

**HARYANA VIDHAN SABHA**

**REPORT**

**OF**

**THE COMMITTEE**

**ON**

**SUBORDINATE LEGISLATION**

**FORTY SECOND REPORT**

**2013 - 2014**

( Presented to the Haryana Vidhan Sabha on 4th March 2014 )



**HARYANA VIDHAN SABHA SECRETARIAT**  
**CHANDIGARH**  
**2014**

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**COMPOSITION OF THE COMMITTEE  
(2013-2014)  
COMMITTEE ON SUBORDINATE LEGISLATION**

**Chairperson**

Shri Jagbir Singh Malik MLA

**Members**

Shri Om Parkash Jain MLA

Shri Sri Krishan Hooda MLA

Shri Mohammed Ilyas MLA

Shri Rameshwar Dayal Rajoria MLA

Shri Ghanshyam Saraf MLA

Shri Subhash Chaudhary MLA

Advocate General Haryana

**Special Invitees**

Shri Ganga Ram MLA

Shri Gopal Kanda MLA

**Secretariat**

Shri Sumit Kumar Secretary

Shri Nitin Malik Deputy Secretary

The Committee was constituted *vide* Haryana Vidhan Sabha Secretariat Notification No HVS SLC 1/ 2013 14/21 dated 2nd May 2013

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Nominated as Special Invitees Shri Subhash Chaudhary M L A and Shri Ganga Ram M L A of the Committee *vide* Notification No HVS SLC 1/ 2013 14/ 38 dated the 8th May 2013

Nominated as Member instead of Special Invitee Shri Subhash Chaudhary M L A of the Committee *vide* Notification No HVS SLC 1/2013 14/43 dated the 9th May 2013

Nominated as Special Invitee Shri Gopal Kanda M L A of the Committee *vide* Notification No HVS SLC 1/20 13 14/80 dated the 18th September 2013

## INTRODUCTION

1 I the Chairperson of the Committee on Subordinate Legislation having been authorized by the Committee to present the Report on their behalf present this Forty Second Report to the House

2 The matters covered by this Report were finally considered by the Committee at their sitting held on 16th February 2014 and adopted this Report

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

4 The Committee also places on record their high appreciation for whole hearted co operation and valuable assistance given by the Secretary Deputy Secretary and Staff of the Legislation Branch

Chandigarh  
The 16th February 2014

JAGBIR SINGH MALIK  
Chairperson  
Committee on Subordinate Legislation

## REPORT

1 The Committee on Subordinate Legislation for the year 2013 2014 was nominated by the Speaker Haryana Vidhan Sabha under rule 252 of Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 2nd May 2013 and was notified in the Official Gazette vide Notification No HVS SLC 1/2013 14/25 dated the 2nd may 2013

2 Shri Jagbir Singh Malik MLA was appointed as the Chairperson of the Committee by the Speaker

3 The Committee held 87 sittings till the presentation of the Report

4 Besides watching the implementation work relating to earlier reports the Committee scrutinized the following Rules —

- 1 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
- 2 The Haryana Registration of Births and Deaths Rules 2002 framed under the Haryana Registration of Births and Deaths Act 1969
- 3 The Haryana Kisan Pass Book Rules 1996 framed under the Haryana Kisan Pass Book Act 1994
- 4 The Haryana Canal and Drainage Rules 1976 framed under the Haryana Canal and Drainage Act 1974

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

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## SCOPE AND FUNCTIONS OF THE COMMITTEE

The scope and functions of the Committee are set down in rules 251 259 and 260 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly Rule 251 enjoins upon the Committee to scrutinize and report to the House whether powers to make regulations rules sub rules bye-laws etc conferred by the Constitution or delegated by the legislature are being properly exercised within such delegation and consider such other matters as may be referred to it by the Speaker Further rule 259 of the said Rules lays down that while examining any such set of rules bye-laws etc the Committee shall in particular consider —

- (i) Whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made
- (ii) Whether it contains matters which in the opinion of the Committee should more properly be dealt within an Act of the Legislature
- (iii) Whether it contains imposition of any tax
- (iv) Whether it directly or indirectly bars the jurisdiction of the courts
- (v) Whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power
- (vi) Whether it involves expenditure from the consolidated fund of the State or the Public Revenues
- (vii) Whether it appears to make some unusual or unexpected use of the powers conferred by the constitution or the Act pursuant to which it is made
- (viii) Whether it appears to have been unjustifiable delay in the publication or laying it before Legislature and
- (ix) Whether for any reason its form or purport calls for any elucidation Rule 260 lays down as follows —

1 If the Committee is of opinion that any Order/Rules/Bye law etc 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 in its Report

2 If the Committee is of the opinion that any other matter relating to any Order/Rules/Regulation should be brought to the notice of the House it may report that opinion and matter to the House

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

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

The Committee is competent to send for persons, papers or records if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 257 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly which reads as under -

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

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

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

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

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



Some of the Parliamentary conventions established in connection with the scrutiny of Rules Regulations Bye laws etc are given below —

- 1 The Committee would scrutinize only such rules which have been finally published in the Gazette and not the draft rules
- 2 The Department of the Govt would ensure that rules are framed under an Act as early as possible after the enactment of the Act and in no case this period should exceed six months. If the rules are not framed within six months the Committee may ask the Department about the reason for the delay in framing the rules. This is only by convention
- 3 Executive should ensure that no rule goes beyond the power delegated by legislature. If the rules go beyond the powers delegated by legislature the Committee may examine the same and report to the House
- 4 The Executive should be impressed upon that whenever rules are framed or amendments are made in the existing rules those should be serially and centrally numbered and should indicate in the margin of each rule the reference of the section under which the rules are framed

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

- (i) As far as possible guidelines/criteria to be followed by the authority concerned for the exercise or discretionary power vested in it should be laid down in the rules
- (ii) In case where the authority concerned deviates from a norm it should be required to record in writing the reasons for such deviation
- (iii) Before any adverse action is taken against a party it should be given a reasonable opportunity of being heard and after a decision adversely affecting a party has been taken it should have the right of appeal or representation as the case may be
- (iv) In order that the persons similarly placed are not treated differently the powers of exemption/relaxation should be exercisable in respect of categories or class of persons as contra distinguished from individuals
- (v) In cases where an authority concerned is vested with the power to suspend a license or supplies pending institution or regular proceedings a maximum time limit for suspension should be laid down in the rules
- (vi) The provisions of rules which may make a citizen liable to a penalty should be well defined and not worded vaguely
- (vii) In case of seizures and searches suitable safeguards like the presence of witness preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided

- (viii) In case of rules relating to disciplinary proceedings not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority be also laid down in the rules
  - (ix) Statutory rules should be amended by Statutory rules only and not by executive orders
  - (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic sketchy or skeleton or needing further interpretations. It should be in simple language so that different people cannot put different interpretations. For example expressions like unreasonable large quantity reasonable intervals etc should be avoided
  - (xi) Generally Rules should not be made applicable from retrospective effect adversely affecting the rights of any class or category unless specifically permitted by the Act
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## **GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE**

### **1 Delay in framing the Rules**

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

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

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

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

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

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

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

### **3 (i) Supply of printed and up to date corrected copies of the Rules**

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

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

## **(ii) Footnote in the Act and Rules**

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

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

## **4 Publishing the Act and Rules in Hindi**

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

## **5 Delay in laying on the Table of the House**

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

## **6 Implementation of recommendations of the Committee**

As per prevailing practice and convention, the Departments are required to furnish from time to time statements of action taken or proposed to be taken by them on the recommendations/observations of the Committee made in its Reports. But no time limit is fixed now. With a view to ensuring speedy implementation of their recommendations, the Departments should implement the recommendations expeditiously and not later than a period of six months. If in any particular case it had not been possible to adhere to this time limit, they should ask for extension of time from the Committee after explaining the difficulties in implementing the recommendations. Still the cases of delay continue to occur. The Committee can not but stress again that the Department should evolve suitable measures to streamline their procedure in order that the recommendations made by the Committee are implemented on top priority basis within a maximum period of six months.

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

alongwith the statement showing the action taken by the Government in the implementation of the recommendations/observations

## **7 Availability of Copies of Acts and Rules to Public**

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

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

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

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

### **35TH REPORT 2005-2006 (HEALTH DEPARTMENT)**

**The Punjab Ayurvedic and Unani Practitioner s (General) Rules, 1964 framed under the Punjab Ayurvedic and Unani Practitioner s Act 1963**

The Committee watched the implementation work regarding observations/ recommendations made by the previous Committee in respect of the Punjab Ayurvedic and Unani Practitioner s (General) Rules 1964 framed under the Punjab Ayurvedic and Unani Practitioner s Act 1963 as contained its 35th 41st Reports

The Committee observed that 41st Report was sent to the Department vide letter dated 1-4-2013 to implement the outstanding observations/ recommendations made by the Committee in its earlier Reports. The reminders dated 6 11 2013 and 3 12 2013 were sent to the Department to send the latest/requisite reply to the recommendations/observations on remaining two points regarding prescribing the qualification for the post of Chairman and enhancement of penalty for contravention of the provisions of the Act on the pattern of the Central Act of the Government of India. But no reply in this regard received from the Department concerned so far.

During course of oral examination held on 15 1-2014 the departmental representatives assured the Committee that the outstanding observations/ recommendations as made by the previous Committee will be implemented expeditiously while amending the relevant Act and Rules framed thereunder.

#### **Section 19 D**

The practitioners of Indian System of Medicines who have the qualification mentioned in the II<sup>nd</sup>, III<sup>rd</sup> and IV<sup>th</sup> schedule of Central Council of Indian Medicine Act 1970 and are registered in Part 1st of the Register of Indian System of Medicine and also those practitioners who are already registered in Part II of the register of Indian System of Medicine shall be eligible to practice the Indian System of Medicine shall be substituted.

#### **Section 30**

Any person who contravenes the provisions of section 28 or 29 shall on conviction be punishable for the first offence with imprisonment which may extend to three years with fine which may extend to twenty five thousand rupees and for every subsequent offence with imprisonment which may extend to five years with fine which may extend to fifty thousand rupees.

The Committee expects that the department would take the observations of the Committee seriously and submit the reply in time as per assured by the Principal Secretary to Government Haryana Health Department Haryana.

The Committee also expects that the department would take up the matter on priority basis and supply the notification while amending the aforesaid rules into light of observations/recommendations made by the Committee as contained in its 35th Report without further delay

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

### **36TH REPORT 2006-2007**

#### **(ANIMAL HUSBANDRY & DAIRYING DEPARTMENT)**

**The Punjab Animal contagious Diseases Rules, 1953 framed under the Punjab Livestock and Birds Diseases Act 1948**

The Committee watched the implementation of work regarding observations/recommendations made by the previous Committee in respect of the Punjab Animal Contagious Diseases Rules 1953 framed under the Punjab Livestock and Birds Diseases Act 1948 and observed that the department concerned had accepted the most of the recommendations of the Committee in principle however the observations/recommendations of the Committee made on the aforesaid Rules were yet to be implemented by issuing the notification to amend the Rules as contained in its 36th 41st Reports

The 41st Report as Committee as containing further observations/recommendations made by the previous Committee was sent to the Department concerned on 1-4 2013 to implement the same at the earliest The reminder was sent to the Department vide letter dated 6 11 2013 to supply the latest/requisite reply to the Committee in the matter Another reminder was also sent to the Department vide latter dated 3 12 2013 to implement the observations/recommendations made by the Committee in its earlier Reports

However the matter remained under consideration with the Department for a considerable period Accordingly the present Committee held the oral examination of the Departmental representatives in the meeting held on 8 1 2014 to know the latest position in the matter The reply of department was received vide letter dated 6 1 2013 which was placed before the Committee stated as under -

It is stated that Govt of India has enacted The Prevention and Control of Infectious and Contagious Diseases in Animals Act 2009 which have come into force w e f 25 08 2009 throughout the country except the State Uttar Pradesh Under Section 43 of this Act rules are to be framed by the State Governemnt The approval of Government of India for the draft rule has already been obtained and approval of the draft from State Government is being obtained and thereafter rules under section 43 shall be notified

It is stated that on commencement of the Prevention and Control of Infectious and Contagious Diseases in Animals Act 2009 (i) the Glanders and Farcy Act 1899 (ii) the Dourine Act 1910 and (iii) any other corresponding law of any State so far as it is inconsistent with the provisions of the Act shall stand repealed The Punjab Livestock and Birds Diseases Act 1948 which is inconsistent with the provisions of the Central Act has been repealed and therefore no further action in this regard is required However while in the draft rules under the Central Act the rules under section 43 of this Act shall be notified after the approval of State Government



The departmental representatives assured the Committee that while framing the Rules under the new Act the State Government will give due consideration to the observations/recommendations of the Committee

The Committee expects that the Department would take up the matter of framing of Rules on priority basis in due course of time and not later than two months

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*Further observations/recommendations made by the Committee***38TH REPORT 2008-2009  
(URBAN LOCAL BODIES DEPARTMENT)****(i) The Haryana Municipal (Tax on Buildings and Land) Rules, 1987 framed under the Haryana Municipal Act, 1973**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Municipal (Tax on Buildings and Land) Rules 1987 framed under the Haryana Municipal Act 1973 as contained in its 38th - 41st Report

The Department concerned vide their Memo No 4/1/2010 R dated 22 11 2013 informed that the necessary amendments have been made in the Haryana Municipal (Tax on Buildings and Land) Rules 1987 vide Notification No S O I4/H A 16/1994/S 87/2013 dated 28th January 2013

After perusing the said Notification dated 28th January 2013 the Committee is of the view that the observations/recommendations made by the Committee have been implemented by the concerned Department therefore no further action is required to be taken in the matter

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

**38TH REPORT 2006-2007**

**(HOME DEPARTMENT)**

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

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Home Guards Rules 1980 framed under the Haryana Home Guards Act 1974 as contained in its 38th 41st Reports

The 41st Report containing further observations/recommendations made by the Committee in its previous Reports were sent to the Department concerned vide letter dated 9 4 2013 to implement the same at the earliest. The Additional Chief Secretary to Government Haryana Home Department has forward the aforementioned letter dated 9 4 2013 vide memo No 34/40A/2008 1 HG III dated 29-4 2013 to the Commandant General Home Guards & Director Civil Defence Home Department Haryana with the request to supply a reply of the recommendations/observations of the Committee and endorse a copy of the same to the Secretary Haryana Vidhan Sabha for information.

The Commandant General Home Guards & Director Civil Defence Home Department has also sent also an interim reply vide memo No मआ 13/स्टैनो/10786 dated 26 8 2013 and the same was placed before the Committee in its meeting held on 27 8 2013.

The Additional Chief Secretary to Government Haryana Home Department has also supply the same reply vide memo No 34/40A/2008 1 H G III dated 9 9 2013 and the same was also placed before the Committee in its meeting held on 17 9 2013.

Another letter was sent to the Additional Chief Secretary to Government Haryana Home Department vide letter no HVS SLC Imp 22/2008 09/23387 dated 6 11 2013 for supply the latest/requisite reply to the recommendations/observations of the Committee made in the report at the earliest. A reminder was also sent to the Additional Chief Secretary to Government Haryana Home Department vide letter No HVS SLC Imp 22/2008 09/25819 dated 4 12 2013 to supply the latest/requisite reply in the matter at the earliest.

The Commandant General Home Guards & Director Civil Defence Home Department has also given information regarding reply of the recommendations/observations of the Committee and process of the amendment in the rules to the Additional Chief Secretary to Government Haryana Home Department vide memo

no मआ 13/स्टैनो/ 18265 dated 27-12 2013 and also endorse a copy of the same to the Secretary Haryana Vidhan Sabha for information

The Additional Chief Secretary to Government Haryana Home Department has supply the aforementioned reminder dated 4 12 2013 to the Commandant General Home Guards & Director Civil Defence Home Department for necessary action vide memo no मआ 13/स्टैनो/ 18265 dated 4 12 2013 and also endorse a copy of the same to the Haryana Vidhan Sabha for information

The Additional Chief Secretary to Government Haryana Home Department and Commandant General Home Guards & Director Civil Defence Home Department had supply their reply vide memo no 34/40A/2008 1 H G III dated 15 01 2014 & memo no मआ 13/स्टैनो/ / 623 dated 16 01 2014 respectively Both the replies were placed before the Committee in its meetings held on 21 01-2014 and the oral examination of the Departmental representatives to explained the latest position in the matter was also conducted in the said meeting

After perusal the aforementioned reply and oral examination the Committee made Certain further observations on the following rules

As per **rule-6** the Home Guards are getting Daily Allowance amounting to Rs 150/- per day The Committee was observed that this Daily Allowance of the Home Guards may be increase from Rs 150/ to Rs 300/

After consideration the case the Government has took a decision on 1 4 2012 that to increase the Daily Allowance from Rs 150 to Rs 250/ and five present self increment per annum is under consideration with the Government Because in routine that kind of Allowances can not be revised upto four & five years So it should be increase every year

## **Rule 26**

The Committee observed that in case of death of any Guards during his service then the ex gratia amount of Rs One Lac is being paid to his family which is very less Now the Government has decided that ex-gratia amount may be made from Rs One Lac to five Lac In this regard Hon ble Chief Minister has approved and this matter has been sent to the Finance Department In spite of that in case of any injury caused during service then according to the enjury the aid of Rs 20 000/- to Rs 50 000/ is being given Now the Government has decided that the said amount of Rs 50 000/ may be increased upto Rs One Lac and Hon ble Chief Minister has also given the approval and this case also be sent to the Finance Department In this regard the case was sent to the L R Department for amending the rules but the L R Department has return the case with the objection that before sending the case to the L R Office the approval of these rule be taken from the Chief Secretary Finance Secretary and office of HPSC and after getting the approval of these three offices sent to the case to the L R Office So now we are getting the approval of

these three Offices

So I wants to say to the Committee that some time will take in that process of amendment but the observations of the Hon ble Committee has been incorporated in rules

In view of above the Committee expects that the necessary action to amend the Rules incorporating the recommendations/observations of the Committee as 39th Reports may be taken up within six months after following the due procedure and the Committee may kindly be informed well in time accordingly

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

### **39TH REPORT 2010-2011**

#### **(DEVELOPMENT & PANCHAYATS DEPARTMENT)**

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

The Committee watched the implementation of work regarding observations/recommendations made by the previous Committee in respect of the Punjab Village Common Lands (Regulation) Rules 1964 framed under the Punjab Village Common Lands (Regulation) Act 1961 as contained in its 39th 41st Reports and observed that the Department concerned has amended the relevant Rule 13 vide Notification No S O 76/PA 18/1961/S 15/2012 dated 5th December 2012 in the light of observations/recommendations made by the Committee except issuance of guidelines on Rule 12

The Committee observed that the latest position in respect of Rule 12 namely framing the criteria of yardsticks and guidelines for allotment of Land of industrial use for which the matter was kept pending in the Hon ble Supreme Court has not been received from the Department

After waiting for the final reply for a considerable period a reminder was sent to the Department vide letter dated 27th January 2014 to obtain the latest/requisite reply at the earliest The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned

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

### **39TH REPORT 2010-2011**

#### **(REVENUE AND DISASTER MANAGEMENT DEPARTMENT)**

**(ii) The Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act, 2008**

The Committee in the year 2012-13 had scrutinized Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act 2008 and made general observations thereon as the department concerned did not send specific reply to the observations made by the Committee as the matter was sub judice

The previous Committee also observed in its 41st Report that the Committee may be informed that as and when the final decision is taken by the Hon ble High Court in pending writ petitions on the aforesaid Act and Rules framed thereunder The said report was sent to the Department vide letter dated 9-4-2013 for taking the necessary action in the matter and informed the Committee regarding position of the Court cases from time to time

The reply of Department was received from the Additional Chief Secretary and Financial Commissioner Revenue and Disaster Management Department vide letter No 1733 STR I 2013/7505 dated 10-6-2013 and stated that the matter is still sub judice in various Civil Writ Petitions 1507 3665 3687 9207 3688 3692 3689 3690 3691 and 7593 all of 2010 and CWP No 2229 of 2011 which are pending in the Hon ble High Court at Chandigarh The replies to CWP have been filed The cases were last listed on 7-1-2013 No information regarding next date of hearing has been received from the Hon ble High Court However the cases have been shown to be stand admitted

In view of the facts explained above the Committee may kindly be informed that the matter is still sub judice As per the recommendation of the Committee in its 41st Report necessary action would be taken on recommendations/observations of the Committee after the decision of the writ petitions so that the Committee may make specific and final recommendations thereon and the Committee would be apprised of the position of the status of the Court cases from time to time

A reminder was sent to the Department vide letter dated 7-11-2013 Subsequent reminder was also sent vide letter dated 4-12-2013 to obtain the latest/ requisite information as under

The reply of the Department was received from the Additional Chief Secretary and Financial Commissioner Revenue and Disaster Management Department vide

letter No 394 STR-I 2013/20366 dated 11 12-2013 and stated that eleven C W Ps relating to the Property Dealers and Consultants Rules 2009 are pending in the Hon ble High Court It has also been stated that first of all C W P No 1507 of 2010 was filed wherein the Act & Rule were Challenged and there after the C W Ps No 3687 3688 3689 3690 3691 3692 9207 3665 7593/2010 or 2229/2011 were filed on the basis of C W P No 1507 of 2010 The Department supply a copy of judgment passed by the Hon ble High Court in C W P No 3687 of 2010 The Department further intimated that for the compliance of the order of the Hon ble Punjab & Haryana High Court a Committee under the Chairmanship of Additional Chief Secretary & Financial Commissioner to Government Haryana has been constituted and the suggestions and recommendations are being placed before the Committee The decision/ action taken by the Committee will be intimate to the Haryana Vidhan Sabha Secretariat

The Departmental representative also informed that several writ petitions are pending on the Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act 2008 before the Hon ble High Court

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

### **39TH REPORT 2010-2011**

#### **(THE FORESTS AND WILD LIFE DEPARTMENT)**

#### **(iii) The Wild Life (Protection) Haryana Rules, 1974 framed under the Wild Life (Protection) Act, 1972**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Wild Life (Protection) Haryana Rules 1974 framed under the Wild Life (Protection) Act 1972 as contained in its 39th 41st Reports

The 41st Report was sent to the Department concerned vide letter dated 8-4 2013 to implement the observations/recommendations at the earliest. A reminder was sent to the Department vide letter dated 7 11 2013 to obtain the latest/requisite reply at the earliest. In respect to the aforesaid communication the department vide letter No 5293-Ft 4 2013/16943 dated 14-11-2013 informed as under

That the Draft Notification has already been forwarded to the Legal Remembrancer & Secy to Govt Haryana Law and Legislative Department for vetting vide their Department U O No 5293 Ft4 2013/16943 dated 14 11 2013. After vetting from the Legal Remembrancer & Secy to Govt Haryana Law and Legislative Department the same will be submitted before the Council of Ministers for their approval and thereafter the report will be sent to the Haryana Vidhan Sabha Secretariat as early as possible.

After that no reply has been received from the Department concerned till the drafting and finalization of this Report.

It is pertinent to mention here that the Department concerned had already accepted in principle all the observations/recommendations made by the previous Committee.

In view of the above facts and circumstances the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been elapsed in implementing the recommendations/observations of the Committee.

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*Further observations/recommendations made by the Committee*

**39TH REPORT 2010-2011**

**(HOME DEPARTMENT)**

- (iv) **The Punjab Chaukidara Rules published in the Punjab Government Gazette, dated 17-9-1965, as applicable to the State of Haryana**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Chaukidara Rules published in the Punjab Government Gazette dated 17-9-1965 as applicable to the State of Haryana as contained in its 39th-41st Reports

The 41st Report was sent to the Department concerned vide letter dated 9-4-2013 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent vide letter dated 7-11-2013 to obtain the latest/requisite reply in the matter. In response to the said communication the department vide memo No. 13/4/1996-2 H.C. dated 13-11-2013 has informed that the Haryana Chaukidara Rules have been fully implemented vide Notification No. 13/4/96 2HC dated 11th January 2013.

After perusing the said Notification dated 11th January 2013 the Committee is of the view that observations/recommendations made by the Committee have been implemented by the concerned Department therefore no further action is required to be taken in the matter.

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

**40TH REPORT 2010-2011**

**(FOOD AND SUPPLIES DEPARTMENT)**

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

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Public Distribution System (Licensing and Control) Order 2009 framed under the Essential Commodities Act 1955 as contained in its 40th & 41st Reports

The 41st Report was sent to the Department concerned vide letter dated 8-4 2013 to implement the recommendations/observations of the Committee at the earliest. A reminder was sent to the Department vide letter dated 7 11 2013 to obtain the latest/requisite reply in the subsequent reminders were also sent to the Department vide letter dated 4 12 2013 & 15 01 2014 to expedite the action in the matter at an early date

However the department vide their letter memo no FG 1-2014/2206 dated 31 1 2014 supply the reply as under —

**Incorporation of the suggestions/recommendations of the Committee on Subordinate Legislation of the Haryana Vidhan Sabha**

- 1 In Order 3 clause 2 in the end it is hereby added that State Government is the competent authority in this regard
- 2 In Order 5 para 2 after these priority preference and before the Licensing Authority shall another line i.e. Member of the Legislative Assembly of the concerned area can also make a recommendation for the grant of license
- 3 The word Rs wherever occurring in this Control Order may be treated as ₹
- 4 The word “**FORM 4**” on page 462 of the Control Order may be treated as ‘**FORM A**’
- 5 Asterisks put in the last paragraph before (a) (c) (d) and (e) are hereby removed
- 6 In the third of the proviso of clause (2) of Order 6 the word produce is substituted by the word show
- 7 In line sixth of the proviso of clause (2) of Order 6 the word applied is replaced by the word applies
- 8 The Order 6 after clause 2 (iii) a new clause is added i.e. the process of renewal or issuance of duplicate license shall be completed within one month

- 9 In the first line of the Order 7(1) the word 'owner' may be treated as 'Owner'
- 10 In Order 8 (1) a line is inserted i.e. the Licensing Authority shall give a reasonable opportunity of being heard to the applicant. In the end and before (2) another line is added i.e. the Licensing Authority shall pass a speaking order in this regard
- 11 In Order 10 (1) (m) is added which states that the prescribed fee and timelines for obtaining the extracts of record will be as per the provisions of Right to Information Act 2005
- 12 In Order 3(1) the word 'dealers' may be read as 'dealer'
- 13 In Order 13 (1) after (iii) clause (iv) is added which states the Licensing Authority that 'Provided further the Licensing Authority shall pass a speaking order in this regard'
- 14 In Order 16 the word 'the' mentioned after the word 'against' is hereby deleted. The word 'Districts' in line 2nd may be read as 'District'
- 15 The word 'licence' may be read as 'License' wherever used in the Control Order

During the Course of the oral examination held on 5.02.2014 the departmental representatives has stated that all the recommendations regarding amendments in the Haryana Public Distribution System (Licensing and Control) Order 2009 made by the Committee of Subordinate Legislation of Haryana Vidhan Sabha have been considered. The said representative also accepted the delay in the matter by stating the reason that the National Food Security Act was introduced by the Government of India in the year 2013. The said representatives has further explained that our department has feel that after the implementation of the National Food Security Act so many amendments shall be made in the Haryana Public Distribution System (Licensing and Control) Order 2009 because after passing the National Food Security Act it is possibility to extend the sphere of activity. After the implementation of this Act the nature of Public Distribution System will be changed Completely being that it will be necessary to issue the new Public Distribution System (Licensing and Control) Order. The representatives further explained that a Committee under the Chairmanship of Shri D P Wadhwa was constituted by the Hon'ble Supreme Court who will point out the irregularities and also suggest the required amendments.

