jftLVªh lañ Mhñ ,yñ—33004@99

lañ 235] ubZ fnYyh] xq#okj] ebZ 5] 2011@ oS'kk[k 5] 1933
No. 235] NEW DELHI, THURSDAY, MAY 5, 2011 / VAISAKHA 15,

LokLF; vkSj ifjokj dY;k.k ea=kky;

(LokLF; vkSj ifjokj dY;k.k foHkkx)

vfèklwpuk

ubZ fnYyh] rkjh[k 5 ebZ] 2011

lk-dk-fu- 362(v-) [kk| lqj{kk vkSj ekud fu;e] 2011 dk fuEufyf[kr izk:i] ftls dsaæh; ljdkj }kjk [kk| lqj{kk vkSj ekud vfèkfu;e] 2006 (2006 dk 34) dh èkkjk 5] 7] 30] 36] 37] 38] 39] 40] 41] 43] 45] 46] 47] 68] 70] 71] 73] 74] 75] 76] 77] 78] 81] 82] 83 vkSj èkkjk 84 ds lkFk ifBr èkkjk 91 }kjk iznÙk 'kfDr;ksa dk iz;ksx djrs gq, cukus dk izLrko gS tks rkjh[k 29 tqykbZ] 2010 dh Hkkjr ljdkj dh vfèklwpuk la& dk-vk- 1855 }kjk vfèklwfpr dh xbZ gSa vkSj ;s izk:i fu;e Hkkjr ds jkti=k] vlkèkkj.k] Hkkx 2] [kaM 3 (i) rkjh[k 19 tuojh] 2011 esa i`"B 1 ls 36 ij Hkkjr ljdkj ds LokLF; vkSj ifjokj dY;k.k ea=kky; dh vfèklwpuk la- lk-dk-fu- 39 (v) rkjh[k 19 tuojh] 2011 ds vèkhu izdkf'kr fd, x, Fks ftlesa ,sls lHkh O;fDr;ksa ls] ftuds muls izHkkfor gksus dh laHkkouk Fkh] ml rkjh[k ls ftldks mDr jkti=k dh izfr;ka ftlesa mDr vfèklwpuk var£o"V Fkh] turk dks miyCèk djk nh xbZ Fkha] rhl fnu dh vofèk dh lekfIr ds iwoZ vk{ksi vkSj lq>ko vkeaf=kr fd, x, Fks_

vkSj jkti=k dh izfr;ka turk dks 20 tuojh] 2011 dks miyCèk djk nh xbZ Fkha_

vkSj mDr izk:i fu;eksa ij fofu£n"V vofèk ds Hkhrj turk ls izkIr vk{ksiksa vkSj lq>koksa ij dsaæh; ljdkj }kjk fopkj dj fy;k x;k gS_

vr% vc dsaæh; ljdkj] mDr vfèkfu;e dh èkkjk 91 }kjk iznÙk 'kfDr;ksa dk iz;ksx djrs gq, fuEufyf[kr fu;e cukrh gSa] vFkkZr~%&

[kk| lqj{kk vkSj ekud fu;e]

2011 vè;k; 1

lkèkkj.k

1-1 % laf{kIr uke vkSj izkjaHk

1-1-1 % bu fu;eksa dk laf{kIr uke [kk| lqj{kk vkSj ekud fu;e] 2011 gSA 1-1-2 % ;s jkti=k esa izdk'ku dh rkjh[k ls rhu ekl ds i'Pkkr~ izo'Ùk gksaxsA

1-2 % ifjHkk"kk,a

1-2-1 % bu fu;eksa esa tc rd lanHkZ ls vU;Fkk visf{kr u gks]

1- ^^vfèkfu;e** ls [kk| lqj{kk vkSj ekud vfèkfu;e] 2006 (2006 dk 34) vfHkizsr gS_

2- ^^U;k;kfu.kkZ;d vfèkdkjh** ls vfèkfu;e dh èkkjk 68 dh mièkkjk (1) ds vèkhu fu;qDr U;k;fu.kkZ;d vfèkdkjh vfHkizsr gS_

3- ^^vfèkoDrk** ls vfèkoDrk vfèkfu;e] 1961 (1961 dk 25) ds vèkhu fofèk O;olk; djus dk gdnkj O;fDr vfHkizsr gS_

4- ^^vihy vfèkdj.k** ls vfèkfu;e dh èkkjk 70 ds vèkhu xfBr [kk| lqj{kk vihy vfèkdj.k vfHkizsr gS_ 5- ^^vihy vfèkdkjh** ls vfèkfu;e dh èkkjk 47 dh mièkkjk (5) esa fu£n"V [kk| izkfèkdkjh }kjk izkfèkÑr dksbZ vfèkdkjh vfHkizsr gS_

6- ^^tkap** ls èkkjk 68 esa fu£n"V tkap vfHkizsr gS_

7- ^^vuqKkiu izkfèkdkjh** ls LFkkuh; {ks=k ds fy, vfèkfu;e dh èkkjk 36 ds vèkhu fu;qDr vfHkfgr vfèkdkjh vkSj ftlds varxZr [kk| lqj{kk vk;qDr }kjk vuqKfIr eatwj djus ds iz;kstu ds fy, bl

izdkj fu;qDr vfèkdkjh vfHkizsr gS_

8- ^^vfèklwfpr iz;ksx'kkyk** ls vfèkfu;e dh èkkjk 43 dh mièkkjk (1) vkSj mièkkjk (2) ds vèkhu [kk| izkfèkdkjh }kjk vfèklwfpr iz;ksx'kkykvksa esa ls dksbZ iz;ksx'kkyk vfHkizsr gS_

9- ^^ihBklhu vfèkdkjh** ls vfèkfu;e dh èkkjk 70 ds vèkhu vihy vfèkdj.k ds ihBklhu vfèkdkjh ds :i esa fu;qDr dksbZ O;fDr vfHkizsr gS_

10- ^^fufnZ"V iz;ksx'kkyk** ls vfèkfu;e dh èkkjk 43 dh mièkkjk (2) ds vèkhu vfèklwpuk }kjk [kk| izkfèkdj.k }kjk LFkkfir vkSj@;k ekU;rkizkIr iz;ksx'kkykvksa esa ls dksbZ iz;ksx'kkyk vfHkizsr gS_

11- ^^jftLVªkj** ls vihy vfèkdj.k dk jftLVªkj] ftlds varxZr ,sls vihy vfèkdj.k dk dksbZ vfèkdkjh ftls jftLVªkj ds :i esa ÑR; djus ds fy, ihBklhu vfèkdkjh izkfèkÑr fd;k x;k gS ,slk dksbZ vfèkdkjh vfHkizsr gS_

12- ^^jftLVªh** ls vihy vfèkdj.k dh jftLVªh vfHkizsr gS_

12- ^^fu;eksa** ls [kk| lqj{kk vkSj ekud fu;e] 2010 vfHkizsr gSA

vè;k; 2

izorZu lajpuk vkSj izfØ;k,a

2-1 && vgZrk vkSj drZO;

2-1-1 [kk| lqj{kk vk;qDr &&

1- vgZrk % vk;qDr vkSj jkT; ljdkj ds lfpo ls uhps dh iafDr dk dksbZ O;fDr [kk| lqj{kk vk;qDr ds :i esa fu;qfDr dk ik=k ugha gksxkA

[1]Hkkx II—[k.M 3(i)º Hkkjr dk jkti=k % vlk/kj.k 3

2- 'kfDr;ka vkSj drZO; % [kk| lqj{kk vk;qDr dh 'kfDr;ksa vkSj drZO;ksa ds lacaèk esa micaèk [kk| lqj{kk vkSj ekud vfèkfu;e] 2006 dh èkkjk 30 (2) esa fd, x, gSaA

2-1-2 % vfHkfgr vfèkdkjh

1- vgZrk

(*i*) vfHkfgr vfèkdkjh ,d iw.kZdkfyd vfèkdkjh gksxk tks fd mi[kaM vfèkdkjh ;k lerqY; dh iafDr ls uhps dh iafDr dk vfèkdkjh ugha gksxk vkSj mlds ikl bu fu;eksa ds vèkhu [kk| lqj{kk vfèkdkjh ds fy, fofgr 'kSf{kd vgZrkvksa esa ls de ls de ,d 'kSf{kd vgZrk ;k ,d fo"k; ds :i esa jlk;u 'kkL=k ds lkFk foKku esa de ls de Lukrd mikfèk gksxhA (*ii*) og vfHkfgr vfèkdkjh ds :i esa viuh fu;qfDr dh rkjh[k ls Ng ekl ds vanj [kk| izkfèkdj.k }kjk fofuèkkZfjr izf'k{k.k ysxkA

