	2
1,000 lb/sq. inch.	4
2,000 lb/sq. inch.	8½

Explanation.—Average crushing strength of individual burnt bricks when determined by standard test approved by the Director to be not less than 1,500 lb/sq. inch. Allowable stress can be increased by 20 per cent in the case of local loadings.

For occasional loads such as wind and earthquake forces the allowable stress can be increased by 33 per cent.

When sheering or tensile stress occurs the permissible stress to be taken in one-tenth the maximum pressure figures given above.”.

6 The Committee recommends that in addition to the details specified in the Table of Rule 67, the lean mixes also need to be specified in the rule such as 1:5, 1:6 and 1:7 for brick masonry.

Rule—97

“97. *Sanitary fittings and execution of works to conform to P. W. D. specifications.*—All sanitary fittings drainage pipes including soil and waste pipes and other articles used in the execution of these works shall be as per standards and specifications laid down for such article in the Punjab Public Works Department Specification, 1963 edition, and if there are no standards or specifications laid down for any article in the Punjab Public Works Department Specifications then the article shall be as per standards and specifications of the Indian standards Institute and if there is no specification or standard laid down by the Indian Standards Institute, then the articles shall be as per British Standards specifications.”.

7 The Committee recommends that for the words “Punjab Public Works Department Specifications, 1963” the words “Haryana Public Works Department Specifications, 1990 first” be substituted in Rule 97.

Rule—113

“113. *Method of disposal.*—Every water borne drainage system shall be connected with the public sewer but in case no public sewer exists in the vicinity of the said premises, the drainage system may, as a temporary measure and subject to the previous written approval of the Director, be connected to a septic tank from which the effluent shall be drained of—

- (a) into absorption pits, or
- (b) by sub-soil irrigation drains:

Provided that no absorption pit shall be allowed in the case of any premises or area in which domestic supply is taken from sub-soil water:

Provided further that if at any future period a public sewer is constructed which can serve the premises, the owner shall at his own expense cause the said drainage system to be connected to this sewer.”.

10 The Committee recommends that every water borne drainage system be replaced by sanitary disposal system in Rule 113.

Rule—129

"129(1)

(2)

(3) The Commissioner, shall hear the appellant and call for the comments of the Director, Town and Country Planning, Punjab, Chandigarh, as also of the Director who passed the order appealed against, in case he is a different officer, and shall consider these comments before final disposal of the appeal."

(1) The Committee recommends that in line 2 of sub-rule (3) of Rule 129 for the word "Punjab", the word "Haryana", be substituted.