Being recommendations of this Committee in this regard it is also required to amend the Haryana Public Distribution System (Licensing and Control) Order 2009. The representatives has assured the Committee that keeping in view of the above things the new Haryana Public Distribution System (Licensing and Control) Order 2009 will be made vide which the recommendations of this Committee will also be included. The said also representatives stated to the Committee that he has join this office recently and now this matter is come to his notice and he has

directed to the department to consider the recommendations of this Hon ble Subordinate Legislation Committee and the amendments if required after the implementations of National Food Scrutiny Act and on the report of the Wadhwa Committee will be considered Therefore now the draft notification has been sent to the L R Office and as and when received back immediately will be notified

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

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

**40TH REPORT 2010-2011  
(EXCISE AND TAXATION DEPARTMENT)**

**(ii) The Haryana Tax on Luxuries Rules 2008 framed under the Haryana Tax on Luxuries Act 2007**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Tax on Luxuries Rules 2008 framed under the Haryana Tax on Luxuries Act 2007 as contained in its 40th & 41st Reports

The Committee observed that 41st Report was sent to the Department vide letter dated 9 4 2013 to implement the recommendations/observations made by the Committee at the earliest. The Department concerned vide their memo dated 22 5 2013 supplied the reply in an annotated form containing the action taken or proposed to be taken by the Government. The said communication alongwith reply was placed before the Committee in its meeting held on 28 5 2013. After perusing the same it reveals that the Department has accepted almost all the recommendations/observations of the Committee made in the aforesaid report. However procedural requirement to implement the observations/recommendations are yet to be taken by the Government. To obtain the latest position in the matter a reminder was sent to the Government vide letter dated 7 11 2013. Subsequent reminders were also sent to the Department vide letter dated 4 12 2013 & 15 01 2014 to expedite the action in the matter at an early date. But no reply received from the Department concerned so far.

During the course of the oral examination held on 5 02 2014 the departmental representatives has informed to the Committee that a Committee of the Officers of the department has been constituted to observe and scrutinized the documents regarding amendments of the rules relating to the department. The representatives stated that all the recommendations of the Hon ble Committee has been accepted. In spite of that the department has included some new categories in the Luxuries Tax as before that the Luxuries Tax was implemented only on the Rooms of the hotel whos rent is more then Rs 2000/. It has been stated that in the NCR the hospital tourism is running for which rent of Rs 5000/ is per room. Like wise spa centre and other kind of centre are running in which so much facilities is being provided to the persons belonging to the high class categories. The representatives also stated that the department wants to take under the net of such kind of institutions and going to change the definition of the hospital under this Act. The representatives assured the Committee that the draft in this regard has been drafted and sent to the Hon ble Chief Minister for approval and as and when the approval will received the notification will be issued after getting the approval for L R Office.

In view of above facts and circumstances the Committee expects that Department would take up the matter on priority basis and supply a copy of the notification after amending the rules as per observations/recommendations of the Committee expeditiously.

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

**41ST REPORT 2012-2013  
(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 watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution) Act 1981 as contained in its 41st Report

The Committee observed that 41st Report was sent to the Department vide letter dated 1-4 2013 to implement the recommendations/observations made by the Committee at the earliest. A reminder was sent to the Department vide letter dated 24 7 2013 to obtain the latest/requisite reply in the matter. Subsequent reminders were also sent to the Department vide letter dated 8 8 2013, 7 11 2013 & 4 12 2013 to expedite the action in the matter at an early date. However, the department supply the reply of recommendations/observations of the Committee vide their letter no. 818/2012-2 Env dated 13 12-2013 and the same was placed before the Committee in its meeting held on 18 12 2013.

During course of oral examination held on 28 1 2014, the departmental representatives assured the Committee that the outstanding recommendations as made by the previous Committee will be implemented expeditiously while amending the relevant Act & rules. However, the Department vide letter No. 8/5/2012-2 Env dated 24 1 2014 informed that the matter regarding amendment in the Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution) Act 1981 is under process. The Department also supply a 25 Copies of final reply with the aforesaid letter dated 24 1 2014 which is as under —

Summary of recommendation/ observation	Action taken or proposed to be taken by the Government
1	2
<b>Rule 2</b>	Amendment is being made in the Rules as per the recommendations of the committee on subordinate legislation of the Haryana Vidhan Sabha and proposal sent by the Haryana State Pollution Control Board given as under —
The Committee recommends that a definition of the Board may be changed	In sub rule (d) of this rule the words Haryana State Board for the

1	2
as there is only one Board to prevent and control of Pollution of water as well as Air	Prevention and Control of Water Pollution may be substituted with the words Haryana State Pollution Control Board
<b>Rule—3</b>	
<p>The Committee recommends that the Haryana Water (Prevention and Control) Rules 1978 are separate Rules than the Haryana Air (Prevention and Control) Rules 1983 Therefore the reference of those Rules are not relevant and appropriate in these Rules Hence the terms and conditions of service of the Members of the Board may be specified in these Rules itself</p>	<p>The complete para of this rule may be substituted with the following paras —</p> <ul style="list-style-type: none"> <li>(i) Non-official Members of the Board resident in Chandigarh/ Panchkula shall be paid an allowance of Rupees Three Hundreds per day for each day of the actual meeting of the Board or actual meetings of any Committee constituted under sub-section (3) of section 11 or as revised by the Govt from time to time</li> <li>(ii) Non-official members of the Board not resident in Chandigarh/ Panchkula shall be paid an allowance of rupees Three Hundreds per day (including daily allowance) for each day of the actual meetings of the Board or for each day of actual meetings of any committee constituted under sub-section (3) of section 11 and also travelling allowance at such rates as is admissible to a grade 1 Officer of the Government</li> <li>(iii) When the Legislative Assembly is not in session a Member of the Legislative Assembly who is also a member of the Board shall be entitled to such allowances as are admissible to him for attending an Assembly Session on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source</li> </ul>



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**Rule 4**

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| <p>1 There is no justification to obtain the permission of the Govt by the Chairman for visiting Chandigarh and accordingly sub rules (2) of rule 4 may be amended</p>                                   | <p>The proviso in sub rule (2) of this rule regarding prior permission of the Government for visiting any place outside Haryana Union Territories of Chandigarh and Delhi may be deleted</p>   |
| <p>2 The Committee recommends that in the line second of second proviso of sub rule (2) of this rule the word Meetings may be substituted by the word Meeting to make the rule more clear</p>            | <p>In the line second of second proviso of sub rule (2) of this rule the word Meetings may be substituted by the word Meeting</p>  |
| <p>3 The Committee recommends that the word full mentioned in sub rule(4) of this rule may be omitted being superfluous</p>  | <p>1 In the 1st line of sub rule 4 of this rule the word full may be omitted</p>   |
| <p>4 The Committee also recommends that the limit of pay scale of Rs 2000/ may be suitably amended by the corresponding pay scale at present due to revision of pay scales by the Haryana Government</p> | <p>2 The sub rule 4 of this rule may be substituted with the following para —</p> <p>The Chairman shall have powers in the matters of appointment promotion confirmation transfer and termination of the services of the officers and employees of the Board as prescribed in Haryana State Pollution Control Board (Group A B C and D) service Regulations 2004 and the amendments made under sub section (3) and (3A ) of section 12 of the Water (Prevention and Control of Pollution) Act 1974</p> |
| <p>5 The Committee further recommends that in the last line of sub rule 4 of this rule the word have may be omitted being superfluous</p>  | <p>In 4th line of sub rule (7) of this rule the word full may be omitted</p>   |
| <p>6 The Committee recommends that in 4th line of sub rule (7) of this rule the word full may be omitted being superfluous</p>   | <p>In sub rule (6) of this rule for the words Fifteen Minutes the words Half an Hour' may be substituted</p>   |
| <p>The Committee recommends that in sub rule (6) of this rule for the words Fifteen Minutes the words Half an Hour' may be substituted for the adjournment of meeting for want of quorum</p>             | <p>In sub rule (1) of this rule before the word time the words date and after the word time the word place may be added</p>  |
| <p>1 The Committee recommends that in sub rule (1) of this rule before the word time the words date and may be added to make the rule more clear</p>   |  |

1	2
<p>2 The Committee further recommends that for the words as far as possible mentioned in sub rule (3) of this the words as far as practicable may be substituted to make the rule more explicit</p>	<p>For the words as far as possible mentioned in sub rule (3) of this rule the words as far as practicable may be substituted</p>
<p><b>Rule 5</b></p>	
<p>The committee recommends that in sub rule (1) of this rule to make the rule more specific one authority either the Board or the Chairman may be specified to determine the fees and allowances of Members of a committee to avoid any conflict in the matter</p>	<p>In the third line after the word Board the words or the Chairman may be deleted</p>
<p><b>Rule 8</b></p>	
<p>The Committee recommends that the revised fee payable to the associated person with the Board may be mentioned in the sub rule (2) of this rule itself</p>	<p>In the Second line the words two hundred may be substituted with 1 the word two thousands</p>
<p><b>Rule 9</b></p>	
<p>The Committee recommends that the terms and conditions of service of the Members Secretary may be prescribed in the rule itself to make the rule more specific and explicit</p>	<p>In this rule the following provisions may be substituted —</p> <ol style="list-style-type: none"> <li data-bbox="598 1049 1045 1208">(i) Government may appoint a full time Member Secretary of the Board any person possessing the qualification as prescribed in section 5 (2)(f) of the Act</li> <li data-bbox="598 1223 1045 1345">(ii) (a) The Member Secretary who is a serving officer will be entitled to draw pay and allowances as fixed by the Govt</li> <li data-bbox="598 1349 1045 1629">(b) The Member Secretary who is a retired Government Officer will draw the pay which he was drawing immediately before his retirement minus pension and pension equal to gratuity plus other allowances admissible to a Class 1 Officer of corresponding status in the Haryana Government</li> </ol>

1	2
	<p>(c) Notwithstanding anything contained in sub rules (ii) (a) and (b) when a person other than a serving officer or a retired Government officer is appointed as Member Secretary the will draw a fixed monthly salary as fixed by the Government at the time of his appointment</p> <p>(iii) The other terms and conditions of service of Member Secretary of the Board shall be fixed by state Government</p>
<b>Rule 10</b>	
<p>1 The Committee recommends that for the purpose recording the Annual Confidential Reports of the subordinate staff the sub rule (v) or rule 10 may be amended suitably as per prevailing practice in the Board</p>	<p>The proviso of sub rule (v) of this rule may be substituted with the following proviso —</p> <p>The Member Secretary shall write the confidential reports of officers or employees of the Board as prescribed by the Board</p>
<p>2 The Committee recommends that to meet the principle of natural justice sub rule (ix) of this rule may be suitably amended making a provision that while withholding the payment of any person the reasons of withholding the payment shall be conveyed to the affected person in writing</p>	<p>In the third line after the word approval the words and withholding the payment shall be conveyed to the affected person in writing may be added</p>
<p>3 The Committee recommends that sub rule (xi) of this rule after the word Government the words and submit the report thereof to the Government' may be added to make the rule more comprehensive</p> <p>The Committee recommends that the pay scales mentioned in proviso to this rule may be suitable amended/ substituted as the Pay Scales of the employees of the Haryana Govt / State have been revised</p>	<p>In sub rule (xi) of this rule after the word Government in the last line the words and submit the report thereof to the Government may be added</p> <p>In sub rule (1) of this rule the figures Rs 2 300 in the fifth line may be substituted with the figures Rs 15 600 Rs 39 100 + Rs 8000/</p>

1	2
<b>Rule 12</b> <p>The Committee recommends that the emoluments/fees to be paid to the consulting Engineer may be enhanced suitably as the price index has increased manifold</p>	<p>In sub rule (3) of this rule the figures Rs 2 000 in the last line may be substituted with the figures Rs 20000/</p>
<b>Rule 13</b> <p>The Committee recommends that in the last line of sub rule (2) of this rule for the word office the word official may be substituted to make the rule more clear</p>	<p>In the last line of sub rule (2) of this rule for the word office the word official may be substituted</p>
<b>Rule 15</b> <p>The Committee recommends that the sub rule (5) of this rule may be suitably amended as the prescribed fee can be paid in form of cash electronic fund transfer system in addition to bank draft</p>	<p>In sub rule (5) of this rule the words cash electronic fund transfer system may be added after the word Board in the last line</p>
<b>Rule 16</b> <p>The Committee recommends that in the sub rule (3) of this rule in line fifth for the word application the word applicant may be substituted to make the rule grammatically correct</p>	<p>In the sub rule (3) of this rule in the fifth line for the word application the word applicant may be substituted</p>
<b>Rule 20</b> <p>The Committee recommends that a provision may be made in the rule itself that the report of the result of analysis shall be submitted to the Board within a specified period viz 3 working days</p>	<p>In the last after the words form IV the words within a period of 3 working days may be added</p>
<b>Rule 22</b> <p>The Committee recommends that the words at least II class the words at least second class may be substituted to make the rule more clear</p>	<p>The words at least II class may be substituted with the words at least second class</p>
<b>Rule 23</b> <p>1 The Committee recommends that in clause (ii) of sub rule (1) of this rule</p>	<p>In clause (ii) of sub rule (1) of this rule sign is deleted</p>

1	2
for the sign may be substituted to make the rule grammatically correct	
2 The Committee also recommends that the travelling allowance mentioned in sub rule (4) may be suitably substituted as the pay scales of the employees of Haryana Govt /State have been revised	<p>This clause recommended by the committee has already been amended vide Notification No S O 26/C A 14/ 1981/S 54/2011 dated 25 02 2011 issued by the Government of Haryana Environment Department as under —</p> <p>If the president and other members of the Appellate Authority are based at location other than Headquarters of the Board the Board will also pay travelling allowance/local charges etc at such rate as are admissible to Grade I Officer of the Government and other such facilities as fixed by the Government</p>

#### Rule 24

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|---|---|
| 1 The Committee recommends that in sub rule (2) of this rule a proviso may be added that if the Appellate Authority is satisfied that the case of action etc is the same it can allow joint appeal also | <p>In the last line after the words Appellate Authority the following para may be added</p> <p>If the Appellate Authority is satisfied that the case of action etc is the same it can allow joint appeal also</p> |
| 2 The Committee recommends that in line first of sub rule (5) of this rule the correct reference of rule may be mentioned in place of reference of sub rule (7) of rule 21                              | <p>In the first line of this rule the words sub rule 7 may be substituted with the words sub rule 2</p>   |

#### Rule 25

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| 1 The Committee recommends that in line second of sub rule (1) of rule 25 after the word date the word and place may also be added to make the rule more clear | <p>In line second of sub rule (1) of this rule after the word date the word and place may be added</p> |
| 2 The Committee recommends that sub rule (7) of this rule may also be suitably amended as the method   | <p>The Govt has already made amendments by Notification No S O 26/</p>                                 |

1	2
remuneration to the President and Member of the Appellate Authority has been changed as admitted by the Board in their reply	C A 14/1981/S 54/2011 dated 25 02 11 as under — Each member of the Appellate Authority shall be paid an honorarium per case or fixed honorarium as decided by the Govt from time to time
<b>Rule 26</b>	
1 The Committee recommends that sub-rule (5) of this rule may be properly worked by substituting the words the service rendered by the officers/officials on deputation in place of words past experience	In second line of sub rule (5) of this rule the words past experience may be substituted by the words the service rendered by the officers/officials on deputation
2 The Committee also recommends that in sub rule (7) of this rule for the word complied the word complied may be substituted to convey the correct sense	In first line of sub rule (7) of this rule the word complied may be substituted with the word complied
3 The Committee further recommends that sub rule (13) of this rule may be omitted being redundant	Sub rule (13) of this rule may be omitted

During course of oral examination held on dated 28 1-2014 the departmental representatives informed the Committee that all the observations/recommendations of the Committee regarding amendment in the Haryana Air (Prevention & Control Rules 1983) have been accepted by the Board in the meeting which was held on 18 11-2013 Thereafter these amendments have been approved from the Hon ble Chief Minister and that time the same have been sent to L R Office for vetting

The departmental representatives also stated that the decision taken in the meeting of Board after the meeting of 18 11 2013 the case has been referred to the Government after prepare the process But the Government has raised the objection and asked to submit this case with the notification He has also stated that case has been again referred to the Government with the notification dated 23 01 2014 and this process will take time The Departmental representatives has assured the Committee that the recommendations of the Committee has been accepted therefore the notification of the amendments will be issued after vetting the same from the L R Office He has requested to the Committee for drop this Para

In view of above facts and circumstances the Committee expects that Department would take up the matter on priority basis and supply a copy of the notification after amending the rules as per observations/recommendations of the Committee expeditiously

**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 scrutinized 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

**Rule 3**

**3 Registration of existing building along Schedule Roads and bye passes** — (1) The Director shall as soon as may be cause a survey of all scheduled roads including bye passes thereof to be carried out and prepare a liner map on a scale of 200 feet to 1 inch indicating all such buildings excavations and means of access to the aforesaid road and bye passes which were in existence immediately before the commencement of the Act and which lie within 100 metres on either side of the road reservation in the case of bye pass and within 30 metres on either side of the road reservation in the case of a Scheduled Road

(2) The Director shall maintain a register Form S R 1 showing all the buildings excavations and means of access to roads indicated in the map prepared under sub rule (1)

(3) The Director as well as the official conducting the survey referred to in sub rule (1) shall sign each page of the register maintained under sub rule (2) in token of correctness of the entries made therein

(4) The Director shall on application by any member of public make available the map referred to in sub rule (1) and the register referred to in sub rule (2) for inspection free of cost

(5) The Director *may* after making such enquires as he considers necessary amend such map or register as the case may be if it is found to be wrong in any particulars

**Observations of the Committee**

- I Whether after the commencement of the Act survey of all scheduled roads including all bye passes was made? As this rule is not specific in this regard the Committee would like to discuss the provision of this rule at the time of oral examination of the department
- II The Committee would like to know for its information as to whether any amendment was made in this rule by the Haryana State? If so the details thereof may also be supplied to the Committee
- III The Committee would like to know for its information as to whether after declaration of controlled area any time limit has been prescribed to make survey of the scheduled roads and bye passes for preparing a liner map

- IV The Committee recommends that in line first of sub rule (2) after the word register the word in may be inserted to make the rule grammatically correct
- V The Committee recommends that in first line of sub rule (4) for the words member of public the word person may be substituted to make the sub rule (4) more appropriate The Committee further recommends that the sign after the word make and available may be deleted to make the sub rule (4) grammatically correct
- VI The Committee also recommends that the reasonable time for inspection of register may also be prescribed in the rule itself
- VII The Committee would like to know for its information as to whether any opportunity of being heard is provided to the affected person before amending or changing the map or register

**The Department in their written reply stated as under —**

- I No Survey is prepared
- II No Sir
- III It is submitted that SR-I Register is not prepared
- IV The correct word in is already in place in the original Rules However the word in was not typed inadvertently in the copy supplied to Committee on Subordinate Legislation The inconvenience caused to the Committee is highly regretted
- V The suggestion is correct in respect of the word person The suggestion in respect of deleting after word make is as per copy supplied to sub committee which is a typographical mistake The inconvenience caused to Committee on Subordinate Legislation is highly regretted However the suggestion in respect of deleting sigh after word available will be considered The words member of public will be substituted by the word person
- VI Accepted However it is submitted that the Register is not prepared
- VII No Register is prepared therefore there is no question of giving opportunity of hearing

**Rule 3A**

**“[3A Exclusion of building which was in existence immediately before commencement of Haryana Ordinance No 1 of 2009 [Sections 3 25 (1) and 25(2) (i)] —**

(1) Every owner of a building which was in existence immediately before commencement of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Amendment) Ordinance 2009 (Haryana Ordinance No 1 of 2009) shall make an application in Form SR-IV to



District Town Planner of respective district within six months of the publication of these rules for exclusion of such building from the provisions of Section 3 of the Act

(2) Every application shall be made in Form SR IV and shall be accompanied by the requisite plans documents/photographs (hard copy) on Compact Disk. In case of failure to furnish the application together with the plans documents/photographs and Compact Disk the same shall be returned to the applicant for submission in accordance with the rules

(3) The Committee consisting of the following officers shall scrutinize the application namely

- (i) District Town Planner/District Town Planner Enforcement
- (ii) a representative of the Deputy Commissioner (not below the status of HCS Officer)
- (iii) Executive Officer of the concerned Municipal Corporation/ Municipal Committee Municipal Council
- (iv) Concerned Executive Engineer Public Works Department (Building and Roads) Haryana

(4) (a) After scrutiny of the application if the Committee is satisfied it shall call upon the applicant to deposit the amount at the rate of Rs 600/ per square metre for the structure/buildings located on National Highway and Rs 350/ per square metre for the structures/buildings on scheduled road other than National Highway within a period of thirty days from the date of notice given to him under a registered cover and the building shall be deemed to have been excluded from the provisions of Section 3 of the Act on payment of aforesaid charges

(b) If the applicant fails to submit application within period specified in sub rule (1) above or deposit the said charges within the period as specified in clause (a) such building shall not be deemed to be excluded)

#### **Observations of the Committee**

I The Committee recommends that in last line of sub rule (1) for the word form substitute the word from to convey the correct sense

II The Committee observes that the mode of application as required in Form SR-IV should be made simplified. The procedure of videography in form of Compact Disk alongwith Email ID is an unnecessary burden on the general public and does not suit to socio economic position of a common man. The Committee therefore recommends that this rule may be made more simplify

III The Committee would like to know for its information as to what is the criteria to fix the rate of Rs 600/ per square metre for the structure/buildings located on National Highway and Rs 350/ per square metre for the structures/buildings on Scheduled Road other than National Highway ?

**The Department in their written reply stated as under —**

- I The rule will be amended and corrected. It is submitted that there is typographical error in the published notification.
- II This amendment was inserted in view of the e revolution in India. It is also submitted that regularising the structure in the restricted belt along Scheduled Road was one time relaxation granted by Government. Otherwise also, it is in the interest of common man that this record is not tampered and can be archived permanently.
- III The intent of the Department was to fix the rate such that they are neither exorbitant nor negligible and would also work as deterrent to general public.

**Rule 4**

**“4 Application for permission under Section 3 — (1)** Every person requiring permission of the Director for

- (a) erection or re-erection of a building which was in existence immediately before the commencement of the Act and which involves any structural alteration or addition
- (b) laying out any means of access to a road or
- (c) erection or re-erection of a motor fuel filling station or a bus queue shelter within 30 metres on either side of a road reservation of a scheduled road or within 100 metres on either side of a road reservation of a bye pass lying outside a controlled area shall make an application to the Director in Form S R II accompanied by plans and documents mentioned therein.

(2) The site plan mentioned in the application shall be drawn to a scale of not less than 40 feet to 1 inch and indicate —

- (a) the boundaries of the site
- (b) the outline of the proposed building with outer dimensions mentioning therein the total area to be covered
- (c) existing buildings if any by distinct notation

(3) The building plans mentioned in the application shall be drawn to a scale of not less than 1/8 inches to a foot and indicate —

- (a) the plan of all the floors of the building
- (b) elevations in typical sections (only in case of motor fuel filling stations or bus queue-shelter) and
- (c) the plinth level with reference to the level of the center line of the scheduled road or bye pass as the case may be

### Observations of the Committee

I The Committee would like to know the significance of various sections mentioned in beginning of this rule viz Section 3 8(1) and 25 (2) (e) whereas the application for permission is made under Section 3

II The Committee would like to discuss the provisions of Rule 4 at the time of oral examination of the departmental representatives

(a) The Committee recommends that in sub rule 1 (a) in last line after the word addition the sign may be corrected as to make the rule grammatically correct

(b) The Committee recommends that after the word road the sign may be replaced with to make the rule grammatically correct

III The Committee recommends that after the words bus queue shelter' the sign may be replaced with to make the rule grammatically correct

IV The Committee recommends that in sub rule 3 (c) in the first line the spelling of word center may be corrected

### The Department In their written reply stated as under —

I It is submitted that although permission is applied under Section 3 of Punjab Scheduled Road and Controlled Areas Restriction of Unregulated Development Act 1963 (hereinafter referred as Act No 41 of 1963) but the permission is considered/granted under Section 8 of Act *ibid* and moreover Section 25(2) prescribes the forms and power to make rules by the Government

II It is submitted that permission under Rule -4 (Section 3) are granted by concerned XEN of PWD B&R for taking access from the Scheduled road and moreover the Department grants CLU permissions for Fuel Filling Stations/Petrol Pumps under this Section to be read with Section 8 of Act *ibid*

The suggestion is accepted and accordingly Rules will be amended

The correct symbol is already in place in the original Rules However the symbol was not typed inadvertently in the copy supplied to Committee on Subordinate Legislation The inconvenience caused to the Committee is highly regretted

III The correct symbol is already in place in the original Rules However the symbol was not typed inadvertently in the copy supplied to Committee on Subordinate Legislation The inconvenience caused to the Committee is highly regretted

IV The correct word centre is already in place in the original Rules However the word center' was typed inadvertently in the copy supplied

to Committee on Subordinate Legislation. The inconvenience caused to the Committee is highly regretted.

### **Rule 5**

**'5 Principles and conditions under which application under Rule 4 may be granted or refused** No permission shall be granted on an application submitted under Rule 4 unless

- (a) the erection or re-erection of the building conforms to the building rules contained in Part VII of these rules
- (a) means of access takes off from an existing road or revenue rasta already adjoining the scheduled road or conforms to traffic requirements of the scheduled road as determined from time to time by the Director and
- (b) erection or re-erection of a fuel filling stations or bus queue shelter is in accordance with the designs and specifications laid down by the Director from time to time

### **Observations of the Committee**

The Committee would like to know for its information as to whether the requirements of building rule as contained in Part VII of these rules are also necessary in case of erection or re-erection of the building in the rural areas.

The Committee recommends that sequence of the parts of Rule 5 may be corrected as a b c instead of a a c.

### **The Department in their written reply stated as under —**

It is submitted that the Controlled Area is declared under Section-4 of Act of 41 of 1963 depending upon potentiality for development and in order to prevent haphazard and substandard development along Scheduled Road and Controlled Area. It is submitted that out of total State Area, Department has declared Controlled Area to the tune of 23.9%. Thus, most of the area of the State is outside the Controlled Area. It is also submitted that the provisions of Act 41 of 1963 are not applicable in the area comprised in the Abadi Deh of any village (refer Section 22 of Act 41 of 1963). However, the permission is required for erection/ recreation of building on area situated outside Abadi Deh. The correct words a b c is already in place in the original Rules.