(*iii*) (d) [kk| fujh{kd ds :i esa ftu O;fDr;ksa dks fu;qDr fd;k x;k gS vkSj ftuds ikl [kk| vifeJ.k fuokj.k fu;e 1955 ;k LFkkuh; izkfèkdj.k ds vèkhu fofgr dh xbZ vgZrk gS og vfHkfgr vfèkdkjh ds :i esa fu;qDr fd, tkus dk] ,slh vU; 'krks± ds jkT; ljdkj }kjk vfHkfgr vfèkdkjh ds in ds fy, fofgr dh xbZ ,slh vU; 'krks± dks iwjk djus ds vèkhu jgrs gq,] ik=k gksaxsA

([k) bu fofu;eksa ds izkjaHk ij ;fn vfHkfgr vfèkdkjh dk in vfrfjDr izHkkj vkèkkj ij led{k jSad dk dksbZ vU; vfèkdkjh èkkj.k djrk gS rks ,slk vU; vfèkdkjh] iw.kZdkfyd vfHkfgr vfèkdkjh dh fu;qfDr fd, tkus ;k ,d o"kZ dh vofèk buesa ls tks Hkh igys gksa] rd ,slk vfrfjDr izHkkj èkkfjr djuk tkjh j[ksxkA

2- 'kfDr;ka vkSj drZO;

(*i*) vfHkfgr vfèkdkjh dh 'kfDr;ka vkSj drZO; os gksaxs ftUgsa [kk| lqj{kk vkSj ekud vfèkfu;e] 2006 dh èkkjk 36(3) esa mfYyf[kr fd;k x;k gSA

(*ii*) vfHkfgr vfèkdkjh ftyk dySDVj@ftyk eftLVªsV ds lexz i;Zos{k.k ds vèkhu dk;Z djsxkA

(*iii*) vfHkfgr vfèkdkjh [kk| lqj{kk vkSj ekud vfèkfu;e] 2006 dh èkkjk 36(3) esa

fofu£n"V 'kfDr;ksa ds vfrfjDr]èkkjk 40 (1) ds micaèkksa ds vuqlkj Øsrk }kjk lanÙk fo'ys"k.k dh iQhl dk izfrlank; vkSj blds vfrfjDr uewus dh ykxr ds lank; dks Hkh lqfuf'Pkr djsxkA

(*iv*) vfHkfgr vfèkdkjh [kk| lqj{kk vk;qDr }kjk ijke'kZ djds vfHkxzfgr lkefxz;ksa ds fy, vuqKkr jhfr esa vuko';d uewuksa dk le;kuqlkj] vfèklwfpr rjhds ls] fuiVkjk lqfuf'Pkr djsxkA

(*v*) mi;qZDr fu;eksa esa var£o"V fdlh ckr ds izfrdwy gksrs gq, Hkh vfHkfgr vfèkdkjh ds ikl lHkh iz'kklfud 'kfDr;ka gksaxh] ftlds varxZr ;fn [kk| fo'ys"kd dh fjiksVZ esa turk ds fy, fdlh ladV ;k ?kksj {kfr dk mYys[k fd;k x;k gS rc [kk| dkjckj vkijSVj dh vuqKfIr dk fuyacu] jídj.k ;k izfrlagj.k fd;k tk ldsxk %

ijarq ,slh iz'kklfud dkjZokbZ djrs le; vfèkfu;e vkSj fofu;eksa esa o£.kr izfØ;k dk ikyu fd;k tk,xkA

2&1&3 % [kk| lqj{kk vfèkdkjh

1& vgZrk % [kk| lqj{kk vfèkdkjh ,d iw.kZdkfyd vfèkdkjh gksxk vkSj ftl rkjh[k dks mldh fu;qfDr dh tkrh gS ml rkjh[k dks mlds ikl fuEufyf[kr vgZrk gksxh%

(*i*) fdlh ekU;rkizkIr fo'ofo|ky; ls [kk| izkS|ksfxdh ;k Ms;jh izkS|ksfxdh ;k tSo izkS|ksfxdh ;k rsy izkS|ksfxdh ;k Ñf"k foKku ;k i'kq fpfdRlk foKku ;k tSo jlk;u foKku ;k lw{e tho foKku esa fMxzh ;k jlk;u foKku esa ekLVj fMxzh] ;k esfMflu esa fMxzh] ;k

(*ii*) dsUæh; ljdkj }kjk vfèklwfpr dksbZ vU; lerqY;@ekU;rkizkIr vgZrk] ;k

(*iii*) [kk| izkfèkdj.k }kjk bl iz;kstu ds fy, ;Fkk fofu£n"V fdlh laLFkk ;k laLFkku ds vèkhu izf'k{k.k liQyrkiwoZd iwjk fd;k gksA

ijarq bu fu;eksa ds vèkhu fdlh ,sls O;fDr dks [kk| lqj{kk vfèkdkjh fu;qDr ugha fd;k tk,xk ftldk [kk| dh fdlh oLrq ds fofuekZ.k] vk;kr ;k fcØh esa dksbZ foÙkh; fgr gksA

2- bu fofu;eksa ds izkjaHk dh rkjh[k dks] ,slk O;fDr] ftls [kk| vifeJ.k fuokj.k vfèkfu;e] 1954 ds micaèkksa ds vèkhu [kk| fujh{kd ds :i esa igys gh fu;qDr gS] [kk| lqj{kk vfèkdkjh ds drZO;ksa dk ikyu dj ldsxk] ;fn jkT;@dsaæh; ljdkj }kjk vfèklwfpr dj fn;k tk,] ;fn vfèkdkjh] jkT; ljdkj }kjk [kk| lqj{kk vfèkdkjh ds in ds fy, fofgr vU; 'krs± iwjh djrk gksA

3- jkT; ljdkj] ,sls ekeyksa esa tgka LFkkuh; {ks=k ds LokLF; iz'kklu dk dksbZ fpfdRlk vfèkdkjh [kk| vifeJ.k fuokj.k vfèkfu;e] 1954 ds vèkhu [kk| fujh{kd ds ÑR;ksa dk ikyu dj jgk gS] ,sls fpfdRlk vfèkdkjh dks [kk| lqj{kk vfèkdkjh dh 'kfDr;ka vkSj drZO; leuqnsf'kr dj ldsxk ml {ks=k ds LokLF; iz'kklu dk Hkkjlkèkd ,sls fpfdRlk vfèkdkjh dks gksxk :

ijarq ;g vkSj fd mijksDr [k.M 2 vkSj 3 ds vèkhu fu;qDr fd, x, O;fDr bu fu;eksa ds izkjaHk ls 2 o"kZ dh vofèk ds Hkhrj [kk| izkfèkdj.k }kjk fofuèkkZfjr fo'ks"kKrk okyk izf'k{k.k izkIr djsaxsA

4**- 'kfDr;ka vkSj drZO;** %

(*i*) vfèkfu;e dh èkkjk 38 ds vèkhu [kk| lqj{kk vfèkdkjh dks iznÙk dh xbZ 'kfDr;ksa ds izfrdwy gksrs gq, Hkh] tgka mldh ;g jk; gS ;k fyf[kr esa mlus dkj.k vfHkfyf[kr gksus fd fo|eku ifjfLFkfr esa] èkkjk 38(1)(x) ds micaèkksa ;k èkkjk 38(1) ds iajrqd dk vuqikyu djuk & [kk| dkjckj dÙkkZ dh vuqiyCèkrk ds dkj.k laHko ugha gS rc [kk| lqj{kk vfèkdkjh ,slh vifefJr oLrq ;k [kk| dks] tks fd vlqjf{kr ;k vo&ekud ;k feF;k Nki okyh ;k ftlesa cká inkFkZ gSa] ,sls vifefJr ;k [kk| ds uewus ysus ds i'Pkkr~ fo'ys"k.k ds fy, ifjljksa dks lhycan dj ldsxkA

(*ii*) tgka [kk| lqj{kk vfèkdkjh dh ;g jk; gS ;k mlds i'Pkkr~ ;g fo'okl djus dk dkj.k gS (gSa) fd ,slk dksbZ O;fDr] tks [kk| dh fdlh oLrq dks cspus] izcaèk djus ;k fuekZ.k djus esa

yxk gqvk gS] fdlh laØked jksx ls xzLr gS ;k thok.kqvksa dks laJ; ns jgk gS rc og ,slh O;fDr dh fdlh vgZrk izkIr fpfdRlk O;olk;h ftls vfHkfgr vfèkdkjh }kjk lE;d :i ls izkfèkÑr fd;k x;k gks] ijh{kk djk,xk %

ijarq tgka ,slk dksbZ O;fDr L=kh gS rc mldh ijh{kk ,d ,slh vgZd efgyk fpfdRlk O;olk;h }kjk djkbZ tk,xh ftls vfHkfgr vfèkdkjh }kjk lE;d :i ls izkfèkÑr fd;k x;k gksA