However, the same are typed inadvertently in the copy supplied to Committee on Subordinate Legislation. The inconvenience caused to the committee is highly regretted.

### **General Observations**

1. The Committee would like to know as to whether the structural alteration in public utility buildings which were existence before the year 1996 may be allowed with the permission of the Director?
2. Whether there is any time limit to serve a notice to remove or demolish the unauthorized constructions?

- 3 The Committee would like to know for its information as to what are those cases under this Act/Rules which can be termed as compoundable offences?
- 4 The Committee is of the view that some guidelines or criteria should be fixed in the Act/Rules for change of land use
- 5 The Committee is of the view that some time period should be fixed for finalization of development plan by the Government after declaration of controlled area
- 6 The Committee would like to know as to whether the Government is empowered to relax any restrictions or conditions relating to use of land in controlled area at present? If so what are those exceptional circumstances?
- 7 Whether it is desirable to make a provision for appeal to the Government against an order of the Director declining to compound the unauthorized construction?

**The Department in their written reply stated as under -**

- 1 With regard to this observation it is submitted that Hon ble Punjab and Haryana High Court in the matter of United Rice Land Ltd *Versus* State of Haryana has held Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Second Amendment and Validation) Act 1996 to be ultra vires to Article 14 of the Constitution. Vide said amendment and validation act public utility buildings and community assets which were in existence immediately before the commencement of said act were taken out from the purview of provisions of section 3 of Act 41 of 1963. However subsequently Government has amended the provisions of section 3 and 6 of Act 41 of 1963 vide Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Amendment) Act 2009 (Act of 2009) to exclude the structures raised before 03/01/2009 in the restricted belt of scheduled road from the purview of said sections. The public utility buildings which have been regularised in terms of Act of 2009 do not require permission of DGTCP for carrying out repair erection or re erection of building which does not involved structural alteration or addition. However structural alteration in public buildings would still require prior permission from DGTCP. For public utility buildings raised in controlled areas and outside restricted belt of scheduled road requires permission under Act of 1963.
- 2 Kindly peruse Section 12 of Act 41 of 1963 wherein time limit of 7 days is prescribed to serve a notice and another 7 days for restoration of orders. Also refer Rule 128 to be read with form M-VI and M VII. It is

also observed that three months time period is mentioned in form M- VII which shall be corrected as per provisions in Act 41 of 1963

- 3 The composition of offence is as per Section 14 of Act 41 of 1963 The Government has framed policy for composition of offence and rates are decided
- 4 It is submitted that Change of Land Use permission are granted by the Director under Section-8 after making such enquiry as he considers necessary It is also submitted that Government issues directions to the Director from time to time for the efficient administration of Act ibid under Section 11 Policies are prepared time to time and also approved by Government for directing Director guidelines/criteria for consideration/examination of CLU applications These policies are hosted on the website of the Department namely [www.tcpharyana.gov.in](http://www.tcpharyana.gov.in) The relevant policies are also incorporated in the zoning regulations of the Development Plans
- 5 As per Section 5 of Act 41 of 1963 the Director has to prepare a plan not later than one year from the declaration of Controlled Area
- 6 Kind attention is invited towards Section 7A of Act 41 of 1963 which is reproduced below

**“Power of relaxation —** The Government may in public interest relax any restrictions or conditions in so far as they relate to land use prescribed in the controlled area in exceptional Circumstances The exceptional circumstances includes public interest at a large and genuineness of the project In addition to it zoning regulations of Development Plan has also necessary provision for relaxation of restriction and conditions

- 7 As per Section 10 of Act 41 of 1993 any person aggrieved or affected by an order under Sub section 2 of Section 8 may file appeal within 60 days of the passing of the order to Commissioner Town & Country Planning Haryana It is pertinent to mention here that the powers for compounding the offence rest with Director or any Committee constituted for approval of Building Plans/Grant of Occupation Certificate/Regularization This office is of the opinion that we may not compound the unauthorised construction as the said person is law breaker and do not have any respect for law of the land It is also submitted that there is provision of Appellate Authority as per Act No 41 of 1963

## **Rule 6**

**“6 Information necessary to validate application under Rule 4 —** No application under Rule 4 shall be considered to be valid unless —

- (i) it is made on the prescribed form and all the necessary information required to be filled in that form is given and

- (ii) where necessary it is accompanied by the requisite number of the site plans building plans and other documents

In case of failure to submit the application in the aforesaid manner the application together with the plans and documents shall be returned to the applicant for resubmission in accordance with the rules

### **Observations of the Committee**

The Committee would like to discuss the provisions of the rule at the time of oral examination of the departmental representatives at the appropriate time

The Committee recommends that in Rule 6 in line second after the word applicant the words by registered post/speed post may be inserted to make the rule more appropriate

### **The Department in their written reply stated as under —**

In this rule opportunity is given to public for validating application and therefore it is pro public

Accepted and Rules will be amended accordingly including provision of email Id

### **Rule 7**

**“7 Form in which other under Section 8(2) is to be passed —** After an application on the prescribed form containing the requisite information and accompanied by necessary documents as mentioned in Rule 4 is received the Director shall after making such inquiry as he considers necessary pass an order under Sub-section(2) of Section 8 in Form SR III

### **Observation of the Committee**

The Committee recommends that in the first line of Rule 7 the word other may be corrected as order to make the rule grammatically correct

### **The Department in their written reply stated as under —**

The correct word order is already in place in the original Rules However the word other was typed inadvertently in the copy supplied to Committee on Subordinate Legislation The inconvenience caused to the Committee is highly regretted

### **Rule 8**

**“8 Contents of Plans of Controlled Area [Section 5(1) and 25(2) (e)] —** Plans of a controlled area prepared under sub section 5 shall consist of

- (i) a map showing existing land use including existing building
- (ii) a map showing —

- (a) areas reserved for major land uses such as residential industrial commercial and warehousing
- (b) areas reserved for public and community amenities such as civic centres and educational recreational and social institutions and major open spaces
- (c) main lines of roads railways airports and areas reserved for major public utility services such as treatment of water supply disposal of drainage and electricity and gas installations
- (d) lands reserved for major green rural belts
- (e) special areas of aesthetic sentimental or historic value which require protection
- (f) lands liable to flooding or subsidence and
- (g) stages in which areas reserved for major land uses and the sectors will be permitted to be developed having regard to compact and economical development

**Explanation —** This map may show the above reservations required for the controlled area as a whole and may not show the above reservations within a sector for which a sector plan shall be prepared as and when required

(iii) A note explaining the proposals illustrated on the map and (iv) Zoning regulations containing

- (a) types of buildings and ancillary and allied uses which may be permitted within a major land use referred to in clause (ii) (a) above and
- (b) any special or general/restrictions applicable to a specific part or parts of the controlled area

### **Observations of the Committee**

The Committee recommends that in the second line of rule 8 the words sub section 5 may be corrected as sub section (5) to make the rule grammatically correct

The Committee recommends that the disposal of garbage may also be mentioned in ii a map showing plan

### **The Department in their written reply stated as under —**

The correct word sub section (1) of Section-5 is already place in the original Rules However the word sub section 5 was typed inadvertently in the copy supplied to Committee on Subordinate Legislation The inconvenience caused to the Committee is highly regretted

Accepted and necessary amendment shall be carried out by submitting case to Minister in Charge for his approval

Note —Sub section (5) not placed in the Original Rules therefore the observation of the committee has not carried out



## Rule 9

**“9 Publications of development plans for inviting objections [Sections 5(4) and 6] —** 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 within a period of three months it may like) to make with respect to the plan

### Observation of the Committee

The Committee was of the view that a copy of the development plan notified by the Government under sub-section (4) of Section 5 should also be published in two local English and Hindi newspapers having wider circulation

### The Department in their written reply stated as under —

The Department has started hosting the Development Plans on the official website. In view of suggestion of the Committee provision shall be made to publish Press Note in two local English & Hindi Newspaper. The case shall be submitted for the orders of Minister in Charge

## Rule 10

**“10 Publication and final development plans [Sections 5(7) and 25(2) (b)] —** The development plan as notified by the Government under sub section (7) of Section 5 shall in addition to its publication in the official gazette be published by displaying copy thereof at a conspicuous place at the office of the—

- (i) Director
- (ii) Estate Officer if any having jurisdiction in the controlled area
- (iii) Deputy Commissioner of the district in which the controlled area is situated and
- (iv) Panchayat Samiti or Samitis in which the controlled area is situated

### Observations of the Committee

The Committee recommends that for the word 'Director' wherever occurring words 'Director General' may be substituted as the nomenclature of the post of Director has been changed as Director General

The Committee observes that there is no provision of displaying the copy of the final development plans at a conspicuous place at the office of Municipal Committee, Municipal Council or Municipal Corporation. Will it not be desirable to add a provision in this regard as provided for other offices in this rule so that any aggrieved party may seek the remedy through appropriate forum?

**The Department in their written reply stated as under —**

It is submitted that the proposal regarding designating Director Town Country Planning as DGTCP was approved by the Government on 29 11 2010. In This regard the advice of Law & Legislative Department Haryana was also obtained. Vide notification No MISC 502/ 5DP(R)/2010/17759 dated 22nd December 2010 under Section 2(6) of the Act 41 of 1963 DGTCP is appointed to exercise and perform the powers and functions of Director under the Act. Ibid. The related notification is placed at CP/493. Accepted. The case for amendment of rules will be submitted to the Minister in Charge for approval/ orders.

**Rule 11**

**11 Application for permission under Section 7 in case of colonizer [Section 8 and 25(2)] (e) —** (1) Every colonizer intending to change the existing use of the land in a controlled area for the purpose of setting up a colony by subdividing and developing the said land into building plots for residential industrial commercial or other purpose shall make an application in writing to the Director in Form CL I accompanied by the following plans and documents in triplicate

- (i) Copy or copies of all title deeds and/or other documents showing the interest of the colonizer in the land under the proposed colony along with a list of such deed and or other documents
- (ii) A copy of the Shajra plan showing the location of the colony along with the name of the revenue estate Khasra number of each field and the area of each field
- (iii) A guide map on a scale of not less than 6 to a miles showing the location of the colony in relation to surrounding geographical features to enable the identification of the land
- (iv) A survey plan of the land under the colony on a scale of 1 to one hundred feet showing the spot levels at a distance of 100 feet and where contour plans. The survey will also show the boundaries and dimension of the said land the location of streets buildings and premises within a distance of at least 100 feet of the said land and existing means of access to it from existing roads ]
- (v) Layout plan of the colony on a scale of 1 to one hundred feet showing the existing and proposed means of access to the colony the width of streets sizes and types of plots site reserved for open spaces community buildings and schools with area under each and proposed building lines on the front and sides of plots
- (vi) An explanatory note explaining the salient features of the proposed colony in a particular the source of water supply arrangement for disposal and treatment of storm and sullage water and sites for disposal and treatment of storm and Sullage water

- (vii) Plans showing the cross-sections of the proposed roads showing in particular width of the proposed carriageways cycle tracks and footpaths green verges position of electric pole and or any other works connected with such roads
- (viii) Plans as required under clause (vii) indicating in addition the position of sewers storm water channels water supply and any other public health services
- (ix) Detailed specifications and design of road work under clause (viii) above estimated costs thereof
- (x) Detailed specification and design of sewerage storm water and water supply schemes with estimated costs of each
- (xi) Detailed specifications and designs for disposal and treatment of storm and sullage water and estimated costs of works
- (2) The triplicate plans mentioned in sub rule (1) shall be clear and legible azo prints with one set mounted on cloth

(3) Where a colonizer before submitting an application under sub rule (1) wants to ascertain if the proposed change in the use of land in the controlled area for the purpose of setting up a colony is in conformity with the development plan and the lay out of the sector plans and that such land provides for satisfactory arrangements for disposal and treatment of sewage and storm water and does not conflict with any programme of acquisition of land and its development to be undertaken by the Director he may submit to the Director a preliminary application giving information only in respect of clause (ii) (iii) (iv) (v) and (vi) of sub rule (1) On receipt of the preliminary application the Director shall after making such enquiry as he considers necessary intimate to the applicant the information on the above points

### **Observations of the Committee**

The Committee recommends that in fourth line of rule 11 for the words building plots for residential the words plots for residential building may be substituted to make the rule more clear

The Committee would like to know for its information as to what is the reason to continue the old formula of measurement for the preparation of maps site plans etc

### **The Department in their written reply stated as under —**

It is submitted that licences are granted under the provisions of Haryana Development and Regulations of Urban Areas Act 1975 and Rules thereof The Department is not granting any permission for establishment of colonies under the provisions of Act 41 of 1963 However it is submitted that the conversion charges prescribed in the Act *ibid* are levied on the licence cases It is pertinent to mention here that urban area also exist alongwith Controlled

Area In view of above it is proposed to delete part IV alongwith the related proformas and its provisions in Rules 11 to Rule 26 shall be deleted

Same as above

## **Rule 12**

**“12 Percentage of area under roads and open spaces in the lay out plans [(Section 25(2) (f)]** —In the layout plan of the colony the land reserved for roads open spaces schools public and community building other common use shall not be less than forty five per centum of the gross area of the land under the colony provided that the Director may reduced this percentage to a figure not below thirty five where in his opinion the planning requirements and the size of the colony so justify

### **Observation of the Committee**

The Committee recommends that in fifth line of rule 12 for the word reduced the word reduce may be substituted to make the rule grammatically correct

**The Department in their written reply stated as under —**

Same as in Rule 11

## **Rule 13**

**13 Development works to be provided In the colony (Section 25 (2) (f)** — The designs and specifications of the development works to be provided in a colony shall include

- (i) metalling of roads and paving footpaths
- (ii) turfing and plantation with trees of open spaces
- (iii) street lighting
- (iv) adequate and wholesome water supply
- (v) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal and
- (vi) any other works that the Director may think necessary in the interest of proper development of the colony

### **Observation of the Committee**

The Committee recommends that in rule 13 (ii) for the words trees of open the words trees on open may be substituted to make it grammatically correct

**The Department in their written reply stated as under —**

Same as in Rule 11

## **Rule 14**

**14 Conformity of layout plans with the Development Plan [Section 25(2)(j)]** —The plans and documents mentioned in rule 11 to be submitted alongwith the application shall conform to the provisions restrictions and conditions laid in the Development Plan

### **Observation of the Committee**

The Committee recommends that in line third after the word *laid* the word *down* may be inserted in the last line of this Rule to make the rule more clear

**The Department in their written reply stated as under —**

Same as in Rule 11

### **Rule 15**

**'15 Preparation of layout on payment of fees [Section 25(1)]** A *colonizer* intending to make an application under rule 11 may request that any or all the plans and documents referred to in clauses (IV) to (XI) of sub rule (1) of rule 11 may be got prepared for him by the Director on payment of such fees as may be assessed by the Director

### **Observations of the Committee**

The Committee recommends that in the heading of this rule after the words *layout* the word *plans* may be inserted to make the rule more clear

The Committee would like to know for its information the fee structure at present and what is the criteria adopted by the Director to assess the payment of fee?

**The Department in their written reply stated as under —**

Same as in Rule 11

Same as in Rule 11

### **Rule 16**

**'16 Information necessary to validate application under rule 11 [Section 3(f) and 25(2)(c)]** — No application under rule 11 shall be considered to be valid until plans and documents required by sub rule (1) of that rule have been furnished to the satisfaction of the Director. In case of failure of such compliance the application together with the plans and documents shall be returned to the colonizer for resubmission in accordance with the rules

**1[16 A] Earnest Money** — (1) Before proceeding under rule 17 or 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 of such order an earnest money at the rate of 2{one rupee} 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

Provided that the Director may for reasons to be recorded in writing extend such time by a period not exceeding thirty days

(2) If the colonizer fails to furnish the earnest money as provided in sub rule (1) the Director shall reject his application ]

### Observations of the Committee

The Committee observes that in the heading of the first line of this rule Section 3(f) is not correct. It may be corrected accordingly.

The Committee would like to know as to whether before depositing the earnest money the application of the colonizer is decided by the Director within a specified period. If not, the specified period may be mentioned in the rule itself.

**The Department in their written reply stated as under —**

Same as in Rule 11

Same as in Rule 11

### Rule 17

**“17 Rejection of application [Sections 8(2) and 25(2) (b)]** —On receipt of an application under rule 11 the Director shall, after making such inquiry as he considers necessary and after giving reasonable opportunity of being heard to the applicant by an order in writing refuse to grant permission if—

- (a) it does not conform to the requirements of rules 12, 13 and 14
- (b) he is satisfied that the plans and designs of the development works submitted with application are not technically sound and workable, or
- (c) he is satisfied that the estimated expenditure on water supply mains or extramural and outfall sewer at the stage of the development of that part of the controlled area incommensurate with the size of the colony.

### Observations of the Committee

The Committee is of the view that a specific period should be mentioned in the rule itself to reject the application by the Director.

The Committee is also of the view that before rejection of the application, the reasonable opportunity may be given to the applicant to fulfil the conditions as laid down in the rules.

**The Department in their written reply stated as under —**

Same as in Rule 11

Same as in Rule 11

### Rule 18

**“18 Applicant to be called upon to fulfill certain conditions** — (1) If after scrutiny of the plans and other necessary enquiry which the Director may deem fit, he is satisfied that the application is fit for the grant of permission, he shall, before granting permission, call upon the colonizer to fulfil the conditions laid down in rule 19 within a period of thirty days from the date of notice given to him under a registered cover.

(2) If the colonizer fails to fulfill these conditions within the period specified in sub rule (1) the permission shall be refused

### **Observations of the Committee**

The Committee observes that in the fifth line of sub rule (1) after the word from the the words receipt of may also be added to make the rule more clear

The Committee recommends that in sub section (1) of Rule 18 for the word go the Word to may be substituted to make the rule grammatically correct

### **The Department in their written reply stated as under —**

Same as in Rule 11

Same as in Rule 11

### **Rule 19 (I) C**

**“19 Conditions required to be to fulfilled by colonizer —** The colonizer shall—

- (a) furnish to the Director a bank guarantee equal to twenty five percentum of the estimated cost of the development of anyone or more of the works as mentioned in rule 13 which the colonizer wishes to undertake first as certified by the Director and enter into an agreement in Form CL II for carrying out and completion of development works in accordance with the permission finally granted provided that the colonizer shall undertake any such development work only after the permission for such a work has been given by the Director after the coloniser has furnished a bank guarantee equal to twenty five percentum of the estimated cost of said development work/works
- (b) [ ]
- (c) undertake to pay proportionate development charges as and when required and as determined by the Director in respect of laying out and construction of main lines of roads drainage sewerage water -supply and electricity if and when so laid by the Government or any other local authority
- (d) undertake to be responsible for the maintenance and upkeep of all roads open spaces public parks and public health services for a period of five years from the date of issue of the completion certificate under rule 22 unless earlier relieved of this responsibility by the Government or a local authority as the case may be and thereupon to transfer all such roads open spaces public parks and public health services free of cost to the Government or the local authority as the case may be
- (e) undertake to construct at his own cost or get constructed by any other institution or individual at its cost schools hospitals community centres and other community buildings on the land set apart for this purpose or undertake to transfer to the State Government at any time it may

desire free of cost the land set apart for schools hospitals community centres and community buildings in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority on such terms and conditions as it may deem fit and

- (f) undertake to permit the Director or any other officer authorized by him in this behalf to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance to the permission granted

### **Observation of the Committee**

The Committee recommends that after the word laid the word down may be inserted to make the rule grammatically correct

**The Department in their written reply stated as under —**

Same as in Rule 11

### **Rule 20**

**‘ 20 Grant of permission and form of order of grant or refusal to grant permission —** After the colonizer has fulfilled all the conditions laid down in rule 19 to the satisfaction of the Director the Director shall grant the permission

(2) Every order passed under sub section (2) of Section 8 on an application submitted under rule 11 shall be in Form CL III

### **Observations of the Committee**

The Committee recommends that in sub rule(1) in the second line after the word conditions the word as may be inserted to make the rule more clear

The Committee recommends that in the heading of the rule 20 the figure after the word permission the figure (1) may be inserted to make the rule grammatically correct

**The Department in their written reply stated as under —**

Same as in Rule 11

Same as in Rule 11

### **Rule 21**

**21 Duration of sanction —** (1) The permission granted under rule 20 shall remain valid for a period of three years from the date of order during which period all works in connection with the laying out and development of colony shall be completed and a certificate of completion obtained from the Director as provided in rule 22

Provided that permission may be renewed upto further period of two years if the Director is satisfied that the delay in execution of layout and development works was for reasons beyond the control of the colonizer



Provided further that if the permission granted under rule 20 is based on the colonizer's furnishing guarantee for one development work or more than one development work separately the permission granted for such work or works shall remain valid for a period of one year from the date of order during which period such work/works shall be completed and a certificate to that effect obtained from the Director

(2) The colonizer shall commence the laying out of the colony and development works within three months of the issue of order under sub rule (1) of rule 20

### **Observations of the Committee**

The Committee observes that in line second of sub rule (1) after the word order the words 'communicated to the colonizer' may be added to make the rule more explicit

The Committee observes that in line fourth of second proviso to sub rule (1) after the word 'order' the words 'communicated to the colonizer' may be added to make the rule more explicit

### **The Department in their written reply stated as under —**

Same as in Rule-11

Same as in Rule 11

### **Rule 22**

**"22 Completion certificate —** (1) After the colony has been laid out according to the approved layout plans and development works have been executed according to the designs and specifications as approved in the order granting permission the colonizer shall make an application to the Director in Form CL IV

(2) After such scrutiny as may be necessary the Director may issue a completion certificate in Form CL-V or refuse to issue such certificate stating the reasons for such refusal

### **Observation of the Committee**

The Committee feels that in sub rule (2) the application for completion certificate may be scrutinized by the Director in a specified period

### **The Department in their written reply stated as under —**

Same as in Rule 11

### **Rule 23**

#### **Section 25(2) (f)**

**"23 Transfer of sanction —** The colonizer shall not be entitled to transfer the permission granted to him under sub rule (1) of rule 20 to any other person or persons without the prior permission in writing of the Director

### Observation of the Committee

The Committee observes that section 25 (2) (f) mentioned at head note of the rule seems to be incorrect. The Committee would like to know for its information under which section the transfer of sanction is granted?

**The Department in their written reply stated as under —**

Same as in Rule 11

### Rule 24

**“24 Revocation of permission —**(1) Should the Director determine at any time that the execution of the layout plans and the construction or other work is not proceeding according to the permission granted under sub rule (1) of rule 20 or is below specifications or is in violation of any provision of these rules or of any law or rules for the time being in force he shall by a notice in form CL VI notify the colonizer to whom permission was granted requiring to remove the various defects within the time specified in the notice

(2) Should the colonizer fail to comply with the requirements detailed in the notice issued under sub rule (1) the Director shall issue him a further notice in Form CL VII to afford him an opportunity to show cause why the permission granted should not be revoked

(3) After the hearing the colonizer or considering such representation as he may make the Director may either revoke the permission or may grant him further time for complying with the requirements of the notice issued under sub rule (1)

If however the colonizer does not comply with the said requirements within such extended period the Director shall revoke the permission

(4) On the revocation of the permission no further work shall be undertaken or carried out by the colonizer unless fresh permission has been obtained

(5) After revocation of the permission the Director may himself carry out or cause to be carried out the development works in the colony and recover such charges as he may incur on the said development works from the earnest money deposited by the colonizer and the bank guarantee furnished by him under rule 19

### Observations of the Committee

- I The Committee observes that in the second line of sub rule (3) after the word permission the words and shall be communicated to the colonizer by registered post may be added to make the rule more clear
- II The Committee observes that in sub rule (4) of rule 24 the specified period should be mentioned in the rule itself to apply for fresh permission

- III The Committee would like to know for its information as to whether the new applicant may apply for permission if the old applicant not filed application for a fresh permission?
- IV The Committee would like to know for its information as to what is the fate of the undeveloped colony if the fresh permission under sub rule (4) is not obtained by the colonizer
- V The Committee would like to know for its information under sub rule (5) as to what is the criteria to assess the excess charges by the Director Whether the order regarding charges is appealable ?

**The Department in their written reply stated as under —**

Same as in Rule 11

Same as in Rule 11

Same as in Rule 11

Same as in Rule 11

Same as in Rule 11

## Rule 25

**25 Refund of Earnest money**—Such charges as may be determined by the Director for the scrutiny of the plans estimates and works in respect of colony shall be deducted from the earnest money deposited by a colonizer under rule 16 A and the balance if any shall be refunded to him within six months of the rejection under rule 17 or grant of permission under rule 20

### Observation of the Committee

The Committee would like to know for its information as to what is the process to recover such charges if the earnest money and bank guarantee is less than the charges as recovered from the colonizer

The Department in their written reply stated as under -

Same as in Rule 11

## Rule 26

**26 Release of Bank Guarantee**—After the layout and development works or part thereof in respect of the colony or part thereof have been completed and a completion certificate in respect thereof issued the Director may on an application in this behalf from the colonizer release within a period of six months of the date of the application the bank guarantee or part thereof as the case may be after adjusting the expenditure if any incurred as provided under Rule 24 (5) provided that if the completion of the colony is taken in part only the part of the bank guarantee corresponding to the part of the colony completed shall be released and provided further that always 1/5th the bank guarantee shall be kept unreleased to ensure upkeep and maintenance of the colony or the part thereof as the case may be for a period of 5 years from the date of issue of the completion certificate under rule 22 or earlier till such time as the colonizer is earlier relieved of the responsibilities in this behalf by the Government or a local authority as the case may be

### Observation of the Committee

The Committee is of the view that the bank guarantee should be released only after the whole development works are completed not in part thereof What is the view of the Department in this regard?

The Department in their written reply stated as under -

Same as in Rule 11

**26A Application for permission under Section 7 in case of a person other than colonizer**—Every person other than colonizer intending to change the existing use of the land in a controlled area for the purpose of developing the said land into buildings for residential industrial commercial or other purposes shall make <sup>3</sup>[an application in writing along with scrutiny fee to Rs 10 (ten rupees

only) per square meter in the form of bank draft to the Director] in Form CLU I accompanied by—

- (1) a survey plan of the land on a scale of 1 to forty feet showing the existing means of access to the said land for the nearest public road and buildings and their nature falling within 100 yards of the said land on its four sides and
- (2) a copy of the deed showing the title of the applicant to the said land

#### **Observation of the Committee**

The Committee observed that in line first of sub-rule 1 of this rule after the number 1 the sign 1 may be omitted being superfluous and may be substituted by the word Inch to make the rule more clear

**The Department in their written reply stated as under -**

It is submitted that Development has already sought approval of the Government for replacing FPS system into Metric system. The approval is already received from the Government and accordingly Rules will be amended. Therefore the scale of 1 centimetre to 10 metre is being inserted in the Rules. The Government has already given its approval on 10/12/2012.

**26B Information necessary to validate application under rule 26A**—No application under rule 26A shall be considered to be valid until a plan and a copy of the deed required by rule 26A have been furnished to the satisfaction of the Director. In case of failure of such compliance the application together with the plan and copy of the deed shall be returned to the applicant for resubmission in accordance with the rules.

#### **Observation of the Committee**

Whether any time limit can be prescribed to return the application for resubmission in accordance with the rules?

**The Department in their written reply stated as under -**

No such time limit is prescribed for return of the application. It is submitted that the CLU application is submitted by the applicant in the field office and the said application is checked at three levels i.e. field office, circle office, Directorate level. Thus it is quite difficult to prescribe any time limit for return of the application. It is also submitted that vide this office Memo No. 6952-56/M.173 dated 21/10/2009 the responsibility of checking the application is entrusted to field DTPs/STPs.

#### **Rule 26 C**

**26C Applicant to be called upon to fulfill certain conditions**—(1) if after scrutiny of the plan and other necessary enquiry which the Director may deem fit, he is satisfied that the application is fit for the grant of permission, he

shall before granting permissions call upon the applicant to fulfill the conditions laid down in rule 260 within a period of thirty days from the date of notice given to him under a registered cover

(2) If the applicant fails to fulfill these conditions within the period specified in sub-rule (1) the permission shall be refused

#### **Observations of the Committee**

- I The Committee is of the view that in line second of sub rule( 1) of this rule for the word deed the word deems may be substituted to make the rule intelligible
- II The Committee also observed that in fourth line of sub rule (1) of this rule the word permissions may be substituted by the word permission to make the rule grammatically correct
- III The Committee desired that in the last line after the words from the date of the words receipt of may be added to make the rule more comprehensive

#### **The Department in their written reply stated as under**

- I The correct word deem is already in place in the original Rules However the word deed was typed inadvertently in the copy supplied to the Committee on Subordinate Legislation The inconvenience caused to the Committee is highly regretted
- II The correct word permission is already in place in the original Rules However the word permissions was typed inadvertently in the copy supplied to the Committee on Subordinate Legislation The inconvenience caused to the Committee is highly regretted
- III This will make things complicated as it will not be possible for the Department to know the date of receipt of LOI by the applicant Since it is a critical date and has financial implications it may lead to litigation between the applicant and the Department

#### **Rule 26D**

**26D Conditions required to be fulfilled by the applicant —The applicant shall—**

- (a) furnish to the Director a bank guarantee in the <sup>1</sup>(amount equal to twenty five percent) of proportionate estimated cost of the development works as certified by the Director and enter into an agreement in Form CLU II for fulfilling the conditions contained herein in accordance with the permission finally granted
- (b) undertake to pay proportionate development charges which shall be a first charge of the said land as and when required and as determined by

the Director in respect of external development works which may be carried out in the area for the benefit of the said land

- (c) undertake to be responsible for making arrangement for the disposal of affluent to the satisfaction of the Director
- (d) undertake to get the plan approved from the Director before commencing any construction on the said land
- (e) undertake not to sell the said land or portion thereof unless said land has been put to use permitted by the Director and to use the said land only for the purposes permitted by the Director
- (f) undertake to start construction of the said land within a period of six months and complete the construction within a period of <sup>2</sup>[two years] from the date of issue of orders permitting the change of land use and

Provided that where the existing use of the land in a Controlled Area is to be changed for the purpose of developing the said land into buildings for industrial purposes no bank guarantee referred to in clause (a) shall be required to be furnished and in such a case paragraph 3 of the agreement in Form CLU II shall not apply and

- (g) furnish to the Director a demand draft on account of conversion charges as per rates prescribed in schedule IV of these rules

#### **Observations of the Committee**

- I The Committee would like to know as to whether any condition as mentioned in this rule can be waived or relaxed in public interest
- II The Committee would like to know for its information in Part (c) of this rule as to whether the responsibility can be imposed to make arrangements for non polluted or eco friendly environment besides disposal of affluent
- III The Committee would like to know for its information in proviso or this rule as to what is justification for not furnishing the bank guarantee for the purpose of developing the land into buildings and industrial purposes

#### **The Department in their written reply stated as under -**

- I No Sir
- II Yes MOEF vide its notification dated 14 09 2006 has compelled every person whose permissible covered area is more than 20000 sq mtrs has to take Environment Impact Assessment clearance Thus these conditions are being looked after by Haryana State Pollution Controlled Board/MOEF This condition is also levied in zoning plan as well as building plan It is submitted that it is very difficult for Town & Country Planning Department to monitor the compliance of these conditions

if imposed regarding arrangements for non polluted or eco friendly environment It is also submitted that the other Government Department/ Board i.e Environment Department/HSPCB is looking after this issue

- III It is submitted that prior to enactment of the Haryana Development and Regulation of Urban Areas Act 1975 (Act No 8 of 1975) and Rules 1976 there was provision of grant of licence in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 and Rules 1965 The licences are now granted as per provisions of Act No 8 of 1975 wherein the Bank Guarantees are taken from the colonizers Now the provisions of grant of licence provided in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 is being deleted for which matter will be submitted to the Government for decision in this regard Therefore the provision of taking Bank Guarantee shall be deleted

#### **Rule 26-F**

**26-F Duration of sanction** —The permission granted under rule 26 E shall remain valid '[for a period of two years from the date of order] during which period all works for putting the said land to the permitted use shall be completed

Provided that if the owner makes an application in writing for further renewal of the change of land use permissions and if the Director is satisfied that the delay in execution of works was for reasons beyond the control of the applicant such permission may be further renewed maximum upto a period of one year on payment of 10% of conversion charges applicable as on date in the form of demand draft in favour of the Director

#### **Observation of the Committee**

The Committee observed that in the 2nd line of proviso to this rule the word permissions may be substituted by the word permission to make the rule grammatically correct

**The Department in their written reply stated as under -**

The correct word permission is already in place in the original Rules However the word permissions was typed inadvertently in the copy supplied to the Committee on Subordinate Legislation The inconvenience caused to the Committee is highly regretted

#### **Rule 27**

**27 Application for permission under section 8 for laying out means of access to a road in a controlled area** —(1) Every person requiring permission of the Director for laying out means of the access to a road within a controlled area shall submit an application in Form AC 1



(2) The site plan mentioned in Form AC 1 shall be drawn to a scale of not less than 1 to 40 and indicate —

- (i) the name of the road to which access is desired indicating the number of milestone or furlong stone and
- (ii) the details of the proposed junction

(3) The cross section of the proposed access shall be drawn to a scale 1 to 1 and shall show all elements constituting the road e.g. the metalled portion footpaths position of electric poles green verges etc

### **Observations of the Committee**

The Committee recommends that in the heading of sub rule(1) of this rule for the word lying the word laying may be substituted to make the rule grammatically correct

The Committee recommends that the signs of and shown after the numerals 1 and 40 respectively in the first line of sub rule (2) of this rule may be substituted by the words inch and feet to make the rule more clear. The Committee also recommends that the all signs of inch and feet whenever shown after the numerals in rules may also be substituted by the words

**The Department in their written reply stated as under -**

The correct word laying is already in place in the original Rules. However the word lying was typed inadvertently in the copy supplied to the Committee on Subordinate Legislation. The inconvenience caused to the Committee is highly regretted.

Accepted. However the FPS system will be replaced by Metric system and accordingly Rules will be amended.

### **Rule 29**

#### **29 Information necessary to validate application under rule 27 —**

No application under rule 27 shall be considered to be valid unless it is made on the prescribed form and is accompanied by the requisite number of plans and documents required to be furnished along with the application.

In case of failure of such compliance the application together with the plans and documents shall be returned to the applicant for submission in accordance with the rules.

### **Observations of the Committee**

The Committee desired that the validity of the application in this rule may be decided in a specific period and the period should be mentioned in the rule itself to make the rule more comprehensive.

The Department in their written reply stated as under -

No time can be assigned for this purpose as it depends upon submission of complete documents by applicant

### Rule 33

#### **33 Information necessary to validate application under rule 32 —**

No application under rule 32 shall be considered to be valid unless it is made on the prescribed form and accompanied by the requisite number of plans and documents required to be furnished along with the application. In case of failure of such compliance the application together with the plans and documents shall be returned to the applicant for resubmission in accordance with the rules

#### **Observation of the Committee**

The Committee is of the view that some time limit should be prescribed in the Rules itself to return the application for re submission in accordance with the Rules

The Department in their written reply stated as under -

No time can be assigned for this purpose as it depends upon submission of complete documents by applicant

### Rule 35

#### **35 Form in which license under Section 8 (2) is to be given —**

After an application on the prescribed form containing the requisite information and accompanied by necessary documents as mentioned in rule 32 is received the Director shall after making such inquiry as he considers necessary grant a license in Form BK II or refuse to grant the same

#### **Observation of the Committee**

The Committee is of the view that the grounds of refusal should also be communicated to the applicant

The Department in their written reply stated as under -

Accepted The amendment in respect of conveying reasons of refusal shall be submitted to the Government for orders

### Rule 36

**36 Duration of license —** Every license issued under rule 35 shall remain valid for [three calendar years] or a part thereof as the case may be and will be renewable annually

Provided that if at any time or at the time of the renewal any extension of land for the required purpose is necessary the applicant shall make a fresh application for the same as required under rule 32

Provided further that no fresh license shall be necessary in case of extension and necessary amendment shall be made in the license already issue

#### **Observation of the Committee**

The Committee is of the view that to avoid hardship to the applicant some time limit period should also be prescribed in the Rules itself or granting extension of land in the license already issued

#### **The Department in their written reply stated as under -**

In reply to this observation it is submitted that rule 36 of rules of 1965 provides for submission of fresh application under rule 32 for any extension of land at any time or at the time of renewal of licence. This provision allows Department to examine the additional applied land with respect to norms specified for grant of licence for brick kiln or for purposes specified under rule 32. As such license for additional land is granted only if such land fulfils the norms specified for grant of licence. In view of above it is not desirable to allow automatic extension of land within certain time limit in respect of already issued license. No separate time line can be prescribed

#### **Rule 37**

**37 Fees for licence —** Fees for every issue or renewal of a licence under rule 35 shall be [one thousand five hundred rupees]

#### **Observation of the Committee**

The Committee would like to know for its information the present rate of license fee for the issuing or renewal of license

#### **The Department in their written reply stated as under -**

Fees for every issue or renewal of licence under rule 35 is Rs 1500/- This fee was last revised in the year 1996

#### **Rule 39**

**39 Application for erection or re erection of building Sections 8 and 25(2)(c) —**(1) Any person intending to erect or re erect any building in controlled area shall make an application in writing to the Director Form BR I accompanied by the following documents —

- (a) a site plan as required under rule 40
- (b) a building plan or plans along with an un editable Compact Disc/ DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 41
- (c) details of specifications of the work to be executed in Form BR II
- (d) structural drawings (for record)

- (e) fire safety design as required under National Building Code
  - (f) Heating Ventilation Air Conditioning (HVA C ) service plan wherever required
  - (g) Certificate of conformity to regulation and structural safety for the relevant buildings (depending upon type and height) in the relevant Form BR-V (A1) or BR V(A2)
  - (h) a demand draft in favour of Director Town and Country Planning Haryana Chandigarh or the person authorized by him drawn on any scheduled bank on account of scrutiny fee at the rate of ten rupees per square meter of the covered area achieved
- (1A) (i) Any person intending to erect or re-erect any building in a residential/ industrial licensed colony may apply on form BRS I to the Director for approval of building plans under self certification by giving fifteen days notice to the Director or Officers of the Department delegated with powers for approval of building plans intimating the date of start of construction. The construction can be started after fifteen days in case any objection is not conveyed to the applicant
- (ii) Any person applying under the provision of rule 39 (I A) (i) above shall make an application in writing to the Director or any other person authorized in this behalf in the Form BRS I accompanied by the following documents —
- (a) a site plan (in triplicate) showing the position of site proposed to be built upon as required by the rules along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 40
  - (b) plans elevations and sections (in triplicate) as required by the rules along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 41
  - (c) Public Health Services plans (in triplicate) as required by rules along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 41
  - (d) structural drawings (for record) as per Form BRS-IV
  - (e) fire Safety design as required in the National Building Code as approved by the State Fire Authority Alternatively an undertaking to the effect that the fire safety plans duly approved by the State Fire Authority will be submitted within sixty days

- (f) Heating Ventilation Air conditioning (H VAC ) service plans wherever required
  - (g) specifications of the proposed building (in triplicate) in Form BR II
  - (h) certificate of conformity to regulation and structural safety for the relevant buildings in Form BRS II
  - (i) certificate in the form of an affidavit from the owner and architect that they have understood the provisions of the zoning plan fully and shall not deviate from its provision and
  - (j) a demand draft in favour of Director Town and Country Planning Haryana Chandigarh or the person authorized by him drawn on any scheduled bank on account of scrutiny fee at the rate of Rs Ten per square meter of the covered area achieved
- (iii) Director or any other person authorized by him reserves the right to check the building plans and construction at any stage and violations if found shall have to be rectified by the owner/applicant. In case the owner/applicant fails to rectify violations the Competent Authority may take necessary steps to rectify the violations. Action shall also be taken against the defaulting Architect by referring his case to the Council of Architecture for misconduct. All rectifications shall be at the risk and cost of the owner and no plea of the owner shall be entertained for any default committed by the Architect engaged by him. In all such cases the procedure of self-certification shall stand aborted.
- (iv) if a building is erected or re erected or construction work is commenced in contravention to any of the building regulations the Director or any other person authorized by him shall be competent to require the building to be altered or demolished by a written notice delivered to the owner. Such notice shall also specify the period during which such alteration or demolition has to be completed and if the notice is not complied with the Director or any other person authorized by him may demolish the said building at the expense of the owner.

#### Notes —

- I The decision of Director in case of any dispute shall be final and binding on all concerned
- II At any stage during construction if an Architect notices that violations (except compoundable ones) are taking place he shall intimate to the concerned authority of such violations and stop further supervision. He/ She shall also intimate the allottee about the violations and advise him to stop further construction. Complete details along with photographs

may be submitted to the concerned authority. The Authority may immediately issue a notice to the owner on the basis of the Architect's certificate to suspend further work and rectify violations. In such cases the owner shall be held responsible for further additions in violations. Such a situation shall automatically annul the process of self certification and the owner may, after removal of violations, engage an Architect for preparing the revised drawings. In such cases completion shall be given only after scrutiny of revised drawings and inspection of site.

- III Sanctionable changes shall be allowed to be done provided that at the completion stage all changes are incorporated by the Architect in the completion drawings to be submitted by the owner to the Authority. While seeking occupation certificate the Architect shall give a certificate that all changes done are sanctionable and permissible as per bye laws.
- IV After submitting of application or during the construction of building if the owner/registered architect/registered structural engineer are changed he shall intimate the competent authority by registered letter that he is no longer responsible for the project from the date of actual dispatch of the letter. The information must be sent within seven days of occurrence of the change to the concerned authority by the respective owner/Architect/Engineer. The construction work shall have to be suspended until the new owner/registered Architect/registered structural Engineer, as the case may be, undertakes the full responsibility of the project. The forms and documents submitted at the time of applying for erection/re-erection of the building within seven days of his taking over. Owner's intimation regarding change of name of professionals shall be considered to be final by the Director or any other person authorized by him.

(2) Every person giving notice under sub rule (1) shall appoint an architect/engineer for drawing up of plans/structural drawings and for the supervision of erection and re-erection of building. The supervision of erection or re-erection of residential and commercial buildings upto three storeys or 11 metres height may be undertaken by the architect and/or the engineer. However, in case of buildings other than residential and commercial buildings upto three storeys or 11 metres height the supervision shall be undertaken both by the architect and the engineer.

(3) The application, plans, structural drawings, specifications and the certificates shall be signed by the applicant and the architect, Structural Engineer and proof consultant, as required in the relevant forms and documents. In case where the supervising architect/engineer is different from the one who has prepared the designs, plan shall be signed by both of them.

**Note —** The validity of the building plans shall be subject to the validity of the permission for change of land use or the licence granted under Act No. 8 of 1975 and any other encumbrances.

### Observations of the Committee

- I The Committee would like to know for its information what is the definition of any person ? whether any person can apply for erection or re erection of building without ownership of the land?
- II The Committee would like to know for its information whether the scrutiny fee at the rate of Rs 10/ per square metre of the covered area mentioned in the rule has been revised? If not whether the scrutiny fee is not required to be enhanced or suitably amended due to escalation of prices?
- III The Committee would like to know for its information whether any document is submitted regarding earthquake safety measures? If not whether such document is not required to apply the application under provision of rule 39(1 A)(ii)?
- IV The Committee would like to know for its information whether the maximum period of suspending the construction work is fixed if the owner/registered Architect/ registered structural Engineer are changed if not whether the maximum period is not required to be mentioned in the rule itself?

### The Department in their written reply stated as under -

- I The proposal was submitted to the Government for amending Rule 39 The word any person is substituted by every person except as provided in Rule 39 (IA) The approval of the Government is received on 10 12 2012 and Rules are being amended accordingly However it is submitted that the owner of the land has to apply for approval of Building Plan The owner is related to title to land or title deed (refer Rule 2 (i))
- II The scrutiny fee @ Rs 10/- per square metre of the covered area mentioned in the Rule has not been revised Noted The Government will take decision to increase scrutiny fee at appropriate time
- III The structural drawings are taken for record by the Department at the time of approval of Building Plans These structural drawings are taken as per Form BR V(A1) and Form BR-V(A2) The Structural Engineer and Proof Consultant submits the certificate that the structure of building has been designed in accordance with the provisions of NBC and relevant Indian Standard Codes (with latest amendments) including Indian Standard Codes for structures resistant to earthquakes It is also certified by these engineers that local soil conditions its load bearing capacity and the underground water table etc have been kept in view while designing the same
- IV Since owner is responsible for re engagement of Engineer/Architect therefore the time period of suspension of construction work is

dependent on the efficiency of owner Therefore it will not be appropriate to specify the time period

#### **Rule 40 (1)**

**40 Site Plan-Sections 8 and 25 (2)(c) —<sup>1</sup>** (1) The site plan shall be drawn to a scale of not less than —

- (a) 1 200 for sites upto 1000 square metre
- (b) 1 400 for sites above 1000 and under 4500 square metre
- (c) 1 800 for sites of 4500 square metre and above

(2) The site plan shall be prepared with sufficient accuracy to enable the site to be identified and shall be submitted on distinct prints in triplicate two of which shall be mounted on cloth One mounted copy shall be returned to the applicant with the words Rejected or Sanctioned as the case may be written on it The site plan shall be fully dimensioned and shall show—

- (a) the boundaries of the site
- (b) the direction of the North point
- (c) the street of roads adjoining the site with their width clearly dimensioned and with names if any of all existing roadside trees lamp posts or other features or structures likely to affect the approach to the building
- (d) surrounding buildings in outline up to a distance of 50 feet from the boundaries of the site
- (e) buildings or structures on or over or under the site or projecting beyond it in outline including proposed building to be shown distinctly
- (f) dimensions of open spaces at the rear side or front
- (g) the area and proportion of the site to be covered by building
- (h) the levels of the site and of the plinth of the buildings in relation to those of the neighbouring streets also the levels of all courtyards and open spaces in relation to the bed levels of the existing drains and sewers in the street or streets into which the building or site is to be drained and
- (i) method of disposal of waste water sewage and storm water

#### **Observation of the Committee**

The Committee recommends that in sub-rule 1 of rule 40 the figures (a) 1 200 (b) 1 400 and (c) 1 800 seems to be superfluous it should be mentioned in inch feet or meter to make the rule more clear



**The department in their written reply stated as under**

This is an engineering issue and this Department is of the view that the figures 1 200 1 400 and 1 800 are Representative Fraction (RF) and are universally accepted figures. A Representative Fraction (RF) scale is a ratio in which one unit of a map represents a given number of the same units on earth's surface.

#### **Rule 42**

**42 Type plans - Sections 8 and 25 (2) (c)** —In case the applicant wishes to follow a type design of buildings approved by the Government he may obtain them from the Director at a fee fixed by the Government. These building plans along with relative site plan shall nevertheless be submitted as required by rule 39.

#### **Observation of the Committee**

The Committee would like to know for its information as to whether the fee mentioned in the Rule have been revised by the Government after the notification of the Rule and what is the existing fee at present?

**The Department in their written reply stated as under -**

Suggestion is noted and Government will take decision in due course of time.

**Note** - The Committee has not tendered any suggestion, however, the Committee wants to know the revised fee and existing fee.

#### **Rule 43**

**43 Information necessary to validate application -Sections 8 25 (2) and (c)** —No application under rule 39 shall be considered to be valid unless it is made on the prescribed form and is accompanied by the requisite number of plans and documents required to be furnished along with the application. In case of failure of such compliance, the application together with plans shall be returned to the applicant for resubmission in accordance with the rules.

#### **Observation of the Committee**

The Committee is of the view that some time period should be mentioned in the Rule to decide the validity of the application as mentioned in the Rule.

**The Department in their written reply stated as under -**

The application is to be decided in 90 days except for industrial use, for which sixty days is the time limit. These time limits are calculated from the receipt of complete application. There is no need of prescribing time limit for submission of complete documents.

#### **Rule 44**

**44 Permission to erect or re-erect-Sections 8 and 25 (2) (1)** — After an application in the prescribed form containing the required information and

accompanied by necessary documents as mentioned in rule 39 is received the Director shall after making such inquiry as he considers necessary pass an order under sub section (2) of Section 8 in Form BR-III

### **Observation of the Committee**

The Committee is of the view that some time period should be mentioned in the Rule to pass an order under sub section 2 of 8 in the form BR(III)

**The Department in their written reply stated as under -**

It is submitted that the application in respect of approval of Building Plans are decided within 90 days (other than industrial use) from the receipt of valid application under Section 8(2) The Building Plan for industrial use are decided within 60 days from the receipt of complete application The suggestion of Committee is accepted and Rules will be amended The matter will be submitted for approval/orders of competent authority Minister in Charge

However the Department has also submitted proposal for amending Rule 44 wherein following is added after word form BR III at the end namely  
*except application covered under Rule 39 (1A)*

The approval of the Government is received on 10 12 2012

### **Rule 47**

**47 Completion of building-Section 8(2) and 25(2)(f) —(I)** No person shall occupy or allow My other person to occupy any new building or part of a new building for any purpose whatsoever until such building or part thereof has been certified by the Director or by any person authorized by him in this behalf as having been completed in accordance with the permission granted and an occupation certificate has been issued in his favour in Form BR VI

(2) Every person who intends to occupy such a building or part thereof shall apply for the occupation certificate in Form BR IV(A) or Form BR IV(B) along with a set of approved plans which shall be accompanied by certificates in relevant Form BR-V(I) or BR V(2) duly signed by the architect and/or the engineer

(2a) On the completion of the building the owner who had applied under rule 39(IA) shall submit an application for grant of occupation certificate on Form BRS IV along with completion drawings certificate on Form BRS II from Architect Engineer affidavits as mentioned in Form BRS II Completion Certificate on Form BRS IV and along with the following documents

- (i) Detail of compoundable violations from the approved building plans if any in the building jointly signed by the owner Architect and Engineer along with demand draft of the due payment for composition charges of such violations at the rates determined by the Director shall be submitted along with form BRS III

- (ii) Both the Owner and Architect shall give an affidavit that no provision of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 (Punjab Act No 41 of 1963) and rules framed there under has been violated excluding compoundable violations
- (iii) Photographs of front side rear set backs front and rear elevation of the building shall be submitted along with photographs of essential areas like cut outs and shafts from the roof top An un editable compact Disc/DVD containing all photographs shall also be submitted
- (2b) (i) The competent authority shall issue an occupation certificate in form BRS V within ten working days of receipt of the form BRS III duly complete in all respects and accompanied with the required completion drawings forms and affidavits The occupation certificate shall be issued provided that the documents submitted along with form BRS IV are in order Violations if found at any subsequent stage shall result in cancellation of the occupation certificate issued and the same shall be restored only after removal of violations Further action against the Architect shall also be taken for furnishing a wrong certificate/affidavit
- (ii) No person shall occupy or allow any other person to occupy any new building or a part thereof for any purpose whatsoever until such building or a part thereof has been certified by the concerned authority as having been completed and an occupation certificate has been issued in his favour in form BRS V within the above mentioned period However a minimum 25% of the ground coverage shall have to be constructed to qualify building as a habitable unit

(3) No occupation certificate shall be issued unless debris and rubbish consequent upon the construction has been cleared from the site and its surroundings

#### **Observation of the Committee**

The Committee would like to know for its information as to whether any action has taken against the allottee for violations after the occupation?