;fn ,slh tkap djok, tkus ij ;ksX;rk izkIr fpfdRlk O;olk;h ;g izekf.kr djrk@djrh gS fd og O;fDr fdlh ,sls jksx ls ihfM+r gS rks [kk| lqj{kk vfèkdkjh] vfHkfgr vfèkdkjh dks lwfpr djrs gq, fyf[kr esa vkns'k }kjk ml O;fDr dks funs'k ns ldsxk fd og [kk| dh fdlh oLrq dh fcØh ;k fofuekZ.k esa Hkkx u ysaA

(*iii*) blds vfrfjDr [kk| lqj{kk vfèkdkjh ds fuEufyf[kr drZO; gksaxs] &

(d) vfHkfgr vfèkdkjh }kjk fofgr dh xbZ jhfr esa ckjackj ,sls lHkh [kk| LFkkiuksa] ftUgsa mlds leuqnsf'kr {ks=kksa ds Hkhrj fdlh [kk| oLrq dk fuekZ.k] izcaèk] iS¯dx ;k cspus ds fy, vuqKfIr nh xbZ gS] dk fujh{k.k djsxk_

([k) viuk ;g lekèkku djsxk fd ,sls izR;sd [kk| dkjckj dÙkkZ }kjk tks mlds leuqnsf'kr {ks=kksa ds Hkhrj dkjckj dj jgk gS mlds }kjk vuqKfIr;ksa dh 'krks± dk vuqikyu fd;k tk jgk gS vkSj bl ckcr vfHkfgr vfèkdkjh dks mlds }kjk fjiksVZ djsxk_

(x) [kk| dh ,slh fdlh oLrqvksa ds uewuksa dks] ;fn vko';d gks] fo'ys"k.k ds fy, mikIr djsxk vkSj Hkstsxk ftudh ckcr mlds ikl ;g lansg djus dk dkj.k gS fd ,slh oLrqvksa dk fuekZ.k] LVkd ;k fcØh ;k foØ; ds fy, izn'kZu bl vfèkfu;e ;k blds vèkhu cuk, x, fu;eksa vkSj fofu;eksa ds mYya?ku esa fd;k x;k gS_

(?k) fuxjkuh] i;Zos{k.k vkSj vuqlaèkku ds iz;kstuksa ds fy, uewus ysxk ftudk iz;ksx vfHk;kstu ds fy, ugha fd;k tk,xk_

(Ä) bl vfèkfu;e ;k blds vèkhu cuk, x, fu;eksa dk mYya?ku djus dh ckcr fyf[kr esa mls dh xbZ fdlh f'kdk;r dk vUos"k.k djsxk_

(p) mls leuqnsf'kr {ks=k ds Hkhrj lHkh [kk| dkjckj ds vkadM+s vkèkkjksa dks cuk, j[ksxk_

(N) tgka dgha vko';d gks] [kk| dkjckj dÙkkZvksa dks lqèkkj djus dh lwpuk tkjh djus dh fliQkfj'k vfHkfgr vfèkdkjh dks djsxk_

(t) vius drZO;ksa ds vuqikyu esa mlds }kjk fd, x, lHkh fujh{k.k vkSj dh xbZ lHkh dk;Zokfg;ksa] ftlds varxZr uewus ysuk vkSj LVkd dk vfHkxzg.k Hkh gS] dk vfHkys[k cuk, j[ksxk vkSj ,sls vfHkys[kksa dh izfr;ka vfHkfgr vfèkdkjh dks izLrqr djsxk ftudh ckcr funs'k fn;k x;k gS_

(>) ,slh tkap vkSj fujh{k.k djsxk tks ;g irk yxkus ds fy, vko';d gks fd vfèkfu;e ;k blds vèkhu cuk, x, fu;eksa ds mYya?ku esa [kk| oLrqvksa dk fuekZ.k] HkaMkj.k ;k oLrqvksa dk foØ; fd;k x;k gS ;k ugha_

(Ä) ,sls fdlh ;ku dks jksdsxk vkSj mldk fujh{k.k djsxk ftlds lacaèk esa mldk ;g lansg gks fd mlesa vlqjf{kr [kk| ;k ,slk [kk| gS tks bl vfèkfu;e vkSj fu;eksa dk vuqikyu ugha djrs gSa vkSj ekuoh; miHkksx ds fy, mudk foØ; ;k ifjnku djus dk vk'k; gS_

(V) ;fn fujh{k.k djus ds i'Pkkr~ [kk| lqj{kk vfèkdkjh ;g ikrk gS fd [kk| dkjckj dÙkkZ us vuqKfIr ds fy, eatwj dh xbZ 'krks± dk vfrØe.k fd;k gS rc og vfHkfgr

vfèkdkjh dks fofu£n"V vkèkkj nsrs gq, fdlh [kk| dkjckj dÙkkZ dks tkjh dh xbZ vuqKfIr;ksa dh ckcr leqfpr dkjZokbZ djus dh fliQkfj'k djsxk_

(B) [kk| lqj{kk fuxjkuh djsxk vkSj bl ckr dk irk yxk,xk fd lqj{kk ifjladVksa dk ikyu fd;k x;k gS ;k ugha_

(M) vius {ks=k esa fo"kkDr [kk| dh ?kVukvksa ds lacaèk esa dk;Zokgh djsxk vkSj lqèkkjkRed dkjZokbZ vkjaHk djus ds fy, vfHkfgr vfèkdkjh dks fjiksVZ Hkstsxk vkSj mldh lgk;rk djsxk_

(<) fofu;eksa ds **vè;k; 3 dh vuqlwph 4** esa fn, x, ffl¼karksa vkSj fn'kkfunsZ'kksa ds vuqlkj iapk;r vkSj uxjikfydkvksa ds fy, [kk| lqj{kk ;kstuk dks rS;kj djus dks lqdj cuk,xk_

(.k) ,sls vk;kfrr iSdstksa]ftlesa [kk| dh oLrqvksa ds fo"k; esa lansg gS fd muds vk;kr ;k foØ; dks izfrf"k) fd;k x;k gks_

(r) vius dk;Z {ks=k ds Hkhrj [kk| dkjckj dÙkkZ ds lkFk leUo; djsxk vkSj [kk| dkjckj dÙkkZ }kjk [kk| lqj{kk i¼fr dks iqj%LFkkfir fd, tkus dks lqdj cuk,xk_

(Fk) lacafèkr LFkkuh; {ks=k esa vfèkdkfjrk j[kus okys vfHkfgr vfèkdkjh ;k [kk| lqj{kk vk;qDr }kjk mls lkSais x, ,sls vU; drZO;ksa dk ikyu djsxkA

2&1&4 % [kk| fo'ys"kd

1- vgZrk % bl vfèkfu;e ds vèkhu [kk| fo'ys"kd ds :i esa fu;qfDr ds fy, dksbZ O;fDr rc rd v£gr ugha gksxk tc rd fd mlds ikl fuEufyf[kr vgZrk u gks %&

(*i*) fofèk }kjk Hkkjr esa LFkkfir fdlh fo'ofo|ky; ls jlk;u foKku ;k tSo jlk;u foKku ;k lw{e tho foKku ;k Ms;jh jlk;u foKku ;k [kk| izkS|ksfxdh] [kk| vkSj iks"k.k esa ekLVj dh fMxzh ;k Ms;jh@rsy esa izkS|ksfxdh dh Lukrd fMxzh vFkok fofèk }kjk Hkkjr esa LFkkfir fdlh fo'ofo|ky; ls i'kq foKku esa fMxzh j[krk gks ;k jlk;uK laLFkk (Hkkjr) }kjk [kk| fo'ys"kd ds oxZ dh ijh{kk mÙkh.kZ djds jlk;uK laLFkk (Hkkjr) dk dksbZ lg;qDr gks] ;k ,sls iz;kstuksa ds fy, dsUæh; ljdkj }kjk ekU;rkizkIr vkSj vfèklwfpr fdlh vU; lerqY; vgZrk j[krk gks vkSj [kk| fo'ys"k.k esa de ls de rhu o"kZ dk vuqHko gks_ vkSj

(*ii*) izkfèkdj.k }kjk fu;qDr vkSj vfèklwfpr fdlh cksMZ }kjk [kk| fo'ys"kd ds :i esa fu;qDr fd, tkus ds fy, v£gr ?kksf"kr fd;k x;k gksA

Åij var£o"V fdlh ckr ds gksrs gq, Hkh]

(d) fdlh O;fDr dks [kk| vifeJ.k fuokj.k vfèkfu;e] 1954 ds vèkhu xfBr cksMZ }kjk yksd fo'ys"kd ds :i esa fu;qfDr ds fy, v£gr ?kksf"kr fd;k x;k gS rc og O;fDr [kk| fo'ys"kd ds :i esa in dks èkkfjr djus dk ik=k gksxk %

([k) dksbZ O;fDr bu fu;eksa ds izkjaHk gksus dh rkjh[k dks [kk| vifeJ.k fuokj.k vfèkfu;e] 1954 ds micaèkksa ds vèkhu yksd fo'ys"kd gS rc ,slk O;fDr mls ykxw gksus okyh lsok ds fucaèkuksa vkSj 'krks± ds vèkhu jgrs gq, [kk| fo'ys"kd ds in dks èkkfjr dj ldsxkA

(*ii*)[kk| fo'ys"kd }kjk fu;qDr fd;k x;k dksbZ O;fDr le;≤ ij [kk| izkfèkdj.k }kjk fofu£n"V fo'ks"kKrk okys lHkh vkofèkd izf'k{k.k dk;ZØeksa esa Hkkx ysxkA

2- drZO;

(*i*) [kk| fo'ys"kd [kk| dh mu oLrqvksa dk] ftUgsa muds ikl fo'ys"k.k ds fy, Hkstk x;k gS] fo'ys"k.k djsxk ;k djok,xkA [kk| oLrqvksa dk fo'ys"k.k djus esa [kk| fo'ys"kd ,sls vuqns'kksa dk ikyu djsxk vkSj le;≤ ij [kk| izkfèkdj.k }kjk vaxhÑr ,slh izfØ;kvksa dk Hkh ikyu djsxkA fo'ys"k.k fjiksVZ ij [kk| fo'ys"kd }kjk gLrk{kj fd, tk,axsA

(*ii*) [kk| oLrqvksa dk fo'ys"k.k iwjk gks tkus ds i'Pkkr~ [kk| fo'ys"kd **iz:i 7&d** esa] ;FkkfLFkfr] vfHkfgr vfèkdkjh vkSj [kk| oLrqvksa ds Øsrk dks viuh fjiksVZ HkstsxkA

2-2 && nLrkostksa vkSj mlls lacafèkr fo"k;ksa dk m¼j.k ysus dh izfØ;k &&

2-2-1 % m¼j.k ysus dh jhfr

1- tgka [kk| lqj{kk vfèkdkjh us vfèkfu;e dh èkkjk 38 dh mièkkjk (6) ds vèkhu iznÙk dh xbZ 'kfDr;ksa dk iz;ksx djrs gq, dksbZ ys[kk iqLrd ;k vU; nLrkost vfHkxzfgr fd;k x;k gS ogka og ,sls vfHkxzg.k fd, tkus dh rkjh[k ls vU;wu rhl fnu dh vofèk ds Hkhrj vfHkxzghr nLrkostksa dks ml O;fDr dks okil dj nsxk ftl O;fDr ls mls vfHkxzghr fd;k x;k Fkk :

ijarq ys[kk iqLrd vkSj vU; nLrkostksa dks okil djus ls igys [kk| lqj{kk vfèkdkjh] ;FkkfLFkfr] mldh izfr;ksa ;k m¼j.k ysus dk gdnkj gksxkA

2- [kk| lqj{kk vfèkdkjh ls ,slh lalwpuk izkIr gksus ds i'Pkkr~ ftl O;fDr dh ys[kk iqLrdsa vkSj nLrkost vfHkxzghr fd, x, gSa mls] ;FkkfLFkfr] mudh izfr;ka ;k m¼j.k fn, tk,axs vkSj [kk| dkjckj dÙkkZ }kjk lE;d~ :i ls mUgsa vfèkizekf.kr fd;k tk,xkA

3- [kk| lqj{kk vfèkdkjh ;k mlds }kjk izkfèkÑr fdlh O;fDr }kjk m¼j.k fy, tk,axsA

4- tks O;fDr m¼j.k ys jgk gS og fdlh Hkh jhfr esa m¼j.k ysus ds nkSjku vfHkys[kksa esa dksbZ vLr O;Lr] foÑr] fcxkM+uk ;k uqdlku ugha djsxkA

5- m¼j.k ysus okyk O;fDr vfHkys[k ;k dkxt i=k ij dksbZ fpUgkadu ugha djsxkA

2-2-2 'kiFki=k

1- Åij **fu;e 2&2&1** esa fu£n"V m¼j.k ;k izfr;ksa ds izR;sd i`"B ij ,sls O;fDr }kjk gLrk{kj fd, tk,axs ftlls ys[kk iqLrd ;k vU; nLrkost vfHkxzghr fd, x, Fks vkSj ,sls m¼j.k vkSj izfr;ksa dks bl izdkj vfèkizekf.kr fd;k tk,xk tSlk fd [kk| lqj{kk vfèkdkjh }kjk micafèkr fd;k x;k gS vkSj buds lkFk ml O;fDr dk ml O;fDr dk ftlls ys[kk iqLrdsa vkSj vU; nLrkost vfHkxzghr fd, x, Fks **iz:i 1** esa ,d 'kiFki=k gksxk ftlesa ,sls m¼j.k ;k izfr;ksa dh vfèkizekf.krk dks izekf.kr fd;k tk,xkA

2-3 & [kk| lqj{kk vfèkdkjh }kjk [kk| oLrqvksa vkSj mlls lacafèkr lkexzh dk vfHkxzg.k

2-3-1 && fdlh [kk| lqj{kk vfèkdkjh }kjk vfHkx‘ghr [kk| oLrq dh jlhn dk iz:i & vfèkfu;e dh èkkjk 38 dh mièkkjk (1) ds [kaM [k ds vèkhu vfHkx‘ghr izR;sd [kk| oLrq ds fy, [kk| lqj{kk vfèkdkjh **iz:i 2** esa ,d jlhn ml O;fDr dks nsxk ftlls [kk| oLrq vfHkxzghr dh xbZ FkhA

2-3-2 && LVkd dk fuiVku djus ds fy, vkns'k@caèki=k dk iz:i && tgka [kk| lqj{kk vfèkdkjh us vfèkfu;e dhèkkjk 38 dh mièkkjk (1) ds [kaM (x) ds vèkhu [kk| dkjckj dÙkkZ dh lqjf{kr vfHkj{kk esa [kk| oLrq dks j[kk gS ogka %&&

1- og [kk| oLrq ij eqæk yxkus ds i'Pkkr~ **iz:i 3** esa [kk| dkjckj dÙkkZ dks ,d vkns'k djsxk vkSj [kk| dkjckj dÙkkZ ,sls vkns'k dk ikyu djsxk] vkSj

2- og **iz:i 4** esa [kk| dkjckj dÙkkZ ls ,d caèki=k fu"ikfnr djus dh vis{kk dj ldsxkA

2-4 uewuk vkSj fo'ys"k.k &&

2-4-1 % uewuk ysus dh izfØ;k vkSj fo'ys"k.k ds fy, mls Hkstus dh jhfr &&

[kk| lqj{kk vfèkdkjh vfèkfu;e dh èkkjk 38 dh mièkkjk (1) ds [kaM (d) vkSj èkkjk 47 (èkkjk 47 (5) ds flok;) ds vèkhu fo'ys"k.k ds fy, [kk| dk uewuk ysrs le; blds vèkhu fofu£n"V izfØ;k dk ikyu djsxk] vFkkZr~ %&

1- uewuksa dks ysrs le; de ls de nks lkf{k;ksa dks cqyk,xkA

2- rS;kj fd, x, lHkh iz:iksa vkSj nLrkostksa ij bu lkf{k;ksa ls gLrk{kj vfHkizkIr djsxkA

3- dkjckj dÙkkZ dks **iz:i 5 d** esa mlh le; lwpuk rkehy djsxkA

4- ;fn [kk| dkjckj dÙkkZ ;g izdV djrk gS fd bu mRiknksa dks mlus fofuekZrk]forjd ;k iznk;drkZ ls vfHkizkIr fd;k gS rc ,sls fofuekZrk] forjd vkSj iznk;drkZ dks Hkh ,d lwpuk nh tk,xhA