**The Department in their written reply stated as under -**

The action against violations of provisions of building by Laws after grant of occupation certificate is taken against the owner of the premises in controlled area Powers to take action in respect of violation of provisions of Act of 1963 stands delegated to District Town Planners in the field and action is being regularly taken by them against violations committed by owners of premises after obtaining occupation certificate The work in the licenced colonies as well as in the Change of Land Use cases have

increased manifold whereas the commensurating officers/staff has not been increased due to which it is really difficult to effectively monitor the provisions of these Rules

#### Rule 49

**49** <sup>1</sup> Proportion of the site which may be covered with buildings - Sections 8 (2) and 25(2) (f) — The proportion up to which a site may be covered with buildings including ancillary buildings shall be in accordance with the following slabs remaining portion being left open in the form of an open space around the buildings or courtyard

#### RESIDENTIAL

Area of site	Maximum permissible coverage on ground including ancillary and residential zone	Maximum permissible coverage on first floor
(a) For the first 225 square metres of the total area of the site	60% of such portion of the site	55% of such portion of the site
(b) For the next 225 square metres i.e portion of the area between 225 & 450 square metres	40% of such portion of the site	35% of such portion of the site
(c) For the remaining portion of the site i.e for the portion of the area exceeding 450 square metres	35% of such portion of the site	25% of such portion of the site

**Maximum permissible floor area ratio and maximum permissible height** —The maximum permissible floor area ratio and maximum permissible height on area of the site mentioned in column 1 of the schedule given below shall be as shown in columns 2 and 3 respectively of the said Schedule

#### SCHEDULE

Area of site	Maximum permissible floor area ratio	Maximum permissible height
1	2	3
(a) For the first 209 square metres of the total area of site	1.45	12 Metres

1	2	3
(b) For the next 91 square metres of the area i.e. between 209 square metres and 300 square metres	1 00	12 Metres
(c) For the next 120 square metres of the area i.e. between 301 square metres and 420 square metres	0 95	12 Metres
(d) For the remaining area beyond 420 square metres	0 80	12 Metres

Provided that the building shall conform to the restriction contained in the zoning plan or the architectural control sheets of the respective area of sector

Provided further that in the case of houses already constructed or which are under construction before the issue of this notification the benefit of additional covered area i.e. the difference between the aggregate permissible coverage on all floors as now stipulated and that already provided in the rules may be allowed on any floor subject to the restrictions as provided in the zoning plan

Provided further that subject to specific provision in the Zoning Plan of sector/site not more than four dwelling units shall be permitted on one plot and the maximum number of dwelling units on each floor i.e. ground/first floor shall not exceed two dwelling units

Provided further that in case of sites measuring 1000 square metres or less under any scheme relating to houses for economically weaker section framed by the Government Housing Board Improvement Trust or any local Authority Director may relax the above condition up to a Maximum of 66% on ground coverage with the stipulation of floor area ratio of 1 65

Provided further that a basement not exceeding the maximum coverage on the ground floor and intended to be used for parking servicing and storage may be allowed if it satisfied the public health and structural requirements

Provided further that the 25% of the built up area of the building or upto 50 square metres whichever is less can be used for non nuisance professional consultancy services after getting permission from Director or any other officer authorised by him in writing The applicant shall apply for specific use of consultancy services as mentioned in clause (xxiv a) of Rule 38 in form N-I along with fee as mentioned in Schedule IV-A The permission shall be granted in form N II

## INDUSTRIAL

Table

1	2	3	4	5	6	7
Sr No	Type of Industry	Maximum Ground Coverage	Permissible Base ment	Maximum Permissible Floor Area Ratio	Maximum Permissible Height	Remarks

## (A) For the existing industrial estates

1	General	60%	Single level	125	30 Meters	—
2	Apparel and Footwear					
(i)	Vertical expansion of existing building	60%	As existing at site	175	40 Meters	Subject to structure safety/ capacity certificate from the Architect and subject to the condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 15 meters and above
(ii)	Fresh construction of building after demolition of the existing structure	50%	Single level	200	50 meters	Subject to condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above
3	Biotechnology other than Pharmaceuticals	40%	Upto three levels	200	50 meters	Subject to condition that the industrial units

1	2	3	4	5	6	7
						availing of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above
4	Information Technology/ Information Technology Enable Services	40%	Upto three levels	200	50 meters	Subject to condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above
5	Technology Park on Campus	40%	Upto four levels	200	50 meters	Subject to condition that the plot must be located on roads with a Right of Way of 30 meters and above

**(B) For the new Industrial Estates and Expansion Phases of the existing Industrial Estates**

1	General	60%	Single Level	125	30 meters	—
2	Apparel and Footwear level	40%	Upto three	250 meters	60	Subject to condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above
3	Biotechnology other than Pharmaceuticals	40%	Upto three levels	250	60 meters	Subject to condition that the industrial units availing

1	2	3	4	5	6	7
						of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above
4	Information Technology/ Information Technology Enable Services	40%	Upto three levels	250	60 meters	Subject to condition that the industrial units availing of Higher Floor Area Ratio are located on roads with a Right of Way of 18 meters and above
5	Technology Park on Campus Norms	40%	Upto four levels	250	50 meters	Subject to condition that the plot must be located on roads with a Right of Way of 30 meters and above

- Note
- (i) The basement not exceeding the maximum permissible zone on ground floor and intended to be used for parking services and storage shall be allowed if it satisfies the public health fire safety and structural requirements and shall not be considered in Floor Area Ratio Ramps shall be permitted within the zoned area (building line) to keep the setback area uninterrupted
  - (ii) The Industrial units shall abide by the policy for parking of vehicles as notified by the concerned development agency Parking in the stilted floor at ground floor level shall be permissible free from Floor Area Ratio if the height from the finished ground floor to the bottom of the hanging became is not lower than 2.5 meters and not more 2.8 meters
  - (iii) The built area required for labour welfare within the premises under the provisions of the Factories Act 1948 such as dispensary dining area canteen lavatories creche etc shall not be counted for parking requirement



- (iv) The facility for enhanced Floor Area Ratio beyond the general level of 125 shall be permissible on payment of infrastructure strengthening charges as prescribed by the Government/ Development Agency

### COMMERCIAL

In the case of sites for shop-cum residential purposes or for shopping booths the coverage on each floor shall be in accordance with the architectural control sheets

### INSTITUTION AND OTHER PUBLIC BUILDINGS

(a) **Coverage** - The maximum permissible coverage including covered parking on a plots of the size mentioned in column 1 below shall be as shown in column 2 below —

Area of plot	Maximum permissible coverage
Upto 10 000 square metres	33 $\frac{1}{3}$ per cent of the area of the plot
Above 10 000 square metres	25 per cent of the area of the plot

(b) **Floor Area Ratio** - The maximum Floor Area Ratio shall be as determined by the Director/Government as the case may be on the merits of each individual case considering the location and the nature of the use

(c) **Set Backs** - Every institutional building shall be constructed with set backs as provided in the zoning plan prepared for the site

Provided that a basement not exceeding the maximum permissible coverage on the ground floor (excluding the area under public corridors) and intended to be used only for parking servicing and storage may be allowed if it satisfies the public health and structural requirements

Notes 1 Floor Area Ratio (FAR) means the quotient obtained by dividing the multiple of the aggregate covered area on all floors and 100 by the area of the plot i.e

$$\text{FAR} = \frac{\text{Total covered area on all floors} \times 100}{\text{Plots area}}$$

2 Set back line means a line usually parallel to the plot boundaries and laid down in each case in the zoning plan beyond which nothing can be constructed towards the site boundaries

The following projections shall not be counted towards the covered area namely —

- (i) Pergola constructed purely for architectural effects

- (ii) A canopy sunshade chhajja balcony or an architrave cantilever from the face of any wall

Provided that canopy projecting over an entrance to the building at the inter level shall not be allowed at more than one entry and it shall not exceed five square metres in area

- (iii) Cantilevered projections referred to in clause (ii) in the case of plots where architectural or frame control does not apply projecting not more than 1.80 metres beyond the building lines on the front and rear of the main residential building and 1.00 metre along the sides thereof when measured at right angle to the outer face of the respective wall
- (iv) Any such projection referred to in clause (ii) shall not be lower than 2.3 metres when measured from the ground

**Building lines** —No building shall project beyond the building lines as shown on the zoning plan

#### **Observation of the Committee**

The Committee would like to know for its information as to whether the figures are mentioned in column 2 of the Schedule and in Industrial table column 5 of this rule should not be mentioned in inches feet and metres to make the rule more clear?

**The Department in their written reply stated as under —**

The Committee may be apprised that Floor Area Ratio (FAR) means the ratio between the total floor area of the building on all floors and total area of the site. This is a part of a zoning regulations of Development Plan/ Controlled Area. This is also defined depicted in note No. 1 of Rule 49.

#### **Rule 53**

**53 Space at the sites -Sections 8(2) and 25(2)(f)** —No building shall project at the sites beyond the building line specified in the zoning plan or approved colony plan as may be applicable. Where zoning-plans have not been prepared or the required building line has not been shown on the approved colony plan the side space shall be regulated as below

(i) Sites of 375 square yards or less	No side space. The full frontage of the site shall be covered with buildings and buildings shall be built contiguous to the adjoining plots. Provided that in case of corner lots if a side space is left it shall not be less than eight feet in width.
(ii) Sites from 376 square yards to 749 yards	Compulsory open space of 10 feet on one side of the plot to be determined by the Director. Provided that a garage of not more than 20 feet in length may be built in this portion with its rear boundary coinciding with the rear of the building.

- |       |   |  |
|-------|---|--|
| (iii) | Sites from 750 square yards to 1 500 square yards | Minimum side open space of 10 feet on both sides |
| (iv)  | Sites above 1 500 square yards                    | Minimum side open space of 20 feet on both sides |
- 

### **Observations of the Committee**

The Committee observes that in this rule it has been mentioned that minimum side open space of 10 feet on both sides. The Committee would like to know for its information whether this space would be on the front side or rear side or any other side? It may be clarified by the department.

The Committee Observes that in this rule it has been mentioned that minimum side open space of 20 feet on both sides. The Committee would like to know for its information whether this space would be on the front side or rear side or any other side? It may be clarified by the department.

**The Department in their written reply stated as under -**

Accepted. Department will clarify the same mentioning that the open space will be applicable on both sides.

Accepted. Department will clarify that same will be applicable on both sides.

### **Rule 60**

**60 Materials -Sections 8(2) and 25(2)(f)** —All materials to be used for erection or re erection of a building shall conform to the specifications and standards laid down in the National Building Code and the relevant IS codes or as may be laid down by the Government from time to time.

### **Observation of the Committee**

The Committee would like to know for its information at present either the specifications and standards laid down in the National Building Code or specifications and standards laid down by the Government are being followed in the State?

**The Department in their written reply stated as under -**

The provisions of NBC is being followed in the controlled areas where the building rules are silent. At the time of submission of building plan, the Architect on Form BR II as specified in the Rules gives a certificate to this effect about the specification of building materials.

### **Rule 61**

**61 Site Sections 8(2) and 25(2)(f)** —No person shall erect or re erect any building on any ground which has been filled in with offal or offensive vegetable or animal matter or upon which any such matter is deposited unless the

safety of structure including foundation has been duly certified by the Structural Engineer

### **Observation of the Committee**

The Committee would like to know for its information the definition of Structural Engineer?

**The Department in their written reply stated as under -**

The definition is already mentioned at Rule 38 (xxxvii a) For kind perusal of the Sub Committee following is reproduced

[(xxxvii a 'Structural Engineer' shall be a person who is a graduate in Civil Engineering of a recognised Indian or Foreign University or corporate member of Civil Engineering Division of the Institute of Engineers of India or equivalent Institute with a minimum of three years experience in structural engineering practice in designing structures and field work and/or registered as such with the authority and/ or registered as such with the Haryana Urban Development Authority (HUDA) employed for preparation of the structural design for residential and commercial buildings upto three storeys or 11 meters height However only the Structural Engineer possessing post graduate qualification in structural engineering along with a minimum of three years experience in the design of multi storey and specialised structure and/ or registered as such with the Haryana Urban Development Authority (HUDA) shall be employed to undertake and submit the structural design for buildings other than residential and commercial buildings upto three storeys 11 meters height as per the requirements of the relevant Forms BRV (A1) or BRV (A2) ]

### **Rule 63 (2)**

**63 Damp Proof Courses -Sections 8(2) and 25(2)(f) —(1)** Every wall of a public building or domestic building (including a pier forming a part of the wall of a compound wall) shall be provided With a damp proof course except when built of materials such as cement concrete with or without the addition of any commercial damp proofing material

(2) Materials specified as damp proof course shall be as indicated in the Haryana Public Works Department Specifications 1990 edition or as provided in National Building Code

(3) In external walls the horizontal damp proof course shall be laid immediately above the plinth protection and a vertical damp proof course shall be provided on the interior face of the wall extending between the level of the horizontal damp proof course and the level of the puper surface of the concrete in the finished floor

(4) In an internal wall the horizontal damp proof course shall be laid in level with the upper surface of the concrete in the finished floor The continuity of damp

proof course between the internal and the external wall shall be secured by the insertion of <sup>2</sup> proper damp proof materials

### **Observation of the Committee**

The Committee would like to know for its information the definition of damp proof-course/course?

The Committee observed that in the 4th line of the sub rule (3) the word puper may be substituted with the word upper to make the rule more clear

### **The Department in their written reply stated as under -**

A course of some impermeable material laid in the foundation walls of building near the ground to prevent dampness from rising into the building

The amendment will be carried out accordingly by seeking orders/approval of competent authority

### **Rule 64**

**64 Loads -Sections 8(2) and 25 (2)(f)** —In addition to the dead load the building shall be designed for imposed loads including wind pressure and seismic laod as per Indian Standard Codes as amended from time to time for structures resistant to earthquakes and other natural hazards

### **Observations of the Committee**

The Committee observed that in the last line of the rule in spite of words natural hazards natural calamities should be mentioned specifically to make the rule more effective

The Committee would like to know for its information what provision has been made in this rule to save the buildings from thunder lightening? It may be explained at the time of the oral examination of the departmental representatives

### **The Department in their written reply stated as under**

Calamity is an event resulting in great loss and misfortune whereas Hazard is an unknown and unpredictable phenomena that causes an event to result one way rather than another Therefore this office is of the opinion that the word natural hazards is more appropriate as it is referred to the earthquake only

There is no condition levied on the buildings located in controlled area However it is submitted that as per provisions of NBC Part 8 Building Services Section 2 Electrical and allied installations Sr No 11 gives details in respect of lighting protection of building It is also informed that IS 2309 1989 outlines the general technical aspects of lighting and guidance on good engineering practice and selection of suitable material in respect of protection of building and allied structures against lighting The matter in respect of inserting condition in Zoning Plans of all multi

storied buildings (15 metres and above) shall be put up to the Competent Authority for orders

#### **Rule 69**

**69 Staircases in Residential Buildings -Sections 8(2) and 25(2)(f)**—Every buildings of more than one storey high intended to be used as a single family or two family residential building shall be provided with at least one staircase having minimum width of 2 feet 3 inches constructed of fire resisting materials

#### **Observation of the Committee**

The Committee would like to know whether the minimum width of 2 feet 3 inches mentioned in the last line of the rule is sufficient or not it may be explained at the time of the oral examination of the departmental representatives

**The Department in their written reply stated as under -**

Noted The proposal shall be submitted to the Government for seeking orders However as per provisions of NBC Part 3 Development Control Rules which is reproduced below

*12 18 11 Minimum width - The minimum of staircase shall be as follows*

*1 Residential building (dwellings) 1 0m*

*Note For row housing with 2 storeys the minimum width shall be 0 75 m*

#### **Rule 75**

**"75 Uniformity in treads and risers in staircases -Sections 8(2) and 25(2)(f)** —Treads and risers of each tight of a staircase or of several flights in the same staircase in a public or a warehouse and industrial or a residential building shall be of uniform width and height except where prior dispensation is specifically obtained from the Director of architectural effect

#### **Observation of the Committee**

The Committee observed that in the second line of the rule the word flights may be substituted with the word fights to make the rule more clear

**The Department in their written reply stated as under -**

Kind attention is invited towards CP- I 266 and CP 345 the word flights is appropriate and same may be apprised to the Committee

#### **Rule 80**

**80 Lobbies corridors passages and balconies -Sections 8(2) and 25(2)(f)** —The minimum width of any lobby corridor passage or balcony in a

single family or two family residential building shall be at least 2 6 and shall be of fire resisting materials and shall be carried on supports of fire resisting materials

#### **Observation of the Committee**

The Committee is of the view that the minimum width of any lobby corridor passage or balcony in a single family or two family residential building should be at least 3 feet instead of 2 feet 6 inch

**The Department in their written reply stated as under -**

Noted The proposal shall be submitted to the Government for seeking orders

#### **Rule 83**

**83 General doors and barriers of Assembly Halls -Sections 8(2) and 25(2)(f) —** All doors or barriers for use by the public as exists in a public assembly place shall be made to open outwards

#### **Observation of the Committee**

The Committee recommends that the sign of exits on the doors may be written by such ink or such materials which glows in the dark

**The Department in their written reply stated as under -**

Accepted for public buildings and same will be submitted for orders of Competent Authority for amending the Rules

In view of accepting the Environmental Friendly practices and changed scenario it is proposed that Rule No 84 to 93 shall be deleted and matter shall be submitted to the Government for seeking orders

#### **Rule 91**

**91 Woodwork in chimney -Sections 8(2) and 25(2)(f) —**In any wall no timber shall be placed nearer than 9 inches to the inside of any flue or chimney opening except that wooden plugs in any wall or chimney breast can be driven nearer than 6 inches to the inside of any flue or chimney opening Under a chimney opening no timer shall be within 15 inches from the upper surface of the earth

#### **Observation of the Committee**

The Committee is of the view that the Rule will be discussed at the time of the oral examination of the department

**The Department in their written reply stated as under**

This office is of the opinion that Rule No 84 to 93 may be deleted in view of change scenario as it prefers to chimneys and flues

### Rule 93

**93 Pipes for conveying smoke -Sections 8(2) and 25(2)(f)** —No pipe for the purpose of conveying smoke or other products of combustion shall be allowed to project through the wall externally Elsewhere such pipes may be of mild steel 3/ 16 inches thick or of cast iron complying with the British Standard Specification No 41 1908 or of sheet metal for domestic cooking ranges only and shall be fixed at a distance of at least 9 inches from any combustible substance

### Observation of the Committee

The Committee would like to know for its information that the British Standard Specification No 41 1908 is still applicable

**The Department in their written reply stated as under**

This office is of the opinion that Rule No 84 to 93 may be deleted in view of change scenario as it prefers to chimneys and flues

### Rule 101(3)

**101 Minimum sanitary facilities in various types of buildings Sections 8(2) and 25(2)(f)** —(1) Dwellings with individual conveniences shall have at least the following fitments —

- (i) one bath room provided with a tap
- (ii) one water closet and
- (iii) one nahani or sink either in the floor or raised from the floor

Where only one water closet is provided in a dwelling the bath and water closed shall be separately accommodated

(2) Dwellings (tenements) without individual conveniences shall have the following fitments —

- (i) one water tap with draining arrangements in each tenement
- (ii) one water closet and one bath for every two tenements and
- (iii) water taps in common bathrooms and common water closets

(3) The requirements for fitments for drainages and sanitation in the case of buildings other than residences such as office buildings factories cinemas concert halls theaters hospitals hotels restaurants schools schools and hostels shall be in accordance with Indian Standard Code of basic requirements for after supply Drainage and Sanitation IS 1172 1957 issued by the Indian Standard Institution New Delhi with such modifications as may be made by the said institution from time to time



### Observation of the Committee

The Committee would like to know for its information that what is the present requirements for fitments for drainage and sanitation in the case of buildings other than residences as mentioned in the Rules?

The Department in their written reply stated as under -

It is clearly mentioned in the said Rule that the basic requirement for water supply drainage and sanitation should be as per IS 1172 1957 issued by the Indian Standards Institution New Delhi with such modification as may be made by the said institution from time to time

### Rule 106

**106 Manholes -Section 8 (2) and 25 (2)(f)** —A manhole shall be provided at every point at which the drain changes either its direction or gradient and otherwise at intervals not exceeding 300 feet A manhole shall be of such a size as to allow access to the drain for rodding and shall be provided with proper cover in flush with ground surface

### Observation of the Committee

The Committee is of the view that the manholes may be provided at intervals not exceeding 150 feet instead of 300 feet as mentioned in the Rule

The Department in their written reply stated as under -

In view of the observation of committee the provision of National Building Code Part 9 plumbing services are referred which is reproduced below

#### *5 5 10 2 Spacing of manholes*

*The spacing of manholes for a given pipe size should be as follows*

<i>Pipe Diameter Mm</i>	<i>Spacing of manholes M</i>
<i>(a) Up to 300</i>	<i>45</i>
<i>(b) 301 to 50</i>	<i>75</i>
<i>(c) 501 to 900</i>	<i>90</i>

*(d) beyond 900 Spacing shall depend upon local condition and shall be gotten approved by the Authority*

*Where the diameter of a drain is increased the crowns of het pipes shall be fixed at the same level and the necessary slope given in the invert of*

*the manhole chamber In exceptional cases and where unavoidable the crown of the branch sewer may be fixed at a lower level but in such cases the peak flow level of the two sewer shall be kept the same*

The amendment in the Rule will be carried out by the Department in consultation with the Engineering Wing HUDA

#### **Rule 107 (iv)**

**107 Soil pipes and Soil ventilating pipes -Section 8 (2) and 25 (2)(f)—A soil pipe or a soil ventilating pipe shall be—**

- (i) easily accessible throughout its course and adequately protected where necessary from damage
- (ii) circular
- (iii) of an internal diameter of not less than 4 inches
- (iv) carried upwards to such a height and in such a manner so as to prevent any nuisance or injury or danger to health arising from the emission of foul air from such pipe the minimum height being 2 3 above the rooftop and
- (v) be fitted at the open end with a suitable grating or cover admitting the free passage of air

#### **Observation of the Committee**

The Committee is of the view that the soil ventilating pipe may be installed at the minimum height of 6 feet instead of 2 feet 3 inch above the roof top

**The Department in their written reply stated as under -**

No doubt the suggestion is valid for increasing height of the ventilating pipe but Committee may be apprised that all buildings will have mandatory pipes projecting upwards to a height of 6ft 3 inches which will spoil the overall elevation of the building and it will not be soothing to the eyes It is submitted that after referring NBC Part 9 Plumbing Services Section 1 Water supply drainage and sanitation Sr No 5 5 3 4 3 it is proposed to follow the said provisions which are reproduced below

*"The ventilating pipe shall always be taken to a point 1500 mm above the level of the eaves or flat roof at terrace parapet whichever is higher or top of any window within a horizontal distance of 3 m The least dimension shall be taken as a minimum and local conditions shall be taken into account The upper end of every ventilating pipe shall be protected by means of a cowl*

**Rule 118**

**118 Application before connection with public sewers —Section 8 (2) and 25 (2)(f)** —After grant of the certificate referred to in the foregoing rule or in the event of the said certificate having been deemed to have been granted every person intending to connect a drain to a public sewer shall apply to the Director at least seven days before the date on which connection is required

(2) This application shall be accompanied by a certificate referred to in rule 117 and such amount as may be laid down from time to time by the Director and calculated on the basis of the current schedule of rates to meet the cost of proposed connection

(3) On receipt of the application and subject to the requirements of the foregoing rules the Director shall sanction or reject the request

(4) In the event of the required connection having been sanctioned it shall be made only through officers authorized by him

**Observations of the Committee**

The Committee would like to know for its information that what is the present rates as mentioned in the Rule?

The Committee is of the view that the specific period should be mentioned in the rule itself to sanction or reject the application to make the Rule more effective

**The Department in their written reply stated as under -**

No such rates have been prescribed

Accepted and in this regard comments of Engineering Wing HUDA and colonizers will be taken so as to mention the specific period It has also been observed that the development agencies like HSIIDC HUDA Municipal Council/Corporation are providing connections and Director is not involved therefore the matter in respect of amendment shall be submitted to the Government

**Rule 122**

**122 Storm water not to drain into sewer -Section 8(2) and 25 (2)(f)**—The run off from the roof paved area (but excluding paved courtyard) and overflow if any from the site shall not be drained into the underground sewerage system

**122-A Rain water harvesting Section 8 (2) and 25 (2)(f) —(1)** Arrangement of roof top rain water harvesting will have to be made by the plot owners on the plots in the buildings constructed in the colonies for which licence has been granted under Act No 8 of 1975 or where permission for change of land

use has been permitted and where the area of the roof is 100 square metres or more

(2) The system of collection conveyance and dispersion of rain water for harvesting shall be made in such a manner that only clear water is able to enter. No contaminated/waste water from the building or surrounding areas should find its way into the system.

(3) The entry points of the rain water for harvesting shall be designed in such a manner that in normal days these remain covered. Arrangement of segregation of the rain water from the first shower (containing the wash water) should also be provided.

(4) The arrangement for quick filtration of rain water shall also be made in the rain water harvesting well/tube well so that the rain water does not pollute or choke the strata.

(5) The complete system of rain water harvesting will be constructed within the area of the plot defined in the zoning plan for the plot.

(6) The recharge well shall be located at a distance of not less than ten metres away from any structure handling sewage or industrial waste water (such as septic tank or effluent treatment plant). This minimum distance of ten metres will not be applicable to manholes or sewer lines although it will be ensured that they are leak proof.

(7) The detail proposal of the system comprising of collection conveyance and dispersion of rain water from the rooftop to rain water harvesting well/tube well will have to be shown on the building plan submitted for approval.

(8) Any engineer not below the rank of an Executive Engineer so authorised by the Director will have the powers to inspect the system whenever considered necessary and direct the owner of the building to affect any changes/ improvement as deemed necessary and the owner of the building shall ensure compliance.

(9) Depending upon the underground water strata the Government may notify certain areas where provision of such rain water harvesting system may not be required. Broad guidelines about the approximate depth of the recharge well and the sample strata chart will also be made available.

(10) The Water (Prevention and Control of Pollution) Act, 1974 (Act No 6 of 1974) with all amendments made from time to time shall be applicable.

### **Observation of the Committee**

The Committee would like to know for its information that the detailed proposal to be shown on building plan submitted for approval is implemented in letter and spirit or not.

The Department in their written reply stated as under -

There is no Rule 122 (7) However the comments in respect of 122 A(7) is as under

It is implemented in letter land spirit This is confirmed at the time of grant of Occupation Certificate The related agency for confirmation is Engineering Wing HUDA

#### Rule 127

**127 Copies and Fees**—Copies of survey record field book plans orders and other documents prepared under the Act shall be available on payment of the fees mentioned below

- |   |   |  |
|---|---|--|
| 1 | For copies of entries in the register or linear map prepared under rule 3                 |  |
|   | (a) Entries in register   | Rs 1 00 per entry  |
|   | (b) Linear map  | Rs 10 00 for every one mile of the road or part thereof indicated in the map |
| 2 | Copy of entries in the registers mentioned in rule 126                                    | Rs 1 00 per entry  |
| 3 | Copy of orders of the Director granting or refusing permission under section 8 of the Act | Rs 2 00 per order  |
| 4 | Copy of development plan drawing of a controlled area                                     | Rs 10 00   |
| 5 | Copy of development plan including all enclosures   | Rs 30 00   |
| 6 | Duplicate licence   | Rs 2 00  |
| 7 | Other records   | Rs 1 00 per page   |

**Note -(1)** Preparation of copies of documents shall not be undertaken unless the prescribed fees have been deposited by the applicant in advance in the office concerned

(2) Copying fee once paid shall not be refunded

### **Observation of the Committee**

The Committee is of the view that the fees as mentioned in the rule may be amended suitably

**The Department in their written reply stated as under -**

Accepted and the amendment in the Rule will be carried out after taking approval from competent authority for amending the Rules

### **Rule 129**

**129 Procedure for hearing appeals —**(1) An appeal instituted before the Commission under section 10 shall bear a court fee stamp of ten rupees

(2) The memorandum of appeal containing grounds of appeal shall be accompanied by a copy of order appealed against and a sketch/plan of the building/site in question

(3) The Commissioner shall hear the appellant and call for the comments of the Director Town and Country Planning 1[Haryana) 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

### **Observation of the Committee**

The Committee would like to know its information in rule 129 (3) whether the Commissioner will hear the affected party if any other than the applicant or not?