5- ;fn tgka dksbZ uewuk fdlh [kqys gq, vkèkku ls fy;k tkrk gS ogka uewuk ysus okyk O;fDr mlh oLrq dh ewy n'kk ds ,d vkèkku ls] ;fn ,slk vkèkku miyCèk gS vkSj ftlesa mlh izdkj dh ?kks"k.kk dh xbZ gS] uewuk ysxk rFkk [kk| fo'ys"kd dks bl ckjs esa lwpuk nsxkA

6- tgka dksbZ [kk| lqj{kk vfèkdkjh ;k Øsrk fo'ys"k.k ds fy, fdlh [kk| oLrq dk uewuk ysrk gS ogka og ,sls uewus dh ykxr dk lank; ml O;fDr dks djsxk ftlls uewuk fy;k x;k gS vkSj ykxr dh lax.kuk turk dks ftl nj ij oLrq csph tkrh gS mlh nj ij dh tk,xhA

7- fo'ys"k.k ds iz;kstu ds fy, [kk| oLrq dk uewuk 'kq"d cksry ;k erZcku ;k vU; mi;qDr vkèkkuksa esa fy;k tk,xk ftUgsa bl izdkj can fd;k tk,xk ftlls fd muesa fjlko] okf"ir ;k lw[kh oLrq dh n'kk esa ueh ds izos'k dks fuokfjr fd;k tk lds vkSj lkoèkkuhiwoZd mls lhycan fd;k tk,xk %

ijarq ;fn fdlh lhycan iSdst dks fofuekZrk@ [kk| dkjckj dÙkkZ }kjk cspk x;k gS vkSj mls ;fn fdlh lhycan iSdst dks fofuekZrk@ [kk| dkjckj dÙkkZ }kjk cspk x;k gS vkSj mls uewus ds :i esa lhycan fd;k x;k gS rc vyx ls vkèkkuksa esa lhycan djuk visf{kr ugha gksxkA

8- lHkh cksryksa ;k erZckuksa ;k vU; vkèkkuksa esa ftuesa fo'ys"k.k ds fy, uewus gS mu ij mfpr :i ls yscy yxk;k tk,xk vkSj mfpr :i ls iklZy ij mfpr :i ls irk fy[kk tk,xkA fo'ys"k.k ds fy, Hksts x, [kk| ds fdlh uewus ds yscy ij fuEufyf[kr mYys[k fd;k tk,xk&

I. uewus dh dksM la[;kad

II. 'kkldh; inuke ds lkFk Hkstus okys dk uke

III. uewuk laxzg.k djus dh rkjh[k vkSj LFkku

IV. fo'ys"k.k ds fy, Hksth tkuh okyh oLrqvksa dh izÑfr

V. uewus esa Mkyk x;k ifjj{kh ;fn dksbZ gks] dh izÑfr vkSj ek=kk

9- uewuksa dks blds vèkhu fofgr dh xbZ jhfr esa iSd fd;k tk,xk vkSj lhycan fd;k tk,xk&

(*i*) uewus dks pkj Hkkxksa esa foHkkftr fd;k tk,xk ;k igys ls gh lhycan pkj iSdstksa esa fy;k tk,xk rFkk izR;sd Hkkx ij ,slh jhfr esa fpUgkadu vkSj eqæk yxkbZ tk,xh ;k 2&4&1&8 esa mfYyf[kr uewus dh izÑfr vuqKkr djs vkSj ftl O;fDr ls uewuk fy;k x;k gS ml O;fDr ds gLrk{kj ;k vaxwBs dh Nki yh tk,xhA

(*ii*) igys MkV@<Ddu dks etcwrh ls can fd;k tk,xk ftlls fd vfHkogu esa uewus dh varZoLrq dk fjlko u gks ldsA

(*iii*) blds i'Pkkr~ cksry] erZcku ;k vU; vkèkku dks iw.kZ :i ls eksVs dkxt esa mfpr :i ls yisVk tk,xkA liQkbZ ls dkxt ds fdukjksa dks eksM+k tk,xk vkSj mudks xksan ;k vU; vklatd ls fpidk;k tk,xkA

(*iv*) vkèkku ds Åij ls uhps rd iw.kZ :i ls ,d dkxt dh iphZ dks pkjksa rjiQ yxk;k tk,xk ftl ij vfHkfgr vfèkdkjh ;k [kk| lqj{kk vk;qDr }kjk izkfèkÑr fdlh vfèkdkjh ds gLrk{kj gksaxs vkSj uewus dh dksM la[;k Hkh iphZ ij fpidkbZ tk,xhA ftl O;fDr ls uewuk fy;k x;k gS ml O;fDr ds gLrk{kj ;k vaxwBs dh Nki dks ,slh jhfr esa yxk;k tk,xk ftlls fd dkxt dh iphZ vkSj jSij nksuksa ij gLrk{kj ;k vaxwBs dh Nki vk tk, :

iajrq ;fn ftl O;fDr ls uewuk fy;k x;k gS og gLrk{kj ;k vaxwBs dh Nki yxkus ls badkj djrk gS rc blh jhfr esa ,d ;k ,d ls vfèkd lkf{k;ksa ds gLrk{kj ;k vaxwBs dh Nki yh tk,xh :

ijarq ;g vkSj fd ;fn ftl dkxt dh iphZ ij vfHkfgr vfèkdkjh ds gLrk{kj gS mldk vkdkj bl izdkj dk gS fd og vkèkku dks Åij ls ysdj uhps rd iw.kZ :i ls <drh ugha gS rc [kk| lqj{kk vfèkdkjh dkxt dh vfrfjDr 'khV@'khVksa dks yxk,xk vkSj ml 'khV ij vfHkfgr vfèkdkjh ds gLrk{kj bl izdkj gksaxs ftlls fd og iw.kZ :i ls vkèkku dks <d lds rFkk [kk| lqj{kk vfèkdkjh igpku ds iz;kstu ds fy, ,slh 'khVksa ds izR;sd tksM+ ij vius gLrk{kj djsxkA

ijarq ;g Hkh fd tgka [kjhnkj ;k dksbZ izkfèkÑr vfèkdkjh uewuk ysrk gS rks isij dh ,slh fdlh iphZ dk fpidk;k tkuk visf{kr ugha gksxkA

(*v*) cksry] erZcku ;k vU; vkèkku ds Åij <ds x, dkxt dks etcwr lwryh ;k èkkxs }kjk Åij ls uhps rd vkSj vkjikj ckaèkk tk,xk blds i'Pkkr~ lwryh ;k èkkxs dks dkxt dh iphZ ij lhy djus dh oSDl }kjk tdM+k tk,xk vkSj ml ij izs"kd dh eqæk dh lqfHkUUk vkSj Li"V Nki gksxhA ,d Nki iSdsV ds Åij gksxh vkSj nwljh Nki iSdsV ds uhps gksxh rFkk vU; nks Nki iSdsV ds eq[; Hkkx ij gksxhA lwryh ;k èkkxs dh xkaBksa dks lhy djus dh oSDl ls <dk tk,xk ftl ij izs"kd dh eqæk dh Nki gksxhA

10- uewuksa ds vkèkkuksa dks rqjar fuEufyf[kr jhfr ls Hkstk tk,xk :&

(*i*)**iz:i 6** esa Kkiu ds lkFk&lkFk fo'ys"k.k ds fy, uewus ds ,d Hkkx dks lhycan vkèkku esa uewus dh v[kaMrk dks cuk, j[kus dh leqfpr n'kk esa [kk| fo'ys"kd dks lhycan iSdsV esa Hkstk tk,xkA

(*ii*) uewus ds nwljs vkSj rhljs Hkkx dks lhycan vkèkku esa **iz:i 6** esa Kkiu dh nks izfr;ksa ds lkFk rqjar fdlh mi;qDr lkèku }kjk vfHkfgr vfèkdkjh dks Hkstk tk,xk ; vkSj

(*iii*) uewus ds 'ks"k pkSFks Hkkx dks lhy can vkèkku dks vkSj **iz:i 6** Kkiu dh ,d izfr dks izkfèkdj.k }kjk fofgr dh xbZ iQhl ds lkFk] ;fn [kk| dkjckj dÙkkZ }kjk ,slk vuqjksèk fd;k x;k gS] vfHkfgr vfèkdkjh dks lwpuk nsrs gq,] izR;kf;r iz;ksx'kkyk dks Hkstk tk,xk :

ijarq ;g fd ;fn [kk| dkjckj dÙkkZ fdlh izR;kf;r iz;ksx'kkyk dks uewus dks Hkstus dk vuqjksèk ugha djrk gS rc uewus ds pkSFks Hkkx dks vfHkfgr vfèkdkjh ds ikl tek fd;k tk,xkA

(*iv*) lw{etho foKku fl¼karksa ds vuqlkj ijh{k.k djus ds fy, uewus dks ysus ds fy,] uewuk ysus dh jhfr] vkèkku dk izdkj] rkieku dks cuk, j[kuk] ifjogu dh jhfr vkSj uewus dh v[kaMrk dks cuk, j[kus dh dksbZ vU; 'krZ dks le; le; ij [kk| izkfèkdkjh }kjk vfèklwfpr fd;k tk,xkA

11- [kk| lqj{kk vfèkdkjh ftl [kk| fo'ys"kd dks uewus ds igys Hkkx dk lhycan vkèkku Hkstk x;k gS mls Kkiu dh ,d izfr vkSj iSdsV dks lhy djus ds fy, ftl eqæk dk mi;ksx fd;k x;k gS mldh Nki dk uewuk rqjar HkkstsxkA

12- [kk| lqj{kk vfèkdkjh ;k izkfèkÑr vfèkdkjh vfèkfu;e ds micaèkksa ds vèkhu fo'ys"k.k ds iz;kstu ds fy, uewuk ysrs le; lw{etho foKku] ijh{k.k@fo'ys"k.k ds fy, uewus ds flok;] fo'ys"k.k ds fy, uewus dks mi;qDr voLFkk esa cuk, j[kus ds iz;kstu ds fy, fofu;eksa esa le;≤ ij fofgr fd, x, ifjj{kh MkysxkA

13- tc Hkh dksbZ ifjj{kh fdlh uewus esa Mkyk tkrk gS rc Mkys x, ifjj{kh dh ek=kk dk mYys[k vkèkku ij fpids gq, yscy ij fd;k tk,xkA

14- [kk| fo'ys"kd@fu£n"V iz;ksx'kkyk dks fo'ys"k.k ds fy, Hksts x, [kk| ds uewus dh ek=kk og gksxh ftls [kk| izkfèkdkjh }kjk fofu;eksa esa fofu£n"V fd;k tk,xkA

[1]Hkkx II—[k.M 3(i)[o] Hkkjr dk jkti=k % vlk/kj.k 9

Li"Vhdj.k % iSdst fLFkfr esa cspk x;k [kk| (lhycan vkèkku ;k iSdst) dks] tgka rd lkè; gks] iSdst dks [kksys fcuk ewy yscy ds lkFk yxHkx ek=kk dk vuqeku yxkus ds fy, Hkstk tk,xkA ;fn vfèkd iSdstksa] tgka bu fu;eksa ds vèkhu vis{kkuqlkj ifjj{kh Mkyk x;k gS rc lhycan vkèkku ;k iSdst dks [kksyus ds i'Pkkr~ uewus dks [kk| dkjckj dÙkkZ dh mifLFkfr esa fy;k tk,xk ;k mlds badkj djus dh n'kk esa ,sls uewus dks ,d ;k ,d ls vfèkd lkf{k;ksa dh mifLFkfr esa fy;k tk,xk rFkk ewy ysoy dh varZoLrqvksa dks uewus ds lkFk fo'ys"k.k ds fy, Hkstk tk,xk rFkkfi ,sls uewuksa dk iz;ksx lw{etho foKku fo'ys"k.k ds fy, ugha fd;k tk,xkA

15- tgka [kk| dks cspk tkrk gS ;k cspus ds fy, LVkd fd;k tkrk gS lhycan vkèkkuksa esa forj.k fd;k tkrk gS vkSj muds ysoyksa esa ,d gh izdkj dh ?kks"k.kk gks rc ,d ;k ,d ls vfèkd ,sls vkèkkuksa dh varZoLrq dh ckcr fofgr ek=kk dk lekèkku djuk visf{kr gksxk vkSj ml ek=kk dks uewus dk ,d Hkkx ekuk tk,xkA

16- iSdst lkexzh [kk| ds uewus dh ek=kk dks fo'ys"k.k ds fy, [kk| fo'ys"kd@fu£n"V iz;ksx'kkyk dks uhps fofu£n"V :i ls Hkstk tk,xk

iSdst [kk| lkexzh dk uke

yxHkx ek=kk@lrgh {ks=k ftlesa iznk; fd;k tk,xk

1- iSdst lkexzh [kk| tc fofuekZrk ls uewuk fy;k x;k gSA 2- tc NksVs miHkksDrk ls iSdst dk uewuk fy;k x;k gSA

8×1000 ×9 oxZ lsaVhehVj lrgh {ks=k**
,d vkèkku ds fy, iz;qDr iwjh iSdst lkexzh

17**- fu;e 2-4-1 (15)** esa var£o"V fdlh ckr ds gksrs gq, Hkh fo'ys"k.k ds fy, Hksts x, uewus dh ek=kk dks rc rd i;kZIr ekuk tk,xk tc rd fd og [kk| fo'ys"kd dh fjiksVks± ds izfrdwy u gksA

fu;e 2-4-1 ds iz;kstu ds fy,] ;fn fuxjkuh iz;kstuksa ds fy, uewuk fy;k x;k gS rc mlds vèkhu mfYyf[kr izfØ;k dk ikyu ugha fd;k tk,xkA

2-4-2 [kk| fo'ys"kd }kjk [kk| uewuksa dk fo'ys"k.k

1- fo'ys"k.k ds fy, [kk| uewus ds iSdst ds izkIr gksus ij [kk| fo'ys"kd ;k mlds }kjk izkfèkÑr dksbZ vfèkdkjh vyx ls izkIr gqbZ eqæk dh Nki ds uewus dh rqyuk vkèkku ij yxh gqbZ eqæk vkSj mlds ckgjh vkoj.k ij yxh gqbZ eqæk ls djsxk vkSj ml ij dh eqæk dh voLFkk dks uksV djsxkA

2- [kk| iz;ksx'kkyk,a] ftuds varxZr py [kk| iz;ksx'kkyk,a Hkh gSa] tgka dgha vko';d gksa] mUgsa [kk| lqj{kk vfèkdkjh@Øsrk ls izkIr [kk| uewuksa dk ijh{k.k ds iz;kstu ds fy, dsUæh; ljdkj@jkT; ljdkj }kjk LFkkfir ;k vfèklwfpr fd;k tk ldsxkA

3- ;fn [kk| fo'ys"kd }kjk izkIr uewus vkèkku dks VwVh gqbZ voLFkk esa ;k fo'ys"k.k ds fy, mi;qDr ugha ik;k tkrk gS rc og ,sls uewus ds izkIr gksus dh rkjh[k ls lkr fnu dh vofèk ds Hkhrj bl ckjs esa vfHkfgr vfèkdkjh dks lwfpr djsxk vkSj mlls ;g vuqjksèk djsxk fd fo'ys"k.k ds fy, uewus ds nwljs Hkkx dks Hkstk tk,A

4- **fu;e 2-4-2 (3)** ds vuqlj.k esa [kk| fo'ys"kd ls vè;is{kk izkIr gksus ds i'Pkkr~ vfHkfgr vfèkdkjh vxys dk;Z fnol dks [kk| lqj{kk vfèkdkjh }kjk Hksts x, uewus ds ,d Hkkx dk fo'ys"k.k djus ds fy, [kk| fo'ys"kd dks HkstsxkA

5- uewus ds izkIr gksus ds i'Pkkr [kk| fo'ys"kd uewus dk fo'ys"k.k djsxk ;k djok,xk vkSj fo'ys"k.k dh fjiksVZ] ftlesa fo'ys"k.k dh i¼fr dk mYys[k gksxk] HkstsxkA fo'ys"k.k **fjiksVZ iz#i 7d** ds vuqlkj gksxh vkSj bldh pkj izfr;ka ml vfHkfgr vfèkdkjh dks Hksth tk,xh ftlds vfèkdkfjrk ds vèkhu [kk| lqj{kk vfèkdkjh ÑR; djrk gS ;k [kk| oLrq dk Øsrk gSA fo'ys"k.k fjiksVZ ij [kk| fo'ys"kd }kjk gLrk{kj fd, tk,axs vkSj bl fjiksVZ dks [kk| fo'ys"kd }kjk uewuk izkIr gksus ds 14 fnu ds Hkhrj Hkstk tk,xkA

6- fo'ys"k.k fjiksVZ dh nks izfr;ka vfHkfgr vfèkdkjh dks vkSj vkxs dkjZokbZ ds fy, j[ksxk vkSj ,d izfr [kk| lqj{kk vfèkdkjh dks vfHkys[k ds fy, Hksth tk,xh rFkk ,d izfr [kk| dkjckj dÙkkZ] ftlls uewuk fy;k x;k Fkk] dks Hksth tk,xhA

ijarq ;fn uewuk izkIr gksus ds 14 fnu ds Hkhrj mldk fo'ys"k.k ugha fd;k tk ldrk gS rc [kk| fo'ys"kd vfHkfgr vfèkdkjh vkSj [kk| lqj{kk vk;qDr dks ,slk u djus dk dkj.k nsrs gq, lwfpr djsxk vkSj fo'ys"k.k esa yxus okys le; dks fofu£n"V djsxk %