**The Department in their written reply stated as under -**

The appeal is against the order of Director and only appellant will be heard by Commissioner

**FORM SR II***[See Rule 4]*

**Form of application for permission under Clauses (b) (c) or (d) of the proviso to section 3 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963**

To

---



---

Sir

As my/our request for permissions pertains to a site lying within 30 metres of a scheduled road or 100 metres of a bye pass I/We beg to apply for permission as under —

(A) For erection or re erection of a building which was in existence immediately before the commencement of the Act and which involves structural alterations or additions the details whereof have been given below —

- (i) Exact location of the building indicating name of the road or bye pass and milestone
- (ii) Since when existing
- (iii) Purpose for which the present building is used
- (iv) Reason why erection or re erection with structural alterations or additions necessary

The following plans are enclosed

- (i) Site plan in triplicate indicating location of the building
- (ii) Building plan in triplicate

(B) For laying out means of access to a scheduled road or bye pass with particulars as under -

- (i) Name of road/or bye pass to which access desired
- (ii) Point at which access desired indicating number of mile stone or furlong stone etc
- (iii) Layout of the junction of the access with the road or bye pass
- (iv) Reason for which access required
- (v) Applicant's title to land under the proposed access
- (vi) Revenue particulars of the land under the proposed access

I/We enclose a site plan indicating the proposed access

(C) for erecting or re erecting a motor fuel filling station or a bus queue shelter

The following plans are enclosed —

- (i) Site plan in triplicate indicating location of the proposed station or shelter with reference to the mile stone or furlong stone
- (ii) Building plan in triplicate

Yours faithfully

Name and Full Address

\* strike off whichever is in applicable

### **Observation of the Committee**

The Committee recommends that the words furlong stone wherever occur in the Forms may be amended suitably

**The Department in their written reply stated as under -**

Accepted The metric system will be introduce and accordingly case will be submitted for orders/approval of competent authority for amending the Rules



**Form SR-1V***[See rule 3A]*

- A Name of the Scheduled Road and/ or National Highway on which property is situated along with details of nearest kilometre stone
- B Name of the Controlled Area -
- C Name of the District
- D Particulars of the applicant
  - 1 Name of applicant/s
  - 2 Contact address along with telephone number and e mail ID -
  - 3 Name of the village/revenue estate (Hadbast No ) where site is situated
  - 4 The Khasra number of the site applied for exclusion
  - 5 Area of the site in square metres -
  - 6 I/we want to get excluded the building as Per rule 3 A and enclose the following documents in triplicate duly notarized by Oath Commissioner/ Magistrate First Class —
    - (a) Revenue documents (authenticated copies)
    - (b) Registration deed
    - (c) Intkal duly verified by Halka Patwari
    - (d) Shijra Plan duly verified by Halka Patwari
    - (e) Jamabandi duly verified by Halka Patwari
  - 7 Site plan showing the covered area in hatches detailed building plan for the covered area which are duly authenticated by an Architect/Engineer
  - 8 Use of the building
  - 9 Photographs of the building applied for duly authenticated by owner
  - 10 Videography of the building applied for in the form of Compact Disk

Signature of the owner along with address &amp; e mail ID

### Observations of the Committee

The Committee is of the view that in the Form SR IV at point D Sr No 2 the words telephone number and e-mail ID may be substituted with the words ( telephone number and e mail ID if any ) to make the rule correct

The Committee also recommends that in the last line of FORM SR IV the words e-mail ID may be substituted with the words ( e mail ID if any ) to make the rule correct

**The Department in their written reply stated as under -**

Accepted and accordingly case will be submitted for orders/approval of competent authority for amending the Rules

Accepted and accordingly case will be submitted for orders/approval of competent authority for amending the Rules

**FORM CL I***(See Rule 11)*

**Form of application by a colonizer for permission under section 8 of  
the Punjab Scheduled Roads and Controlled Areas Restriction of  
Unregulated Development Act 1963**

To

The Director

Town and Country Planning Department Haryana

Chandigarh

Controlled Area \_\_\_\_\_

Sir

I/We beg to apply for permission to change the existing use of land for the purposes of setting up a colony by sub-dividing and developing into building plots for \*residential/Industrial/ Commercial/Other purpose

2 I/We enclose the following documents in triplicate —

- (i) Copy or copies of all title deeds and/or other documents showing the interest as colonizer in the land under the proposed colony along with a list of such deeds and/or other documents
- (ii) A copy of the Shajra Plan showing the location of the colony along with the name of the revenue estate khasra number of each field and the area of each field
- (iii) A guide map on a scale of not less than 1 kilometre to 10 centimetres showing the location of the colony in relation to surrounding geographical feature to enable the identification of the site
- (iv) A survey map plan of the land under the colony on a scale of 1 to one hundred feet showing the spot levels at a distance of 100 feet and where necessary contour plans The survey will also show the boundaries and dimensions of the said land the location of streets buildings and premises within a distance of at least 100 feet of the said land and existing means of access to it from existing roads
- (v) Layout plan of the colony on a scale of 1 to one hundred feet showing the existing and proposed means of access to the colony the width of streets sizes and types of plots sites reserved for open spaces community buildings and schools with area under each and proposed building lines on the front and sides of plots

- (vi) An explanatory note explaining the salient features of the proposed colony in particular the sources of water supply arrangement for disposal and treatment of storm and sullage water and sites for disposal and treatment of storm and sullage water
- (vii) Plans showing the cross sections of the proposed roads showing in particular width of the proposed carriage ways cycle tracks and footpaths green verges position of electric poles and of any other works connected with such roads
- (viii) Plans referred to in clause (vii) above indicating in addition the position of sewers storm water channels water supply and any other public health services
- (ix) Detailed specifications and designs of roads works shown in clause (vii) above and estimated cost thereof
- (x) Detailed specifications and designs of sewerage storm water and water supply schemes with estimates cost of each
- (xi) Detailed specifications and designs for disposal and treatment of storm and sullage water and estimates costs of works

2 The names and qualifications of the Engineer responsible for the execution of the development works of the colony are given below and this engineer has also signed below in token of his engagement -

Name of Engineer	Qualification of Engineer mentioned in column 1	Signature of engineer mentioned in column 1
1		
2		
3		

Yours faithfully  
(Name and full address)

Dated -

### **Observations of the Committee**

The Committee recommends that the figure 2 Mentioned after first para of the Form CL-I may be corrected as 1 to make the rule correct

The Committee also desired that the table given in the last of Form CL I seems not clear It needs clarification from the department at the time of oral examination

### **The Department in their written reply stated as under**

As mentioned in comments against Rule-II above it is proposed to delete this form as it relates to Development of colony

As mentioned in comments against Rule-II above it is proposed to delete this form as it relates to Development of colony

**FORM CL-II***(See Rule 19)***Agreement by a coloniser intending to set up a colony**

This AGREEMENT made on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and sixty \_\_\_\_\_ between Shri \_\_\_\_\_ son of Shri \_\_\_\_\_ resident of \_\_\_\_\_ (hereinafter called the Colonizer) of the one part AND the Governor of Punjab acting through the DIRECTOR TOWN AND COUNTRY PLANING Department Haryana of the other part (hereinafter referred to as the Government )

(i) WHEREAS the colonizer is seized of or otherwise well entitled to the land mentioned in Annexure hereto which said land is within the controlled area of And is affected by the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 and rules made thereunder hereinafter referred to as the Act and rules

(ii) AND WHEREAS under rule 19 of the said rules one of the conditions for the grant for permission is that the colonizer shall enter into an agreement for carrying out and completion of development works in accordance with the permission finally granted

**NOW THIS DEED WITNESSTH AS FOLLOWS -**

1 In consideration of the Director agreeing to grant permission to the colonizer to set up the said colony on the land mentioned in Annexure hereto on the fulfillment of all the conditions of rule 19 by the colonizer the colonizer hereby covenants as follows —

- (a) That the colonizer shall be responsible for the maintenance and upkeep of all roads open spaces public parks and public health services for a period of five years from the date of issue of the completion certificate under rule 22 unless earlier relieved of this responsibility by the Government or a local authority as the case may be, when the colonizer shall transfer all such roads open spaces public parks and public services free of cost to the Government or the local authority as the case may be
- (b) That the colonizer shall at his own cost construct or get constructed by any other institution or individual and its cost schools hospitals community centres and other community buildings on the land set apart for this purpose or if so desired by the Government shall transfer to it at any time it may desire free of cost and thus set apart for schools hospitals community centres and other community buildings in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority on such terms and conditions as it may lay down

- (c) That the colonizer shall permit the Director or other officers authorized by him in this behalf to inspect the execution of the layout and the development works in the colony and the colonizer shall carry out all directions issued by them for ensuring due compliance of the execution of the layout and development works in accordance with the permission granted
- (d) That the colonizer shall pay proportionate development charges as and when required and as determined by the Director in respect of laying out and construction of main lines of roads sewerage drainage water supply and electricity if and when laid by the Government or any other local authority
- (e) That without prejudice to anything contained in this agreement all the mandatory provisions contained in the Act and the rules shall be binding on the colonizer

2 Provided always and it is hereby agreed that if the colonizer shall commit any breach of the terms and conditions of this agreement or violate any mandatory provision of the Act or rules then and in any such case and notwithstanding the waiver of any previous cause of right the Director may revoke the permission granted to him

3 Upon revocation of the permission under clause 2 above and Director may carry out and complete or cause to be carried out or completed and development works in the colony and recover such charges as may be incurred on the said development works from the Bank standing at guarantee for the carrying out of the works by the colonizer (to the extent of the guarantee)

4 That the colonizer shall be entitled to the refund of the earnest money deposited by him within six months of the grant of permission under rule 20 subject to deductions of such charges therefrom as may be determined by the Director for the security of the plans estimates and works in respect of the colony

5 The stamp and registration charges on this deed shall be borne by the colonizer

6 The expression the Colonizer hereinfore used shall include his heirs legal representatives successors and permitted assigns

7 After the layout and development works or part thereof in respect of the colony or part thereof have been completed and a completion certificate in respect thereof issued the Director may on an application in this behalf from the colonizer release within a period of six months of the date of the application the Bank guarantee or part thereof as the case may be after adjusting the expenditure if any incurred as provided under rule 24(5) provided that if the completion of the colony is taken in parts only the part of the Bank guarantee corresponding to the part of the colony completed shall be released and provided further that always 1/5th of the Bank guarantee shall be kept unreleased to ensure upkeep and maintenance of the colony

or the part thereof as the case may be for a period of five years from the date of issue of the completion certificate under rule 22 or earlier till such time as the colonizer is earlier relieved of the responsibilities in this behalf by the Government or a local authority

IN WITNESS WHERE OF THE COLONISER AND THE DIRECTOR have signed this deed on the day and year first above written

Signed by  
Witnesses

The Director

The Colonizer

### Observations of the Committee

The Committee recommends that in the first line of Form CL II the words one thousand nine hundred and sixty\_\_\_\_\_ may be replaced with the words two thousand\_\_\_\_\_ to make the rule correct

The Committee also desired that Sr No 2 of Form CL-II may be clarified by the department at the time of oral examination

The Department in their written reply stated as under -

As mentioned in comments against Rule 11 above it is proposed to delete this form as it relates to Development of colony

As mentioned in comments against Rule 11 above it is proposed to delete this form as it relates to Development of colony



**FORM CL-V***[See Rule 22(2)]*

To

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Reference your application requesting for completion certificate in respect of your colony/part of the colony for which permission was granted vide this office No \_\_\_\_\_ dated \_\_\_\_\_

2 It is hereby certificate that the required development works on the whole of the colony/part of the colony as indicated in the enclosed layout duly signed by me

(1) have been completed to my satisfaction

or

(2) have not been completed as per details given below -

1

2

3

Director

Town and Country Planning Haryana

**Observations of the Committee**

The Committee recommends that the figure mentioned as 2 after the second line of the Form seems superfluous It may be deleted

The Committee also recommends that in the third line the word certificate may be substituted with the word certified to make the rule grammatically

**The Department in their written reply stated as under -**

As mentioned in comments against Rule 11 above it is proposed to delete this form as it relates to Development of colony

As mentioned in comments against Rule-11 above it is proposed to delete this form as it relates to Development of colony

**FORM CL-VI***[See Rule 24(1)]*

To

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Whereas it has come to my notice that -

- (a) the execution of the layout plan and the development works have not been commenced within three months of the order granting permission to you
- (b) layout of the colony has not been done as per approved layout plan and is deficient in following respects
  - 1
  - 2
  - 3
- (c) Development works are not being executed as per permission granted in this behalf and are deficient in the following respects
  - 1
  - 2
  - 3

2 You are hereby required to set the aforesaid deficiencies and deviations in order within a period of \_\_\_\_\_

Director  
Town and Country Planning Haryana

**Observation of the Committee**

The Committee recommends that the figure mentioned as 2 in front of the last line of the Form CL-VI is superfluous. It may be deleted.

**The Department in their written reply stated as under -**

As mentioned in comments against Rule 11 above, it is proposed to delete this form as it relates to Development of colony.

## FORM CLU II

(See Rule 26 D)

**Agreement by a person other than colonizer intending to change the existing use of the land in a controlled area**

THIS AGREEMENT made on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and sixty \_\_\_\_\_ between Shri \_\_\_\_\_ son of Shri \_\_\_\_\_ resident of \_\_\_\_\_ (hereinafter called the Promisee) of the one part and the Governor of Haryana acting through the Director Town and Country Planning Department Haryana (hereinafter referred to as the Government) of the other part

- (i) WHEREAS the promisee is seized of or otherwise shall be entitled to the land mentioned in Annexure hereto which said land is within the controlled area of \_\_\_\_\_ and is affected by the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 and the rule made thereunder hereinafter referred to as the Act and Rule
- (ii) AND WHEREAS under the rule 26-D of the said rules one of the conditions for the grant of permission is that the promisee shall enter into an agreement for fulfilling the conditions in accordance with the permission finally granted

**Now This Deed Witnesseth As Follows**

1 In consideration of the director agreeing to grant permission to the promisee to build \_\_\_\_\_ on the land mentioned in Annexure hereto on the fulfillment of all the conditions of rule 26 D by the Promisee the Promisee hereby covenants as follows —

- (a) That the promisee shall pay proportionate development charges which shall be a first charge on the said land as and when required and as determined by the Director in respect of external development works which may be carried out in the area for the benefit of the said land
- (b) That the promisee shall be responsible for making arrangements for the disposal of effluent to the satisfaction of the Director
- (c) That the promisee shall get the plan approved from the Director before commencing any construction on the said land
- (d) That the promisee shall not except with the previous permission of the Director sell the said land or portion thereof unless the said land has been put to use permitted by the Director and to use the said land only for the purpose permitted by the Director

- (e) That the Promisee shall start the construction on the said land within a period of six months from the date of issue of orders permitting the change of land use

2 Provided always and it is hereby agreed that if the Promisee shall commit any breach of the terms and conditions of this agreement then notwithstanding the waiver of any previous cause or rights the Director may revoke the permission granted to him

3 Upon revocation of the permission under clause 2 above the Director may recover the proportionate development charges incurred on the said development works pertaining to the said land as may be determined by the Director from the Bank Standing as Guarantee

4 The stamp and registration charges on this deed shall be borne by the Promisee

5 The expression the Promisee herein before used shall include his heirs legal representatives successors and permitted assigns

Signed by witnesses

The Director

The Promisee

#### Observation of the Committee

The Committee recommends that the words one thousand nine hundred and sixty\_\_\_\_\_ mentioned in Form CLU II may be replaced with the words two thousand\_\_\_\_\_ to make the Form correct

**The Department in their written reply stated as under**

Accepted and accordingly case will be submitted for orders/approval of competent authority for amending the Rules

## FORM AC-II

(See Rule 30)

Form of grant/refusal to grant permission for laying out means of access to a road within a controlled area

To

\_\_\_\_\_  
\_\_\_\_\_

Sir

Reference your application dated \_\_\_\_\_ for permission to layout means of access to road

In accordance with the plan submitted with it permission is hereby —

(a) refused for reasons given below

\_\_\_\_\_  
\_\_\_\_\_

(b) granted subject to the conditions given below —

Note This sanction will remain valid for a period of the one year during which the access should be laid and completed in all respects

(In case of (b) above)

Yours faithfully

Director

**Observation of the Committee**

The Committee recommends that the end of Form AC-II the word Director may be replaced with the words Director Town & Country Planning wherever occurs in the Forms to make the Forms correct

**The Department in their written reply stated as under**

It is submitted that the proposal regarding designating Director Town & Country Planning as DGTCP was approved by the Govt on 29 11 2010 In this regard the advice of Law & Legislative Department Haryana was also obtained Vide Notification N 0 Misc 502/5DP(R)/2010/17759 dated 22nd December 2010 under Section 2(6) of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 DGTCP is appointed to exercise and perform the powers and functions of Director under the Act ibid The related notification is laced at CP/493

## FORM BK-II

(See Rule 35)

Form of licence under Section 8 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 for setting up a charcoal kiln/pottery kiln/poetry kiln/like kiln/brick kiln or brick field or for quarrying stone bajri surkhi kankar etc in controlled areas

Name and address of licensee

Purpose of licence

Description of land covered by licence

1 Licence is hereby granted under Section 8 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 with particulars given below

2 This licence is applicable only to the land indicated in the attached site plan bearing my signature and seal of office

3 This licence is valid upto 31st December 19

Renewed up to 31st December 19

Renewed up to 31st December 19

Renewed up to 31st December 19

4 This licence is subject to the following conditions —

(i) The position of the land earmarked for excavation as shown in the site plan shall alone be excavated

(ii) The excavation shall not exceed a depth on 5 feet

(iii) No permanent buildings shall be constructed on the site

Dated

Director

#### Observation of the Committee

The Committee recommends that in Sr No 3 of Form BK II the words 31st December 19\_\_\_\_\_ occurring 4 times may be substituted with the words 31st December 20\_\_\_\_\_ to make the Form correct

The Department in their written reply stated as under

Accepted and accordingly case will be submitted for orders/approval of competent authority for amending the Rules

## SCHEDULED II

**1 Dead Loading** —for the purpose of calculating the dead loading of a building or any part of a building the weights of the materials shall be assumed to be those set out in British Standard Specifications No 648 1935 (Schedule of Unit Weights or Buildings Materials) or if not set out in that specifications shall be determined by test

**2 Superimposed Loading** — For the purpose of calculating the superimposed loading on beams pillars piers and walls the minimum superimposed load on each floor and on the roof of a building shall be estimated as equivalent to the dead load specifications in the following table for the appropriate type of building floor or roof —

Serial No	Description of building floor or roof	Pounds per sq foot of floor area
1	Rooms or residential buildings flats hotels hospital rooms and wards corridors staircases and landings of residential building & flats	40
2	Office floors above entrance floor	50
3	Office entrance floor and floors below entrance floor	80
4	Religious places schools reading rooms art galleries and similar buildings	70
5	Retail shops and garages for cars of not more than two tonne dead weight	80
6	Assembly halls drill halls dance halls light workshops public spaces in hotels hospital corridors staircases and landings for the buildings mentioned in this table other than described at serial No 1 above cinemas restaurants and grand stands	100
7	Warehouses book-stores stationery stores and buildings similarly used and garages for motor vehicles exceeding two tonnes dead weight Actual load to be calculated but not less than	200
8	Flat roofs and roofs inclined at an angle with the horizontal of not more than twenty degrees	30
9	Roofs inclined at an angle with the horizontal of more than twenty degrees (per square foot of covered areas)	10

- (a) for the purpose of calculating the total load to be carried on pillars piers and walls of buildings of more than two storeys in height the superimposed loads for the roof and topmost storey shall be calculated in full in accordance with the schedule of loading set out above but for

the lower storeys a reduction of superimposed loads may be allowed as under —

Reduction of superimposed loads on pillars piers and walls

For the first storey below the topmost storey - 10 per cent reduction of its superimposed load

For the second storey below the topmost storey - 20 per cent reduction of its superimposed load

For the fourth storey below the topmost storey 40 per cent reduction of its superimposed load

For the fifth storey and each lower storey below the topmost storey 50 per cent reduction of its superimposed load

These reductions may be made by estimating the proportion of floor area carried by each pillar pier or wall. No such reduction shall be allowed on any floor schedule for an applied superimposed load exceeding one hundred pounds per square foot

(b) Except as hereinafter provided the wind pressure on a building shall be assumed to be not less than twenty pounds per square foot in any horizontal direction

Provided that where the height of a building is less than twice its width and where the building is stiffened by walls and floors the wind pressure may be neglected

(c) A superimposed load which may roll or move on wheels shall be calculated as being equivalent to a static loading which exceeds the weight of the rolling or moving load by not less than fifty per cent

**3 Partitions** — Where the position of a partition in a building is definitely located in the design the actual weight of the partition shall be included in the dead floor load

Where the position of a partition is not definitely located in the design a uniformly distributed load sufficient to allow for it shall be added to the dead floor load and for all such floors used for offices the minimum total allowance for partitions shall be at the rate of twenty pounds per square foot of floor area

#### **Observation of the Committee**

The Committee would like to know as to whether the word pounds for calculating the load is still in practice if not it may be substituted the word Kilograms

**The Department in their written reply stated as under -**

The load is calculated on the basis of Kilo Newton per square meter or Newton per square metre for uniform distributed load and for concentrated load same is indicated in kilo Newton accordingly the Rules will be amended and case will be submitted for orders/ approval of competent authority for amending the Rules



## **SCRUTINY OF THE HARYANA REGISTRATION OF BIRTHS AND DEATHS RULES, 2002 FRAMED UNDER THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969**

The Committee scrutinized the Haryana Registration of Births and Deaths Rules 2002 Framed under the Registration of Births and Deaths Act 1969 and made the following observations/recommendations thereon —

### **Rule — 5**

#### **5 Form etc for giving information of births and deaths**

**Section 8 & 9** (1) The information required to be given to the Registrar under section 8 or section 9 as the case may be shall be in Form Nos 1 2 and 3 for the registration of a birth death and still birth respectively hereinafter to be collectively called the reporting forms Information if given orally shall be entered by the Registrar in the appropriate reporting forms and the signature/thumb impression of the informant obtained

(2) Part I of the reporting forms containing legal information shall be called the Legal Part and Part II containing statistical information shall be called the Statistical Part

(3) The information referred to in sub rule (1) shall be given within twenty one days from the date of birth death and still birth

Provided that in the case of an illegitimate child it shall in the first instance be the duty of the mother of such child to give information under this Act and no person shall as father of such child be required to give information under this Act concerning the birth of such child unless at the joint request of the mother and of the person acknowledging himself to be the father of such child and unless such person shall sign the register together with the mother

(4) The village chowkidar in the rural division of the State of Haryana cause to be given information within their respective jurisdiction (revenue village) regarding births and deaths in a house referred to in clause (a) of sub section (1) of section 8 of the said Act

(5) The Multipurpose Health Workers (male and female) of the Health Department and Anganwadi workers of the Social Welfare Department in the rural division of the State of Haryana cause to be given information within their respective jurisdiction regarding births deaths and still births in a house referred to in clause (a) of sub section (1) of section 8 of the said Act

### **Observation of the Committee**

The Committee is of the view that the information should be given by the village Chowkidar Multi purpose Health Worker and Angawadi Worker within a specific period after the births and deaths

**The Department in their written reply stated as under —**

As per section 8 of Registration of Births and Death Act 1969 only head of the household or family member can give the information in case of domiciliary event. Current practice is that MPHWS obtain the information on the prescribed Form duly signed by the family member and submit it to the concerned Primary Health Center for registration. Family members are not required to visit primary Health center for registration of birth or death if reported to MPHWS in time.

**Rule — 8 (5)**

(5) If the extract of birth or death is not collected by the concerned person as referred to in sub rules (2) to (4) within the period stipulated therein the Registrar or the officer or person in charge of the concerned institution as referred to sub rule (4) shall transmit the same to the concerned family by post within fifteen days of the expiry of the aforesaid period.

**Observations of the Committee**

The Committee would like to know for its information as to whether Rule 8(5) has been implemented with letter and spirit?

The Committee observed that in second last line of Rule 8(5) the word Post may be substituted with the word Registered Post to make the Rule more effective.

**The Department in their written reply stated as under —**

It is a fact that some of the Registrars of urban registration centers are not following the rule 8 in true spirit. There is a need to ensure compliance of this particular rule.

In rural registration centers free copies of certificate are delivered to the family by the ANM.

Problem of funds may be raised by the municipalities if directed to send the free certificate by registered post.

**Rule — 9**

**9 Authority or delayed registration and fee payable therefore**

**Section 13** (1) Any birth or death of which information is given to the Registrar after the expiry of the period specified in rule 5 but within thirty days of its occurrence shall be registered on payment of a late fee of rupees two.

(2) Any birth or death of which information is given to the Registrar after thirty days but within one year of its occurrence shall be registered only with the written permission of the District Registrar in this behalf and on payment of late fee of rupees five and on production of an affidavit made before a First Class Magistrate, Notary Public or Oath Commissioner.

(3) Any birth or death which has not been registered within one year of its occurrence shall be registered only on an order of a Magistrate of the First Class and on payment of a late fee of rupees ten and on production of an affidavit made before a First Class Magistrate Notary Public or Oath Commissioner

Provided that for this purpose the application shall be made to the District Registrar through the Registrar of the area. The District Registrar shall forward the application unless it is rejected by him as being frivolous to the Magistrate concerned for enquiry and order

### **Observations of the Committee**

The Committee is of the view that the Births and Deaths should be registered within a specific period after giving the information by the informant

The Committee would like to discuss Rule 9 on the point of delayed registration of births to make the rule more simple at the time of oral examination of the departmental representatives at the appropriate time

### **The Department in their written reply stated as under —**

It has been observed that percentage of delayed registration against total registration is only two percent. After implementation of revamped system in the year 2005 birth registration has increased to 98%. Hence the number of unregistered events have decreased to less than two percent. It can be presumed that in coming years the cases of delayed registration will be decrease

### **Rule — 10**

**‘10 Period for the purpose of Section 14** — (1) Where the birth of any child had been registered without a name the parent or guardian of such child shall within 12 months from the date of registration of the birth of the child give information regarding the name of the child to the Registrar either orally or in writing

Provided that if the information is given after the aforesaid period of 12 months but within a period of 15 years which shall be reckoned

- (i) in case where the registration had been made prior to the date of commencement of the Haryana Registration of Births and Deaths Rules 1972 from such date or
- (ii) in case where the registration is made after the date of commencement of the Haryana Registration of Births and Deaths Rules 1972 from the date of such registration subject to the provision of sub section (4) of section 23 the Registrar shall—
  - (a) if the register is in his possession forthwith enter the name in the relevant column of the birth register on payment of late fee of rupees five

- (b) if the register is not in his possession and if the information is given orally make a report giving necessary particulars and if the information is given in writing forward the same to the District Registrar for making the necessary entry on payment of a late fee of rupees five

### **Observations of the Committee**

The Committee is of the view that in the proviso of Rule 10(1) the words but within a period of 15 years may be deleted to make the rule simpler

### **The Department in their written reply stated as under —**

Period of 15 years was fixed on the direction of Registrar General India. A notification in this connection was issued in the year 1995. Earlier it was only one year. A proposal to give two years grace period for getting the name of the child entered in the birth record is under consideration of the Government. Necessary approval of Registrar General India has already been obtained.

### **Rule — 11**

**11 Correction or cancellation of entry in the register of births and deaths** **Section 15** — (1) If it is reported to the Registrar that a clerical or formal error has been made in the register or if such error is otherwise noticed by him and if the register is in his possession the Registrar shall enquire into the matter and if he is satisfied that any such error has been made he shall correct the error (by correcting or cancelling the entry) as provided in Section 15 and shall send an extract of the entry showing the error and how it has been corrected to the State Government or the District Registrar.

(2) In the case referred to in sub rule (1) if the register is not in his possession the Registrar shall make a report to the District Registrar and call for the relevant register and after enquiring into the matter if he is satisfied that any such error has been made make the necessary correction.

(3) Any such correction as mentioned in sub rule (2) shall be countersigned by the District Registrar when the register is received from the Registrar.

(4) If any person asserts that any entry in the register of births and deaths is erroneous in substance the Registrar may correct the entry in the manner prescribed under Section 15 upon production by that person a declaration setting forth the nature of the error and true facts of the case made by him and supported by two creditable persons having knowledge of the facts of the case.

(5) Notwithstanding anything contained in sub rule (1) and sub rule (4) the Registrar shall make report of any correction of the kind referred to therein giving necessary details to the Chief Registrar through the District Registrar.