7- izkfèkdj.k }kjk le;≤ ij ;Fkkla'kksfèkr@vaxhdkj dh xbZ fo'ys"k.k dh i¼fr ftlds varxZr ,vks,lh@vkbZ,lvks@ih;lZlu@tSdc@vkbZ ;w ih , lh@[kk| jlk;u@ dksMsDl@ohvkbZ,l@ oqMeSu@¯oVu&¯oVu@tkslykbu Hkh gSa mudk mi;ksx [kk| oLrqvksa dk uewuksa dk fo'ys"k.k djus ds fy, fd;k tk,xkA rFkkfi] ;fn fo'ys"k.k dh jhfr ds fy, bu funsZf'kdkvksa esa dksbZ fl¼kar miyCèk ugha gS rc varjjk"Vªh; :i ls ekU;rkizkIr@fo'ys"k.k@fofu;ked vfHkdj.kksa }kjk fo'ys"k.k ds fy, fofgr dh xbZ fofèkekU; i¼fr dks vaxhÑr fd;k tk,xkA

2-4-3 % [kk| fo'ys"kd dh fjiksVZ ij vfHkfgr vfèkdkjh }kjk dkjZokbZ

;fn fjiksVZ ij fopkj djus ds i'Pkkr~ vfHkfgr vfèkdkjh dks fyf[kr esa vfHkfyf[kr fd, x, dkj.k (dkj.kksa) ds vkèkkj ij ;g jk; gS fd **fu;e 2-4-2 (5)** ds vèkhu [kk| fo'ys"kd }kjk nh xbZ fjiksVZ =kqfViw.kZ gS rc og vius ikl j[ks x, uewus ds Hkkxksa esa ls ,d Hkkx dks fo'ys"k.k ds fy, fu£n"V iz;ksx'kkyk dks izsf"kr djsxk vkSj ;fn ,sls fu£n"V iz;ksx'kkyk dh fo'ys"k.k fjiksVZ bl izHkko dh gS fd [kk| oLrq vlqjf{kr] vo&ekud@feF;k Nki okyh ;k blesa cká inkFkZ var£o"V gSa rc ;Fkk'kD; **fu;e 3-1** ds micaèkksa dks ykxw gksaxsA

2-4-4 % Øsrk [kk| fo'ys"k.k djk ldrk gS

1- [kk| oLrq dk dksbZ Øsrk ;fn og ,slh okaNk djrk gS rc og [kk| izkfèkdj.k }kjk vfèklwfpr izfØ;k ds vuqlkj [kk| fo'ys"kd }kjk ,slh oLrq dk fo'ys"k.k djk ldrk gSA

2- ;fn Øsrk mlds }kjk [kjhnh xbZ [kk| oLrq dk fo'ys"k.k [kk| fo'ys"kd }kjk djkuk pkgrk gS rc og ogha ij **iz:i 5[k** esa vius vk'k; dks O;Dr~ djrs gq, fyf[kr esa ml [kk| oLrq dk fo'ys"k.k djkus ds fy,] ftlls mlus ml O;fDr ls [kjhnk gS] fo'ys"k.k djk ldsxkA

3- **fu;e 2-4-1** ds micaèk vko';d ifjorZuksa ds lkFk ykxw gksaxsA 2-4-1 (9) (r~] Rèk~)] 10 (Ùk~] RÙk~)] 11 vkSj 16 ds flok; vkSj bl mikarj.k ds lkFk fd uewus nks Hkkxksa esa foHkkftr fd, tk,axs ;k igys ls gh lhy fd, x, nks iSdst fy, tk,axs ftuesa ls izR;sd ij fu'kku yxk;k tk,xk vkSj mUgsa ,sls rjhds ls lhy fd;k tk,xk ;k ckaèkk tk,xk fd tSlk mudh izÑfr ds vuqdwy gks vkSj ml O;fDr ds gLrk{kj ;k vaxwBs ds fu'kku fy, tk,axs ftlls uewuk fy;k x;k gS ;k 2-4-1 (8) esa o£.kr yscy ij lk{; fpidk;k tk,xkA [kjhnnkj uewus dk ,d Hkkx [kk| fo'ys"kd dks vkSj nwljk Hkkx vfHkfgr vfèkdkjh dks Hkstsxk ftldk iz;ksx [kk| fo'ys"kd dh fjiksVZ ds fu"d"kZ ds fo:¼ [kk| dkjckj dÙkkZ }kjk dh tkus okyh vihy dh fLFkfr esa fd;k tk ldrk gSA

4- Øsrk fo'ys"k.k djus ds fy, [kk| fo'ys"kd dks fofgr iQhl dk lank; djsxkA

5- [kk| fo'ys"kd [kk| oLrq dk fo'ys"k.k djus ds i'Pkkr~ viuh fjiksVZ Øsrk dks Hkstsxk vkSj ;fn fjiksVZ esa ;g ik;k tkrk gS fd [kk| oLrq vifefJr@feF;k Nki okyh@lanwf"kr ;k vfèkfu;e ;k fofu;eksa ds vèkhu fofgr ekudksa ds vuq:i ugha gS rc [kk| fo'ys"kd viuh fjiksVZ dks rhu izfr;ka esa ml {ks=k ds vfHkfgr vfèkdkjh dks Hkstsxk ftl {ks=k ls [kk| oLrq [kjhnh xbZ Fkh vkSj blds vykok Øsrk dks fjiksVZ dh ,d izfr HkkstsxkA

6- fo'ys"k.k ds fy, [kk| oLrq ds izkIr gksus ds 14 fnu ds Hkhrj [kk| fo'ys"kd dh fjiksVZ Hksth tk,xh vkSj ,slh **fjiksVZ 7d** esa gksxhA

2-4-5 % [kk| dkjckj dÙkkZ dk [kk| fo'ys"k.k dk vfèkdkj

1- ;fn ftl [kk| dkjckj dÙkkZ ls uewuk fy;k x;k gS ;k bu fu;eksa ds **fu;e 2-5** ds vèkhu ftl O;fDr dk uke vkSj irk vkSj vU; fof'kf"V;ka izdV dh xbZ gSa ;fn og uewus ds pkSFks Hkkx dk fo'ys"k.k djkus dk bPNqd gS rc og fyf[kr esa [kk| lqj{kk vfèkdkjh ls bl uewus dks fdlh ,u,ch,y izR;kf;r fo'ys"k.k ds fy, ,iQ,l,vkbZ vfèklwfpr iz;ksx'kkyk esa Hkstus ds fy, fyf[kr esa vuqjksèk djsxk vkSj vfHkfgr vfèkdkjh dks bl ckcr lwfpr djsxkA

2- [kk| lqj{kk vfèkdkjh ,u,ch,y izR;kf;r@,iQ ,l ,l , vkbZ vfèklwfpr iz;ksx'kkyk dks uewuk Hkstsxk vkSj **fu;e 2-4-1** ds vèkhu fofgr dh xbZ jhfr esa vfHkfgr vfèkdkjh dks rqjar lwfpr djsxk %

ijarq ;g fd izR;kf;r iz;ksx'kkyk ijh{k.k dh ykxr dk ogu [kk| dkjckj dÙkkZ ;k **fu;e 2-5** ds vèkhu igpku fd, x, O;fDr }kjk fd;k tk,xkA [kk| dkjckj dÙkkZ }kjk lank; cSad MªkÝV ;k vkWuykbu] varj.k] [ktkuk pkyku ;k vfHkfgr vfèkdkjh }kjk ;Fkkfofu£n"V fdlh vU; mfpr lkèku }kjk fd;k tk,xkA

[1]Hkkx II—[k.M 3(i)º Hkkjr dk jkti=k % vlk/kj.k 11

ijarq ;g vkSj fd ,slh izR;kf;r iz;ksx'kkyk tgka [kk| lqj{kk vfèkdkjh uewus dks Hkstsxk og jkT; ;k vklikl ds jkT; ds Hkhrj] tgka dgha miyCèk gks] gksxhA