(6) If it is proved to the satisfaction of the Registrar that any entry in the register of a births or deaths has been fraudulently or improperly made he shall make a report giving necessary details to the officer authorised by the Chief Registrar by general or special order in this behalf under section 25 and on hearing from him take necessary action the matter

(7) In every case in which any entry is corrected or cancelled under this rule intimation thereof should be sent to the permanent address of the person who has given information under section 8 or section 9

### **Observation of the Committee**

The Committee would like to discuss the provisions of Rule 11 on the point of correction or cancellation of entry in the Register of Births and Deaths to make the rule simpler at the time of oral examination of the department at the appropriate time

### **The Department in their written reply stated as under —**

Registrar General India vide letter dated 30.7.2003 has directed the Chief Registrar to keep vigil over misuse of this rule as large number of such cases have been observed by them

### **Rule — 13**

**“13 Fees and postal charges payable under section 17 – (1)** The fees payable for a search to be made an extract or a non availability certificate to be issued under section 17 shall be as follows

	Rs
(a) Search for a single entry in the first year for which the search is made	2 00
(b) for every additional year for which the search is continued	2 00
(c) for granting extract relating to each birth or death	10 00
(d) for granting non availability certificate of birth or death	10 00

Provided that in case of urgent requirement an additional fee of Rs 5 shall be paid as an urgent fee for each application for the grant of an extract

Provided further that no fees shall be charged for the supply of copies of extract to the

(i) State Government and

(ii) The District Soldiers Sailors and Airmen's Board required in connection with the claims for pension on behalf of the deceased personnel of the armed forces of the Union of India

(2) Any such extract in regard to a birth or death shall be issued by the Registrar or the officer authorised by the State Government in this behalf in Form No 5 or in Form No 6 as the case may be and shall be certified in the manner provided for in section 76 of the Indian Evidence Act 1872 (1 of 1872)

(3) If any particular event of birth or death is not found registered the Registrar shall issue a non availability certificate in Form No 10

(4) Any such extracts or non availability certificate may be furnished to the person asking for it or sent to him by post on payment of the postal charges therefor

### **Observations of the Committee**

The Committee recommends that in Rule 13(1) a b c & d the amount Rs 2 2 10 and 10 as mentioned in the Rule respectively may be increased by Rs 10 10 50 and 50 respectively due to price escalation

The Committee further recommends that in the first proviso of Rule 13(1) the additional fee of Rs 5 as mentioned in the proviso may be increased by Rs 10 due to price escalation

### **The Department in their written reply stated as under —**

A proposal for revision of fees is under consideration of the Govt. The proposed fees for a b c and d are Rs 10 10 25 and 25 respectively. Revision of additional fee is also under consideration to Rs 100

### **Rule — 17**

**‘ 17 Register and other records Section 30(2) (k) —** (1) The Registrar shall maintain search document for her births and deaths registers in Form Nos 14 and 15 respectively. The Registrar shall copy out the particulars from legal information contained in Part I in the search document. These documents will help the Registrar in searching the events. The extract under the Registration of Birth & Death Act 1969 shall be issued from the relevant register only

(2) The birth register death register and still birth register shall be records of permanent importance and shall not be destroyed

(3) The court orders and orders of the specified authorities granting permission for delayed registration received under section 13 by the Registrar shall form an integral part of the birth register death register still birth register and shall not be destroyed

(4) The certificate as to the cause of death furnished under sub section (3) of section 10 shall be retained for the period of at least 5 years by the Chief Registrar or the officer specified by him in this behalf

(5) Every birth register death register and still birth register shall be retained by the Registrar in his office for a period of twelve months after the end of the calendar year to which it relates and such register shall thereafter be transferred for safe custody to the District Registrar

### **Observations of the Committee**

The Committee recommends that in the first line of Rule 17(1) the word 'her' may be deleted being superfluous and to make the rule grammatically correct

The Committee would like to know for its information whether the register and other record of the Births and Deaths is kept at one place of the district or at different places

### **The Department in their written reply stated as under —**

The word 'her' seems to be a typographical mistake the correct word is 'the' instead of word 'her'

The status of current as well as old record is as below

- (i) Old and new record of urban area is available with the Municipalities themselves
- (ii) Old record of rural area till year 2004 is available with Civil Surgeon Offices
- (iii) Record of rural area from year 2005 on ward is available at Primary Health Centres

## GENERAL OBSERVATIONS OF THE COMMITTEE

'1 The Committee is of the view that —

- (A) At the time of registration of births it may be checked that the particulars like name of the child mother's name father's name etc are filled correctly
- (B) Training of Registrar and the subordinate staff regarding Birth & Death Act may be made essential
- (C) Registrar of the urban area may be changed to SMO/MO as like rural area. By doing this all the birth and death data comes under Health Department. Presently there is lot of difficulty regarding birth and death record of urban area as this is under Executive Officer of M C
- (D) The record of the births and deaths should be computerized

**The Department in their written reply stated as under —**

- A There are standing orders that particulars in the birth or death registration form should be filled up as recorded correctly and mentioned in any document like ration card school record voter card etc
- B Training of registrar and registration officials are regularly organized at the district level. Funds for this purpose are provided by the Registrar General India. It is very important that Registrar should get the person trained before putting him on registration duty
- C It is a good observation in order to have uniform pattern of registration hierarchy through out the state. But Municipalities are doing this activity as assigned them under the Municipal Act. Health department can be assigned this duty in urban area also by providing necessary manpower and other infrastructure
- D Process of computerization of births and deaths registration record has been started. In some of the urban and rural registration centers computerized certificate are being issued. In coming years most of the current and old record will be get computerized

In order to avoid problems in future it is suggested to make the production of birth certificate compulsory either at the time of school first admission or leaving the school



# BIRTH REPORT

(See rules 5 and 12)

# BIRTH REPORT

## Legal Information

## Part II Statistical Information

**This part to be kept by the Registrar**

This part to be detached and sent for statistical processing

[illegible]

### **Observations of the Committee**

- I The Committee recommends that in Part I of Form No 1 after Sr No 7(2) the words 3 Other place may be inserted to make the Form more clear
- II The Committee also recommends that in Part I of Form No 1 after Sr No 9 the Words Fathers Name Permanent Address and District may be inserted to make the Form more effective
- III The Committee further recommends that in all the Forms the words Seal and Signature of the Registrar wherever occur may be replaced with seal with name and signature of the Registrar
- IV The Committee also recommends that in the second last line of Form I Part II after the words 2 House the words 3 other place may be inserted to make the Form more clear

### **The Department in their written reply stated as under —**

- 1 Adding the words 3 other place in Form No 1 is submitted for discussion
- 2 It is not mandatory in the rules that only father can give the information of birth Secondly Institution incharge is also responsible to report the institutional events
- 3 It is a good suggestion to add the name of the Registrar in order to track him late whenever required



**Observation of the Committee**

The Committee also recommends that in Part I of Form No 3 after Sr No 3 the Words Other place may be inserted to make the Form more clear

**The Department in their written reply stated as under —**

Adding the word Other Place in Form No 3 is submitted for discussion

**FORM -4 A**

[(See rule 7)]

**MEDICAL CERTIFICATE OF CAUSE OF DEATH**

(For non institutional deaths Not to be used for still births))

To be sent to Registrar along with Form No 2 (Death Report)

I hereby certify that the deceased Shri/Smt /Km  
 wife of/daughter of  
 my treatment from  
 at

Resident of

to

and he/she died on

son of/  
 was under

A M /P M

NAME OF DECEASED				For use of Statistical Office	
Sex	Age at Death				
	If 1 year or more age in years	If less than 1 year age in months	If less than one month age in days		If less than one day age in Hours
Male					
Female					
<b>CASE OF DEATH</b>  I Immediate cause State the disease injury or complication which caused death not the mode of dying such as heart failure asthenia etc (a) due to (or as a consequences of)  Antecedent cause Morbid conditions if any giving rise to the above Cause stating underlying conditions last (b) due to (or as a consequences of) (c)  II Other significant conditions contributing to the death but not related to the disease or conditions causing it				Interval between on set & death approx	

If decease was a female was pregnancy the death associated with ? 1 Yes 2 No

If yes was there a delivery ? 1 Yes 2 No

Name and Signature of the Medical Practitioner certifying the cause of death

Date of Certification

**SEE REVERSE FOR INSTRUCTIONS**

(To be detached and handed over to the relative of the deceased)

Certified that Shri/Smt /Kum S/W/D of Shri  
 R/o was under my treatment from to and he/she expired on at A M /P M

Doctor  
 Signature and address of Medical  
 Practitioner/ Medical Attendant  
 with Registration No

**Observation of the Committee**

The Committee would like to discuss the issuance of Form 4 A at the time of oral examination of the department at the appropriate time

**The Department did not send any comment on the observation Form 7**

*(See rule 12)*

**BIRTH REGISTER****BIRTH REPORT****PART - I****Legal Information****This part to be kept by the Registrar**

- |   |                          |         |
|---|--------------------------|---------|
| 1 | Date of Birth            |         |
| 2 | Sex                      |         |
| 3 | Name of the Child if any |         |
| 4 | Name of the Father       |         |
| 5 | Name of the Mother       |         |
| 6 | Permanent Address        |         |
| 7 | Place of Birth           |         |
|   | 1 Hospital/Institution   | Name    |
|   | 2 House                  | Address |
| 8 | Order of birth           |         |
| 9 | Informant's Name         |         |
|   | Address                  |         |

Date

*Signature of Informant*

To be filled by the Registrar

Registration No

Registration date

Remarks

*Seal and Signature of the Registrar*

**Observation of the Committee**

The Committee recommends that in Part I of Form No 7 after Sr No 7(2) the words 3 Other place may be inserted to make the Form more clear

**The Department did not send any comment on the observation**

**Form 9***(See rule 12)***STILL BIRTH REGISTER****STILL BIRTH REPORT****PART – I****Legal Information****This part to be kept by the Registrar**

1 Date of Birth

2 Sex

3 Name of the Father

4 Name of the Mother

5 Permanent Address

6 Place of Birth

1 Hospital/Institution

Name

2 House

Address

7 Order of birth

8 Informant's Name

Address

Date

*Signature of Informant***To be filed by the Registrar**

Registration No

Registration date

Remarks

*Seal and Signature of the Registrar***Observation of the Committee**

The Committee recommends that in Part I of Form No 9 after Sr No 7(2) the words 3 Other place may be inserted to make the Form more clear

**The Department did not send any comment on the observation**

## **SCRUTINY OF THE HARYANA KISAN PASS BOOK RULES, 1996 FRAMED UNDER THE HARYANA KISAN PASS BOOK ACT, 1994**

The Committee scrutinized the Haryana Kisan Pass Book Rules 1996 framed under the Haryana Kisan Pass Book Act 1994 and made the following observations/recommendations thereon —

### **Rule — 3(5)**

(5) Separate Kisan Pass Books with photographs will be issued to all co sharers in a joint holding The extent of share of each Kisan shall be duly entered in the Kisan Pass Book

Provided that no entry shall be made in the Kisan Pass Books in respect of land jointly owned by Mushtarka Malkan Wa Deegar Haqdaran

### **Observation of the Committee**

The Committee recommends that in the last line of Proviso of this sub rule the word Jointly may be substituted with the word jointly to make the sub rule grammatically correct

### **The Department in their written reply stated as under —**

The department is agreed with the recommendation of the Committee

### **Rule — 3(7)**

(7) Whenever the land is owned by the Government body corporate or other juristic person a Kisan Pass Book shall be issued in respect of such land Such Kisan Pass Books shall be operated by the Chief Executive Officer or any other officer authorized to operate the Pass Book by the Government body corporate or the juristic person as the case may be There will be no need to affix any photograph on such Kisan Pass Books

### **Observation of the Committee**

The Committee would like to know for its information whether the definition of Executive Officer should not be mentioned in the rule

### **The Department in their written reply stated as under —**

Definition of Executive Officer need not be mentioned in the rule

### **Rule — 4(4)**

(4) All concerned Kisan shall be required to present the Kisan Book at the time of attestation of mutation before the Circle Revenue Officer The Circle Revenue Officer after satisfying himself about the correctness of the changes if any on the basis of mutation proceedings and other relevant evidence shall make an entry with respect to such change in the Kisan Pass Book in Part IV of the Kisan Pass Book A brief corresponding reference entry shall be made by



the Circle Revenue Officer in the remarks column of Part I of Kisan Pass Book. At the time of preparation of new Jamabandi all concerned shall duly consult and give effect to the entries so made in the remarks column of Part I and Part IV of the Kisan Pass Book and subsequently amend the relevant entries of the Kisan Pass Book accordingly.

### **Observation of the Committee**

The Committee recommends that in the ninth line of this sub rule the word *emarks* may be substituted with word *remarks* to make the sub rule grammatically correct.

### **The Department in their written reply stated as under —**

The word *remarks* already exist there Requires no change

### **Rule — 9**

**9 Periodicity of Kisan Pass Book, Section 11** — (1) A Kisan Pass Book shall be prepared on the basis of the latest Jamabandi of the revenue estate available at the time of such preparation and shall be kept upto date with the help of the regular entries which shall be made in by the Sub Registrar the Circle Revenue Officers and the financial institutions in Part III Part IV and Part V of Form 1 of the Kisan Pass Book respectively as mentioned in these rules herein before. A Kisan Pass Book so issued under the Act and these rules shall remain in force until the next Jamabandi.

(2) As soon as the new Jamabandi is prepared the Patwari shall inform all concerned about it by beat of drum and it shall be incumbent on the holder of each Pass Book to deposit his Pass Book with the Patwari within a week of such information under proper receipt for the updating of its entries and renewals of the validity period. The Patwari shall get the Kisan Pass Book updated and renewed within one month of the receipt of the Kisan Pass Book from the Kisan. Any updating or new entries made in the Kisan Pass Book during the aforesaid period of renewal process by the Patwari shall be verified by the Halqa Kanungo and certified by the Circle Revenue Officer with proper authentication as provided under rule 3 of these rules and after such renewal and updating the renewed Kisan Pass Book shall remain in force until the next Jamabandi and so on.

### **Observations of the Committee**

The Committee observed that the time for depositing the Kisan Pass Book should be 15 days instead of one week to facilitate the Kisans.

The Committee recommends that in the third line of this sub rule the words *Pass Book* may be substituted with the words *Kisan Pass Book* to make the sub rule more clear.

**The Department in their written reply stated as under —**

The department is agreed with the recommendation of the Committee Therefore in the 4th line of the rule 9(2) the words a week should be substituted by the words 15 days

The department is agreed with the recommendation of the Committee

**Rule — 10(3)**

(3) The Kisan will be required to take all precautions forth safe custody of the Kisan Pass Book and will guard it from damage destruction and loss If inspite of all precautions the Pass Book is lost or completely destroyed the Kisan will lodge report with the police His application for issue of a duplicate Pass Book shall be entertained by the Circle Revenue Officer only If it is accompanied by a copy of the report of the police If the Kisan Pass Book gets damaged or mutilated to an extent that it cannot be used then the Kisan will put an application in Form 4 to the Circle Revenue Officer for the issue of a duplicate Pass Book The application so made shall be accompanied by the damaged or mutilated Pass Book

**Observation of the Committee**

The Committee is of the view that in this sub rule after damage or loss of the Kisan Pass Book the words the kisan lodge report with the police may be deleted to make the rule more simpler

**The department in their written reply state as under —**

The department is agreed with the recommendation of the Committee Now Rule 10(3) may be read as The Kisan will be required to take all precautions for the safe custody of the Kisan Pass Book and will guard it from damage destruction and loss If inspite of all precautions the Pass Book is lost or completely destroyed the Kisan will submit his application in Form 4 for issue of a duplicate Pass Book that shall be entertained by the Circle Revenue Officer If the Kisan Pass Book gets damaged or mutilated to an extent that it cannot be used then the Kisan will put an application in Form 4 to the Circle Revenue Officer for the issue of a duplicate Pass Book The application so made shall be accompanied by the damaged or mutilated Pass Book

In Annexure A instruction No 15 will be read as The Kisan will be required to take all precautions for the safe custody of the Kisan Pass Book and will guard it from damage destruction and loss because in the event of its loss he will have to submit an application to Circle Revenue Officer for issuance of duplicate Pass Book which will cost Rs 250/

In Form No 4 Serial No 6(a) will be deleted and Serial No 6(b) be read as Serial No 6

**Rule — 12****Objectives and instructions of Kisan Pass Book Section 15**

12 The main objectives and instructions for the use and safe custody of the Kisan Pass Book are contained in Annexure A appended to these rules

**Observation of the Committee**

The Committee recommends that in the first line of this rule the word (i) between the words for the may be deleted being superfluous

**The department in their written reply stated as under —**

The department is agreed with the recommendation of the Committee

**Form 1****PART – I****PART – I**

Village                      Hadbast No                      Teshil                      District                      Year of Jamabandi

Khewat of Jamabandi No	Khatauni No	Name of Patti or taraf	Owner with description	Cultivator with description	Well or other Means of irrigation	Field No
1	2	3	4	5	6	7

Prepared by  
(Signature with date)

Checked and verified by  
(Signature with date)

Attested by  
(Signature with date)

(Name of Patwan)

(Name of Kanungo)

(Name of Circle Revenue  
Officer)

---

Name of the Kisan

Village                      Hadbast No                      Teshil                      District                      Year of Jamabandi

Area and classification of land	Rent paid by cultivator rate and amount	Share of measure of right and rate of bachh	Demand with details of revenue and cesses if any	Signature/ thumb impression of the Kisan	Remarks
8	9	10	11	12	13

Prepared by  
(Signature with date)

Checked and verified by  
(Signature with date)

Attested by  
(Signature with date)

(Name of Patwari)

(Name of Kanungo)

(Name of Circle Revenue Officer)

---

Name of the Kisan

### Observation of the Committee

The Committee is of the view that before the column Khewat of Jamabandi No one more column under the heading Sr No may be added and the numbering of columns may be re numbered to make the form more comprehensive

**The department in their written reply stated as under –**

The department is agreed with the recommendation of the Committee

### ANNEXURE – A

13 In compliance with the instructions issued by Circle Revenue Officer/sub Registrar/Joint Sub Registrar the Kisan will present his Pass Book to them failing which legal proceedings will be initiated against him

15 The Kisan will be required to take all precautions for the safe custody of the Kisan Pass Book and will guard it from damage destruction and loss because in the event of its loss he will have to submit an application along with a copy of FIR lodged with the Police to Circle Revenue Officer for issuance of duplicate Pass Book which will cost Rs 250

#### Observations of the Committee

The Committee would like to know for its information that what type of legal proceedings will be initiated against Kisan as mentioned in Instruction No 13

The Committee recommends that in the second line of instruction No 15 for the word form the word from may be substituted to make it grammatically correct

#### The department in their written reply stated as under —

If a Kisan fails to present his Pass Book to Circle Revenue Officer/Sub Registrar/Joint Sub Registrar he will be imposed a fine of Rs 500/

The department is agreed with the recommendation of the Committee

## SCRUTINY OF THE HARYANA CANAL AND DRAINAGE RULES 1976 FRAMED UNDER THE HARYANA CANAL AND DRAINAGE ACT, 1974

The Committee scrutinized the Haryana Canal and Drainage Rules 1976 framed under the Haryana Canal and Drainage Act 1974 and the following observations/recommendations thereon —

### Rule — 2

**2 Definition [Sections 65]**—In these rules unless the context otherwise requires —

- (a) Act means the Haryana Canal and Drainage Act 1974
- (b) Deputy Commissioner' means the Deputy Commissioner of a district
- (c) 'form means a form appended to these rules
- (d) outlet means a device for supplying water to a water course or temporary water course or temporary water course from a canal
- (e) water tubewell means a tubewell other than State tubewell
- (f) "water allowance means the discharge authorized for a given culturable commanded area
- (g) Schedule of water rate means the schedule of water rate appended to these rules

### Observations of the Committee

- I The Committee further recommends that in the first line of Rule 2 for the word Definition the word Definitions may be substituted
- II The Committee recommends that in the first line of Rule 2 after the word Definition the words Sections 65 may be deleted being superfluous
- III The Committee further recommended that in Rule 2(a) for the word 'the the word The may be substituted
- IV The Committee further recommended that in Rule 2(c) for the word form the word Form may be substituted
- V The Committee further recommended that the Sub Rules (e) and (f) of Rule 2 may be interchanged and their alphabetical orders may be changed accordingly

**The department in their written reply stated as under —**

- I Agreed

II Not to be deleted being heading under short title

III Agreed

IV Agreed

V These rules already exists in alphabetical order hence no change is required

## **Rules – 7**

**7 Form and manner of publication of schemes [Section 18]** All schemes prepared under Section 17 shall be published for inviting objections and suggestions by fixing a copy thereof in a conspicuous place in the village or villages concerned displaying the sketch plan the name of village or villages the name of distributary and RD of outlet the date on which the scheme will be explained verbally by the Division Canal Officer and any other necessary information which the Divisional Canal Officer may deem fit The Lambardar concerned shall be informed about the scheme and he in all the affected villages shall by beat of drum or in any other customary manner announce the place where the detail of the scheme can be inspected The acknowledgement of Lambardar and his statement of having announced and given publicity shall be recorded in the file of the scheme and shall be conclusive proof of such announcement and publicity

### **Observations of the Committee**

The Committee recommends that in the first line of Rule 7 after the numerical Number 7 for the word From the word Form may be substituted

The Committee further recommends that in the fifth line of this rule after the word date the words and place may also be inserted to make sure as to whether this scheme is being facilitated to any village(s) or not

**The department in their written reply stated as under —**

No change required

Agreed

## **Rule — 14**

**14 Apprehended wastage [Section 26]** – Supply to water shall not be granted where in the opinion of the Divisional Canal Officer loss from wastage is likely to occur An application for revision may be preferred to the Superintending Canal Officer against the decision of the Divisional Canal Officer

### **Observation of the Committee**

The Committee recommends that in the first line of this Rule after the word Supply for the word to the word of may be substituted and similarly

in the second line after the word loss for the word 'from the word or may also be substituted to make it grammatically correct

**The department in their written reply stated as under —**

No change is required

#### **Rule — 15**

**15 Restriction on grant of application [Section 26]** — Application for supply of canal water shall not ordinarily be granted in respect of lands where the available supply of water in the canal distributary of drainage water course is already full utilized

#### **Observation of the Committee**

The Committee recommends that in the fourth line of this rule after the word Canal the sign of Comma ( ) may be inserted The Committee also recommends that in the third line after the word distributary for the word of the word or' may be substituted

**The department in their written reply stated as under —**

Already exist No change is required

#### **Rule — 17**

**17 Filling of tanks [Section 26]** — (1) Tanks within the irrigation boundary may subject to the following provisions be filed with canal water without charge and without reference to the area irrigated in any village whenever water can be made available without injury to the cultivation dependent on any canal

(i) No tank shall be so filled unless exclusively used for domestic purposes or for watering cattle or for the manufacture of bricks not subsequently burnt in a kiln or for pise wall buildings

(ii) The Lambardar of a village or Sarpanch of the Gram Panchayat of village in which there are one or more tanks for which a supply of canal water is required shall submit an application to the Divisional Canal Officer stating the number names and approximate general dimensions of the tank or tanks for which water is required The Sub Divisional Canal Officer on receipt of the application and after further enquires that he may deem necessary shall pass an order stating the number and names of the tanks to which canal water may be supplied whenever it can be made available without injury to the cultivation dependent on the canal A written license in the terms of this order shall be given to the applicant by the Sub Divisional Canal Officer and shall remain in force until revoked by a written order of the Divisional Canal Officer

(iii) Tanks shall be filled at such time as may be directed by the Divisional or Sub Divisional Canal Officer either by a general or by a special



order If it is desired to fill a tank at any other time written application shall be made to that effect The filling of tanks shall be permitted only at such time and to such extent as the Divisional and Sub divisional Canal Officer may approve

(iv) No tank shall be so filled which by intercepting any line of drainage is liable to overflow from an accumulation of water derived from natural sources

(v) No tank shall be filled when the water course used to fill it is in the opinion of the Division Canal Officer in an unsound or unfit condition to supply

(vi) The licence granted under clause (ii) may for breach of any of foregoing provisions in addition to any penalty which may be incurred under the Act be suspended for a period of one year under a written order of the Divisional Canal Officer passed in a regular proceeding and enquiry in each case An appeal against such order shall lie to the Superintending Canal Officer within a period of thirty days from the date of receipt of the order

(vii) In case in which tanks have been filled without obtaining the licence under clause (ii) or during the period of its suspension under clause (vi) or at time other than those prescribed by the Divisional or Sub Divisional Canal Officer under clause (iii) the water so filled into such tanks may be charged for at such rate not exceeding the rate for the time being in force for water supplied in bulk as the Divisional Canal Officer may in each case direct Against such charges an appeal shall lie to the Superintending Canal Officer

(viii) The Divisional Canal Officer may sanction a temporary outlet for filling of tanks provided no irrigation is done through such temporary outlet and it shall be on the conditions mentioned in clauses (i) to (vi)

(2) Tanks outside the irrigation boundary may be filled with canal water for purely domestic purpose or for watering cattle on sanction by the Chief Canal Officer under such conditions as may be laid down in each case

(3) Tanks may be filled with canal water for the purpose other than those mentioned in sub rules (1) and (2) and canal water shall be charged for at the rates mentioned in the scheme of water rate

(4) Notwithstanding anything contained in the foregoing provision the Sub divisional Canal Officer may for the reasons to be recorded in writing allow irrigation from tanks The water so used shall be charged at the rates specified in the Schedule of water rates

### **Observations of the Committee**

I The Committee observes that the words 'filling and filled in Rule 17 are mis spell as 'filling and 'filled The Committee therefore recommends that wherever these mis spelt words occurs in this Rule that may be substituted by the words filling and filled

II The Committee recommends that in the second line of Rule 17(1) (ii) after the word supply for the word or the word of may be substituted

III The Committee recommends that in the second line of Rule 17(4) before the word recorded for the word the the word be be substituted

**The department in their written reply stated as under —**

I Already exists No change is required

II Already exists No change is required

III Already exists No change is required

#### **Rule — 19**

**19 Water power, [Section 6]** —The use of water power may be granted by the Divisional Canal Officer at such rates and under sub conditions as may be sanctioned by the State Government in each case

#### **Observation of the Committee**

The Committee recommends that in the second line of this Rule for the word sub the word such may be substituted

**The department in their written reply stated as under —**

Already exist No change is required

#### **Rule — 20**

**20 Procedure to notify orders [Section 27(1)(a)]** — An order to stop the supply of water to any water course under clause (a) of sub section(1) of section 27 shall be in writing and a copy thereof shall expeditiously be sent to the irrigation Booking Clerk of each village concerned or in his absence to the Sarpanch of the Gram Panchayat or a Lambardar of the village The receipt of each person two whom a copy of the notice is sent shall be fixed to a schedule prepared for the purpose which shall be recorded in the Divisional Canal Officer It shall be the duty of the Irrigation Booking Clerk or Sarpanch or Lambardar who receives the notice to affix it at once in a conspicuous place in the village and to make its purport generally known

#### **Observation of the Committee**

The Committee recommends that in the sixth line of this Rule after the word person for the word 'two the word 'to may be substituted

**The department in their written reply stated as under —**

Already exist No change is required

**Rule — 24**

**24 Special charges for canal water rushed in unauthorized manner or suffered to run to water** – (1) The special charges for water supplied through a canal used in an unauthorized manner in respect of the lands specified in column 2 of the table given below on which water is flowed shall be as mentioned against each in column 3 thereof. The special charges shall be in addition to the water rate otherwise chargeable and to such penalties as may be imposed under Section 58

**TABLE**

S No	Kind land	Special charge
1	Sown land	equal to twenty times the ordinary water rate leviable on the standing crops
2	Unsown land	equal to twenty times the highest rate shown in Schedule of water rates
3	Pond land	equal to twenty times the bulk rate shown in the schedule of water rates

Provided further that the special charges may be imposed for each distinct and separate occasion on which water is so used

(2) The special charge specified in sub rule (1) shall be applicable for water supplied through an outlet or water course which is suffered to run to waste

**Observation of the Committee**

The Committee wants to know from the department at the time of oral examination that how many times the special charges given in the table of this rule may be increased

**The department in their written reply stated as under —**

Latest special charges ranges between 5 to 15 times of water rates

**Rule — 28**

**28 Water rate for fodder crops [Section 31(1)]** – For water used for growing of fodder crops on any irrigated area in excess of twenty per cent of the net cropped area of the occupier the rate to be charged for the excess area leviable according to the rates specified in the Schedule of water rates shall be increased by –

- (a) twenty five per cent if the irrigated area is situated within the limits of a notified area or within a distance of eight kilometres on all sides of the outer boundary thereof

- (b) fifty per cent if the irrigated area is situated within the limits of a municipality of the second class or within a distance of eight kilometres on all sides of the outer boundary thereof and
- (c) one hundred per cent if the irrigated area is situated within the limits of a municipality of the first class or cantonment or within a distance of eight kilometres on all sides of the outer boundary thereof

#### **Observation of the Committee**

The Committee recommends that in second line of Rule 28(c) for the word municipality the words municipal council or Corporations may be substituted to make the rule more clear

**The department in their written reply stated as under —**

No change is required

#### **Rule — 37 A**

**37 A Water rate on hourly basis** – Notwithstanding anything contained in these rules the State Government may by notification determine and charge the water rates on hourly basis in respect of any canal

#### **Observation of the Committee**

The Committee desired that in the second line of Rule 37 A the word notifications seems not clear It needs clarification of the department at the time of oral examination

**The department in their written reply stated as under —**

Gazette notification to be issued by the Government

#### **Rule — 39**

**39 Who to be deemed occupier [Section 31(2)]** – For the purpose of Section 31 the following persons shall be deemed to be occupiers namely —

- (a) where the land is in the actual cultivating occupancy of a land owner such land owner
- (b) where the land is in the actual cultivating occupancy of a tenant or sub tenant and the rent is not paid through a contractor the landlord and such tenant or sub tenant
- (c) where the land is in the actual cultivating occupancy of a tenant or sub tenant and but the rent is paid through a contractor the landlord and the contractor and such tenant and sub tenant

(d) where the land is in the actual cultivating occupancy of a mortgagee holding from a land lord or tenant or sub tenant such mortgagee and the mortgagor

(2) In the cases referred to in clauses (b) (c) and (d) of sub rule (1) —

(a) the landlord tenant and sub tenant or

(b) the landlord contractor tenant and sub tenant or

(c) the mortgagee and mortgagor

as the case may be shall be jointly and severally liable for the payment of the water rate

The expression 'Lord owner' landlord and tenant in this rule shall have the meanings respectively assigned to them in the Punjab Land Revenue Act 1887 and the Punjab Tenancy Act 1887

#### **Observation of the Committee**

The Committee recommends that in the first line of last para of Rule 39(2) for the words 'Lord Owner' the words 'Land owner' may be substituted to make it grammatically correct

**The department in their written reply stated as under —**

Agreed

#### **Rule — 43**

**43 Demand statement (Khatauni) to be accessible to villagers**  
[Section 65] — The demand statement (Khatauni) with the Patwari of the village shall be open to inspection by the persons who are liable to pay water charges

#### **Observation of the Committee**

The Committee recommends that in the Rule 43 the place date and timing of the inspection of demand statement made by the person who are liable to pay water charges may also be inserted to make the rule more clear

**The department in their written reply stated as under —**

Agreed

#### **Rule — 67**

**67 Double rates to be charged for excess quantity shown in pass**  
[Section 39] — Double rates shall be leviable on all articles in excess of the quantity of each kind specified in the pass granted under Rules 63

### Observation of the Committee

The Committee recommends that in the third line of last word of this rule for the words rules 63 the word rule 63 may be substituted to make it grammatically correct

**The department in their written reply stated as under —**

Already exist No change is required

### Rule — 74

**74 Banks or berms not to be used as wharves [Section 39]** — The banks of berms of the canal shall not be used as wharves for the deposit of goods except with the permission of the Divisional Canal Officer

### Observation of the Committee

The Committee recommends that in the first line of this rule after the word sections 39 for the word 'wharves' the word 'what' may be substituted to make it grammatically correct

**The department in their written reply stated as under —**

No change is required

### Rule — 75

**75 Goods to be removed from canal lands [Section 39]** — All goods shall be removed from canal lands within seven days unless the written permission of the Divisional Canal Officer to their remaining for a longer period is obtained. All goods deposited on canal lands shall be properly stacked and so placed as not to interfere with other traffic. In the event of such goods not being removed when required they shall be charged at the rate of two rupees per 100 quintals per day. When goods are susceptible of being reckoned by weight or a proportionate charge shall be determined by the Divisional Canal Officer when goods are reckoned by number. Nothing contained herein shall apply to canal warehouses

### Observation of the Committee

The Committee wants that in the sixth line of this rule the rate of two rupees per 100 quintals per day may be more increased

**The department in their written reply stated as under —**

Agreed

### Rule — 77

**77 Canal closures [Section 39]** — Any canal may be closed once a year for the executing of works on one month's notice published in the Official

Gazette of the intention as to close it. Any canal may also be closed at any time without notice in the event of any sudden emergency and no claim for compensation for unavoidable detention resulting from such closure or from the depth of water being at any time unavoidable reduced in the canal or from the failures or any weir lock bridge or other works in the canal bed shall be made by any owner or person in charge of any boat or raft navigating the canal. The fact of an emergent closer having been authorized shall be notified in the Official Gazette whenever the duration of such closure is likely to exceed or shall have exceeded three days.

#### **Observation of the Committee**

The Committee observed that title words of this rule i.e. canal closures are not amicable in section 39 of the Haryana Canal and Drainage Act 1974 it needs clarification of the department at the time of oral examination.

**The department in their written reply stated as under —**

Section 27 is applicable which is mentioned in Govt. Gazette.

#### **Rule — 87**

**87 Rate of labour offered by landowner, [Section 50]** — The rate of labour offered by a land owner in lieu of the cost will be the rate of the time being paid by the State Government in the neighbourhood for similar works.

#### **Observation of the Committee**

The Committee recommends that in the first line of this rule before the words 'section' the words 'J' may be deleted being superfluous.

**The department in their written reply stated as under —**

Already exist. No change is required.

#### **Rule — 90**

**90 Procedure for recoveries [Sections 50 and 65 (2) (f)]** — Any amount due from an assess under a notice of demand for cost of drainage works shall on demand be payable to the Lambardars concerned. The procedure for recovery will be the same as followed in the case of recovery of land revenue and water rates.

#### **Observation of the Committee**

The Committee recommends that in the second line of this rule after the word 'under' for the word 'assess' the word 'assessee' may be substituted to make it grammatically correct.

**The department in their written reply stated as under —**

Already exist. No change is required.

**Rule — 91**

**91 Objections by landowners to amount of cost shown in demand statements and their disposal [Sections 50 and 65(2)(f)]** – Any owner may present his objections against the amount of cost shown in the demand statement to the Divisional Canal Officer concerned with a period of fifteen days of the date of receipt of the demand slip by him or his agent or any adult member of his family

**Observation of the Committee**

The Committee recommends that in the fourth line of this rule after the word concerned for the word 'with' the word 'within' may be substituted to make it grammatically correct

**The department in their written reply stated as under —**

Already exist No change is required

**Rule — 94**

**94 Proceeding to be taken in summary manner [Sections 65(2)(f)]** – All proceeding under Sections 7 8 13 14 16 17 21 24 27 28 29 30 52 53 55 and 59 shall be taken in a summary manner and any officer who is required or empowered to take action in any matter under any of these sections shall unless for reasons to be recorded in writing by him it is not practicable to do so decide such matter within a period of four months A brief memorandum of evidence produced in such proceedings shall be prepared by the officer hearing them

**Observation of the Committee**

The Committee recommends that in the fifth line of this rule after the words him the words 'it' may be deleted being superfluous

**The department in their written reply stated as under —**

No change is required

**Rule — 96**

**96 Service of summons and notices and publication of notices proclamations, etc [Section 57]** – (1) Every summons notice order requisition or proclamation under the Act or these rules which is required to be served on issued delivered or communicated to any person or published for general information shall be so served, issued delivered or communicated to any person or published for general information as the case may be as hereinafter provided

(2) Every such summons notice order requisition or proclamation shall be drawn up in writing and dated and signed by the officer having authority to issue or make the same



(3) Every public notice or proclamation shall be issued or made by posting certified copies thereof —

- (a) at the office of the officer giving or making the same in such manner that such notice shall be assessable to the public
- (b) at convenient places in the locality or near the residence of the persons affected thereby and by beat of drum or oral proclamation or other customary method

(4) Even summons notice order or requisition which is required to be served on or delivered or communicated to any person shall whenever possible be so served or delivered or communicated —

- (a) personally on or to the person to whom it is addressed or failing him
- (b) on or to his recognized agent or failing such agent
- (c) or on to an adult male member of his family usually residing with him

(5) When the serving officer delivers of tenders summons notice order or requisition which is required to be served on delivered or communicated to any person personally or to an agent or other person on his behalf he shall require the signatures of the person to whom the summons notice order or requisition as the case may be is so delivered or tendered to an acknowledgement of service endorsed on the copy of such summons notice order or requisition

(6) The serving officer shall in all cases in which the summons notice order or requisition has been served under this rule endorse on the duplicate copy thereof a memorandum signed by him stating the time when and the manner in which such summons notice order or requisition was served and return such copy to the officer having authority to issue or make the same

(7) If service delivery or communication cannot be effected or if acceptance of service delivery or communication is refused the summons notice order or requisition may be served delivered or communicated by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed or if that cannot be done then in such other manner as the officer authorized to issue or make the same may specifically direct

(8) If the summons notice order or requisition relates to a case in which persons having the same interest are so numerous that personal service on each one of them is not reasonably practicable it may be served delivered or communicated by delivery of a copy thereof to such of these persons as the officer authorized to issue or make the same specially nominates in this behalf and by proclamation of the contents thereof for the information of the other persons interested

(9) A summons notice order or requisition may be served on or delivered or communicated to the person named therein either in addition to or in substitution for any other mode of service by forwarding the summons notice order or requisition by post in registered letter addressed to that person

(10) When a summons notice order or requisition is so forwarded in a letter and it is proved that the letter was properly addressed and duly posted and registered the officer authorized to issue or make the same may presume that the summons was served at the time when the letter would be delivered in the ordinary course of post

(11) In every case in which service of any process is not effected personally the officer authorized to issue the same shall satisfy himself by examining the process server or otherwise that such services has been duly effected in the manner required by these rules

### **Observations of the Committee**

1 The Committee recommends that in the second line of rule 96(1) after the word every for word summons the word summon may be substituted to make it grammatically correct and in the same line after the order the sign of comma (,) may be inserted The Committee also recommends that in third line of rule 96(1) before the word issued for the word on the word or may be substituted to make it grammatically correct

2 The Committee recommends in the first line of rule 96(2) before the word notice for the word summons the word summon may be substituted to make it grammatically correct

3 The Committee recommends that in the second line of rule 96(3a) before the word to the public for the word assessable the word accessible may be substituted to make it grammatically correct

4 The Committee observes that the first and second words i.e even & summons of the first line of rule 96(4) are mis spelt as every and summon may be substituted to make it grammatically correct

5 The Committee further recommends that in first line of rule 96(9) second word summons the word summon and in the fourth line of this rule before the word addressed the word with acknowledgement due may be inserted to make the rule more clear

### **The department in their written reply stated as under —**

I Agreed already exist

The observation in respect of substitute of word or in place of word on before the word issued not carried out by the department concerned

II Already exists No change is required

III Agreed

IV Already exist Change of summons to summon required

V Already exist No change is required

(The observation of the Committee is required to re considered carried out the same observation )

#### **Rule — 104**

**104 Limitation [Section 65(2)(f)]** – (1) The period within which an appeal may be filed shall be thirty days unless any other period is expressly provided by the Act or these rules but any appeal may be admitted after the prescribed period when the applicant satisfied the Court that he had sufficient cause for not presenting the appeal within that period

(2) If the prescribed period expires on a day when the Court is closed the appeal may be presented on the day the Court reopens

(3) The prescribed period shall be calculated from the date of decision or order appealed from and in computing such period the day when the decision or order was made and the time required for obtaining a copy of the decision or order appealed against shall be excluded

#### **Observation of the Committee**

The Committee recommends that in the fourth line of rule 104 after the word applicant for the word satisfied the word satisfies may be substituted to make it grammatically correct

**The department in their written reply stated as under —**

Already exist

#### **Rule — 109**

**109 Contents of notice [Sections 65(2)(f)]** – A written notice containing the name of the Court the names of the parties the date and place fixed for the hearing of the appeal and such other particulars as the court may by general or special order direct shall be issued in duplicate under the hand and seal of the Court

#### **Observation of the Committee**

The Committee recommends that in the second line of rule 109 after the word place the word and time may also be inserted to make the rule more clear

**The department in their written reply stated as under —**

Agreed

**Rule — 111****111 Acknowledgement of personal service [Section 65(2)(f)] –**

When personal service is effected the addressee shall be required to acknowledge the service by affixing his signatures seal or mark on the back of the duplicate copy to be retained by the serving officer

**Observation of the Committee**

The Committee recommends that in Rule 111 'the provision of the acknowledgement of service of summon should be attested by the respectable either by Lamberdar or Chowkidar etc may be inserted to make the rule more clear

**The department in their written reply stated as under —**

Agreed

**Rule — 112****112 Memorandum by serving officer [Section 65 (2)(f)] –**

The serving officer shall in every case endorse on the duplicate copy of a memo signed by him the date and mode of service and return such copy of the Court which issued it

**Observation of the Committee**

The Committee recommends that in the third line of Rule 112 after the word copy the word of for the word 'to may be substituted to make it grammatically correct

**The department in their written reply stated as under —**

Already exist

**Rule — 120****120 Finality of orders and decisions of appellate Court [Section**

**65(2)(f)]** Except as otherwise provided in the Act or these rules the order or decision passed in any appeal shall be final

**Observation of the Committee**

The Committee desired that in the second line of this Rule before the word "these the word or' seems not clear It needs clarification of the department at the time of oral examination

**The department in their written reply stated as under —**

Act means Haryana Canal & Drainage Act 1974 and Rules means Haryana Canal & Drainage Rules 1976

No change is required

**Rule — 122 (5)**

(5) The application for inspection of records shall bear a Court fee stamp of three rupees in addition to the amount of inspection fee specified hereinafter

**Observation of the Committee**

The Committee desired that in Rule 122(5) seems not clear It needs clarification of the department at the time of oral examination

**The department in their written reply stated as under —**

Various fees for inspection have been prescribed

**Rule — 123**

**123 Penalty [Section 65(3)]** – Any person who commits the breach of rule 3 shall on conviction by a magistrate be punishable with a fine which may extend to five hundred rupees

**Observation of the Committee**

The Committee recommends that in the second line of this rule before the word punishable for the word by the word be may be substituted to make it grammatically correct The Committee wants to know that if the fine of Rs 500/ is not paid then further the person may be penalized on daily basis till the tubewell is removed

**The department in their written reply stated as under —**

Already exist Legal proceeding/F I R is being lodged

**FORM – 1**

Application for water

Receipt

(Serial Number)

Dated

To

The Divisional Canal Officer

Name of Division

Name of Sub Division

Name of Ziledari Section

Serial Number	Information to be given by the applicant
---------------	--

1 Name with full address

2 Father s name

3 Name of village tehsil and district to which the application relates

4 Name of channel

5 R D of outlet with side

6 Details of field numbers with area owned by the applicant and plan of the area

7 Nature of a case whether it is an alignment of water course restoration of a running/dismantled watercourse

8 Reasons in detail for submitting the application

Dated

**Acknowledgement**

Received application on \_\_\_\_\_ from Shri son of Shri  
 of village \_\_\_\_\_ And entered at Serial No \_\_\_\_\_ purpose

Signature of Receiving Clerk  
 Division (Name and address)

**Observation of the Committee**

The Committee recommends that in the seventh line of form 1 for the word ziledari the word 'Ziledar' may be substituted make it grammatically correct

**The department in their written reply stated as under —**

Yes

**FORM – III****Licence of Steam Boat****Canal**

Number of boat

Dimension of boat

Name of licensee with father's name and place of abode

Period for which licence is granted

**Conditions under which Licence is granted**

- 1 Length not to exceed
- 2 Beam not to exceed
- 3 Draught loaded with full number of passengers and luggage not to exceed
- 4 Number of passengers not to exceed
- 5 Number of crew not to be less than
- 6 Lights to be carried
- 7 The number of the boat is to be painted in large figures not less than 20 cm be height on both bow of the boat distinguishable at a distance of 100 metres

8 This licence or its copy is to be exhibited in a conspicuous portion on board of the boat

9 The boat may be stopped and inspected and the number of passengers on board counted at any time by any officer duly authorized for that purpose. If the conditions above laid down are not fully complied with such officer may refuse permission for the boat to proceed

10 If the above conditions are not fully complied with this licence may be removed by the Divisional Canal Officer without any compensation becoming claimable by the licensee. Appeal against the order of the Divisional canal Officer shall lie to the Superintending Canal Officer whose order shall be final

This boat was inspected by \_\_\_\_\_ on \_\_\_\_\_ and was declared to be in a safe condition and fit for passenger traffic on that date

Station

Dated

Divisional Canal Officer Division Canal

**Observation of the Committee**

The Committee recommends that in the second line of Form III(7) before the word 'height' for the word 'be' the word 'in' may be substituted to make it grammatically correct

**The department in their written reply stated as under —**

Already exist

**FORM IV**

Ticket

No

Pass Ticket

Boat No

Date of entry

Owner's name

Occupation

Residence or place of business

Name of person in charge

Measurement of boat

Estimated carrying capacity \_\_\_\_\_ Quintals

Charges paid from 19 \_\_\_\_\_ to 19 \_\_\_\_\_

Amount Rs \_\_\_\_\_ Paise \_\_\_\_\_

By whom issued

\_\_\_\_\_ Navigation \_\_\_\_\_ Station

Date of leaving Canal

I hereby certify that all demands against boat No \_\_\_\_\_ for  
tolls right of way damage to canal works etc etc up to date have been  
satisfied

Navigation Agent

**Observations of the Committee**

The Committee recommends that in the ninth line of Form IV the word  
Estimated the word Estimated may be substituted to make it grammatically  
correct

The Committee further recommends that in the tenth line of Form IV the  
charges paid from 19 \_\_\_\_\_ to 19 \_\_\_\_\_ may be changed to  
19 \_\_\_\_\_ to 20 \_\_\_\_\_ to make it more appropriate

**The Department in their written reply stated as under —**

Already exist

may be changed to                      20                      to                      20



**Form V & VI****Form V***(See Rule 60) Receipt*

Irrigation Department/No 19 Canal  
 Received from  
 Rupees  
 Being amount of toll on boat No  
 From To  
 Irrigation Department Canal  
 Incharge of Station  
 Rs

**Form VI***(See Rule 63)**(Pass for Rafts)*

Irrigation Department Canal  
 No 19  
 From To  
 Distance K M  
 Description of rafts  
 Dimensions  
 Cubic contents  
 Rates of toll Rs  
 Estimated value of rafts Rs  
 Name of owner  
 Residence  
 Name of person in charge  
 Date of entering canal

(Signature)  
 Canal Station

Rs  
 Received at  
 of 19

Navigation Agent

**Observations of the Committee**

The Committee recommends that in the Form V and VI the numerical number 19 be changed to 20 to make it more appropriate

The Committee observed that in the end of the Form-VI the designation of the Authority has not been mentioned Therefore the Committee desired that the designation of the Authority will put signature on behalf of the Canal Station may be mentioned

**The Department in their written reply stated as under —**

Agreed

Agreed

**Form VII****Application for warabandi**

To

The Deputy Collector

Name of the Division

Name of Sub Division

Name of Zilledari Section

Serial No

Information to be given by the applicant

1 Name with full address

2 Father's name

3 Name of village tehsil and district to which the application relates

4 Name of channel

5 R D of outlet with side

6 Details of field numbers with area owned by the applicant and a plan of the area

7 Nature of a case whether it is a amendment or new warabandi

8 Reason in detail for submitting the application

Dated

Signature of the applicant

**Acknowledgment**

Received application on \_\_\_\_\_ from Shri \_\_\_\_\_ Son of  
 Shri \_\_\_\_\_ of village \_\_\_\_\_ and entered at Serial  
 No \_\_\_\_\_ purpose

Signature of Receiving Clerk  
 Division (Name and address)

**Observation of the Committee**

The Committee recommends that in Sr No 7 of the Form VII before the word amendment for the word a the word an may be substituted to make it grammatically correct

**The Department in their written reply stated as under —**

Already exist

The observation of the Committee is required to be considered and carried out the observation as the word an not existing in Sr No 7

## PART - I

## [Part I]

A Water rates for the purchases of Irrigation from all Canals except lower Chau tang Nala Canal

Rate per acre

Class Crop	Bhakra Canal including Ghagghar a and Sawaswati Canals		Western Jamuna Canal Gurgaon Canal Rewari Jui Indira Gandhi Canal (now Loharu Canal) Brendra Narayana Chakravarti (Siwani) Canal and Jhajjar Lift Irriga on Schemes (JLN) [vide Government Notification No 21 11/79 IW(4) dated 12th May 1980]		per crop	
	Flow	Lift maintained and operated by cultivators	Flow	Lift maintained and operated by cultivator		
1	2	3	4	5	6	7
		Rs	Rs	Rs	Rs	
1	Sugarcane (except on Khanf channels)	48 40	24 20	41 20	20 60	per crop
2	Sugarcane on Khanf channel	40 00	20 00	40 00	20 00	Do
3	Waternuts	40 00	20 00	40 00	20 00	Do
4	Rice	36 30	18 20	36 30	1820	Do
5	Indigo and others dyes tobacco poppy spices and drugs	30 50	15 20	30 30	15 20	Do
6	Cotton	30 30	15 20	30 30	15 20	Do
7	Gardens and orchards and vegetables except turnips	30 30	15 20	30 30	15 20	Garden and orchards per half Year the rest per crop
8	Barley and Oats (except on Khanf channels)	32 70	16 40	23 00	11 50	per crop
9	Wheat (except on Khanf channels)	30 30	21 80	10 90	15 20	Do
10	Melon Fibers (other than Colton and crops and otherwise specified)	27 20	14 00	27 90	14 00	per crop

1	2	3	4	5	6	7
11	Maize	24 20	12 10	24 20	12 10	Do
12	Oil Seeds (except Rabi oil seeds on Kharif channels)	24 20	12 10	24 20	12 10	Do
13	Oil Seeds Rabi Crops	32 70	16 40	23 00	11 50	Do
14	All Rabi Crops on Kharif channels (except wheat and gram)	15 80	7 90	10 90	5 50	Do
15	Wheat and gram on Kharif channels	14 60	7 30	9 70	4 90	Do
16	Bajra Masur and Pulses	24 20	12 10	17 00	8 50	Do
17	Gram	24 20	12 10	17 00	8 50	Do
18	Jawar Cheena Grass and all Fodder crops specified in the table below including turnips	24 20	12 10	24 20	12 10	Do
19	Watering for ploughing not followed by a crop in the same or succeeding harvest	3 70	1 90	3 70	1 90	Do
20	Village and Zila Panshad and Panchayat Samities Plantations					
	(i) Any number of watering in Kharif	6 10	3 10	6 10	3 10	Do
	(ii) One watering in Rabi	6 10	3 10	4 90	2 50	06
	(iii) Two or more watering in Rabi	12 10	6 10	8 50	4 30	Do
21	Grass					
	(i) Single watering in Kharif	6 10	3 10	6 10	3 10	Do
	(ii) Single watering in Rabi	6 10	3 10	4 90	2 50	Do

Note (i) Grass given two or more watering falls under Class 18

(ii) Hemp indigo Guara Jantar and Arhar ploughed as green manure before 15th September are not assessable to water rates

**B Water rates for the part of irrigation from Lower Chautang Nala Canal**

Class crop		Flow	Rate per Acre lift maintained and operated by cultivators	Per crop
1	2	3	4	5
		Rs	Rs	
1	Sugarcane rice and waternuts	24 20	15 80	Per crop
2	Cotton indigo and maize	14 60	9 70	Do
3	Other Kharif Crop	9 70	6 10	Do
4	Special rates single watering before ploughing for Rabi (except wheat and gram followed by a crop)	6 10	3 70	Do
5	Special rates Single watering before ploughing for wheat and gram followed by a crop	6 10	3 70	Do
Notes — Additional watering after 31st October		4 90	3 70	per acre [All crops except fodder crop including turnips]
		2 50	1 90	For fodder crop including turnips)

**Observations of the Committee**

The Committee recommends that on page No 51 after the words including Ghagghar the alphabe a may be deleted being superfluous

The Committee observed that the word falls is mis spelt as fails after the word watering in the Note mentioned underneath Sr No 21 Grass on page 52 The Committee recommends that it may be corrected

The Committee also recommends that the spelling of the turnips mentioned on page No 53 in the end of part I may be corrected

**The Department in their written reply stated as under —**

Already exist

Already exist

**PART II****5 Water supplied in Bulk —**

- |                                  |                           |
|----------------------------------|---------------------------|
| (i) Industrial and powers plants | Rs 55 per 2500 cubic feet |
| (ii) Other bulk supplies         | Rs 11 per 2500 cubic feet |

**Observations of the Committee**

The Committee want to know that which categories comes under the other bulk supplies as mentioned at Sr No 5(ii) ?

**The Department in their written reply stated as under —**

Water rates applicable as per Gazette Notification No SO61/H A 29/ 1974/S 65/2012 Dated 30th July 2012

**PART IV**

Part IV Of the Supply to water

**Observations of the Committee**

The Committee recommends that in the heading of Part IV (of the supply of water) of this Rule for the word to the word of may be substituted to make it grammatically correct

**The Department in their written reply stated as under —**

Already exist No change is required



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