3- uewus ds izkIr gksus dh rkjh[k ls pkSng fnu ds Hkhrj [kk| fo'ys"kd@izR;kf;r iz;ksx'kkyk dk Hkkjlkèkd uewus dk fo'ys"k.k djsxk %

ijarq ;g fd ;fn uewus dk fo'ys"k.k mlds izkIr gksus dh rkjh[k ls pkSng fnu ds Hkhrj ugha fd;k tk ldrk gS rc [kk| fo'ys"kd@izR;kf;r iz;ksx'kkyk dk Hkkjlkèkd vfHkfgr vfèkdkjh dks vkSj [kk| lqj{kk vk;qDr dks dkj.k nsrs gq, lwfpr djsxk vkSj fo'ys"k.k esa yxus okys le; dks fofu£n"V djsxkA

4- [kk| fo'ys"kd **iz:i 7d** esa fn, x, iz:i esa vfHkfgr vfèkdkjh dks fo'ys"k.k dh pkj izfr;ka Hkkstsxk vkSj fo'ys"k.k dh jhfr min£'kr djsxkA

2-4-6 % vfHkfgr vfèkdkjh dks vihy

1- tc [kk| fo'ys"kd dh fjiksVZ ds fo#¼ [kk| dkjckj dÙkkZ }kjk vfHkfgr vfèkdkjh dks èkkjk 46 dh mièkkjk (4) ds vèkhu fd, x, micaèk ds vuqlkj vihy dh tkrh gS rc vfHkfgr vfèkdkjh mlds le{k j[kh xbZ lkexzh ij fopkj djus ds i'Pkkr~ vkSj [kk| dkjckj vkijsVj dks lquokbZ dk volj nsus ds i'Pkkr~ ,slh vihy ds izkIr gksus ds rhl fnu ds Hkhrj] ;fn og ,slk fu.kZ; ysrk gS] lkexzh fu£n"V [kk| iz;ksx'kkyk dks Hkstsxk rFkk fu£n"V iz;ksx'kkyk dks uewus ds ,d Hkkx dks rc izsf"kr djsxkA ,slh vihy **iz:i 8** esa dh tk,xh vkSj bl vihy dks vfHkfgr vfèkdkjh ls fo'ys"k.k dh fjiksVZ dh izfr izkIr gksus ds rhl fnu ds Hkhrj iQkby fd;k tk,xkA bl ckcr fu£n"V iz;ksx'kkyk dh fjiksVZ vafre gksxhA

2- mRikn ds fy, ;Fkkfofu£n"V leqfpr voLFkk esa] ftlds varxZr uewus dh v[kaMrk dks cuk, j[kus ds fy, ifjogu Hkh gS] ds vèkhu vfHkfgr vfèkdkjh uewus dk ,d Hkkx HkstsxkA uewus ds fo'ys"k.k dk O;; [kk| dkjckj dÙkkZ }kjk ogu fd;k tk,xkA 'ks"k uewuksa dks Hkh lqjf{kr :i ls mUgsa [kjkc gksus ls cpkus ds fy, leqfpr voLFkk esa j[kk tk,xkA

2-5 % fofgr izksiQkekZ esa daiuh }kjk ukefunsZ'ku

2-5-1 % ,slh daiuh ftlds fofHkUUk LFkkiu ;k 'kk[kk,a] bdkb;ka gSa og **iz:i 9** esa vuqKkiu izkfèkdkjh dks ,sls LFkkiu ;k 'kk[kk ;k bdkbZ ds lacafèkr izèkku ;k Hkkjlkèkd O;fDr ls lacafèkr fof'kf"V;ksa ds ckjs esa lwpuk nsxk vkSj lE;d :i ls ;g izek.ku djsxk fd lacafèkr O;fDr dks vfèkfu;e dh èkkjk 66 vkSj vfèkfu;e dh èkkjk 31 ds vèkhu cuk, x, fofu;eksa ds iz;kstuksa ds fy, ukefunsZf'kr fd;k x;k gSA

2-5-2 % daiuh] tc dHkh **fu;e 2-5-1** esa fd, x, ukefunsZ'ku esa dksbZ ifjorZu gksrk gS rc og rqjar **iz:i 9** esa vuqKkiu izkfèkdkjh dks Hkh lwfpr djsxhA

vè;k; 3

U;k;fu.kZ;u vkSj vfèkdj.k dks vihy

3-1- U;k;fu.kZ;u dk;Zokfg;ka

3-1-1 % tkap djuk

1- vfHkfgr vfèkdkjh ls **iz:i 7d** esa [kk| fo'ys"kd dh fjiksVZ dh izfr izkIr gksus ij og O;fDr ftlls uewuk fy;k x;k gS ;k os O;fDr ftuds uke vkSj irs vkSj vU; fof'kf"V;ka bu fu;eksa ds **fu;e 2-5** ds vèkhu izdV dh xbZ gSa ;k Fkksd foØsrk ;k fofuekZrk vfèkfu;e dh èkkjk 46 dh mièkkjk (4) ds fucaèkukuqlkj vfHkfgr vfèkdkjh ds le{k [kk| fo'ys"kd dh fjiksVZ ds fu"d"kks± ds fo#¼ dksbZ vihy iQkby dj ldrk gS vkSj tc ml vihy dks [kkfjt dj fn;k tkrk gS] ;k vfèkfu;e dh èkkjk 46 dh mièkkjk (4) ds fucaèkukuqlkj vfHkfgr vfèkdkjh }kjk fd, x, funsZ'k ds vuqlj.k esa fu£n"V iz;ksx'kkyk }kjk viuh fjiksVZ es [kk| fo'ys"kd ds fu"d"kks± dh iqf"V dh tkrh gS ;k dksbZ vihy ugha dh tkrh gS rc vfHkfgr vfèkdkjh ftu èkkjkvksa ds vèkhu fdlh O;fDr dks vkjksfir fd;k x;k gS muds vkèkkj ij ekeys dh ijh{kk ;g irk djus ds fy, djsxk fd ,slk mYya?ku dkjkokl ls naMuh; gS ;k ugha bl vfèkfu;e ds vèkhu dsoy tqekZus ls naMuh; gSA rFkkfi] ;fn mYya?ku fl¼ ugha gksrk gS vkSj uewuk ,iQ,l,l fofu;eksa dh vis{kkvksa ds vuq:i gS rc rqjar [kk| dkjckj dÙkkZ dks bl ckcr lalwfpr djsxkA

2- ;fn vfHkfgr vfèkdkjh bl fofu'Pk; ij igqaprk gS fd ,slk mYya?ku dkjkokl ls naMuh; ugha gS ¯drq vfèkfu;e ds micaèkksa ds vèkhu dsoy tqekZus ls naMuh; gS rc og [kk| lqj{kk vfèkdkjh dks ml O;fDr }kjk ftlls uewuk fy;k x;k gS ;k bu fu;eksa ds **fu;e 2-5** ds vèkhu ftl O;fDr dk uke vkSj irk rFkk vU; fof'kf"V;ka izdV dh xbZ gSa vkSj@;k [kk| ds foØsrk ;k fuekZrk ftlds lacaèk esa fjiksVZ izkIr gqbZ gS muds vfHkdfFkr vijkèk dk U;k;fu.kZ;u djus ds fy, U;k;fu.kkZ;d vfèkdkjh ds le{k ,d vkosnu iQkby djsxk vkSj izkfèkÑr djsxkA

3- U;k;fu.kZ;u vkosnu dks iQkby djus ds fy, izkfèkÑr djus ds fy, vfHkfgr vfèkdkjh ls lalwpuk izkIr gksus ds i'Pkkr~ [kk| lqj{kk vfèkdkjh dkfjr fd, x, vfHkdfFkr vijkèk@mYya?ku dk U;k;fu.kZ;u djus ds fy, U;k;fu.kkZ;d vfèkdkjh ds le{k ,d vkosnu iQkby djsxkA

4- [kk| lqj{kk vfèkdkjh ls U;k;fu.kZ;u ds fy, iQkby fd, x, vkosnu ds izkIr gksus ij U;k;fu.kkZ;d vfèkdkjh tkap dk;Zokfg;ka vkjaHk djsxkA

5- U;k;fu.kkZ;d vfèkdkjh ds ikl vfèkfu;e dh èkkjk 50] 51] 52] 53] 54] 55] 56] 57] 58] 64] 65] 66 vkSj 67 ds vèkhu naMuh; vijkèkksa dk U;k;fu.kZ;u djus ds iz;kstu ds fy, tkap djus dh 'kfDr gksxhA

6- vfèkfu;e dh èkkjk 68 ds vèkhu U;k;fu.kZ;u ds iz;kstu ds fy, ;g tkap djus ds fy, fd D;k fdlh O;fDr (O;fDr;ksa) us **fu;e 3-1-1 (5)** esa fu£n"V vfèkfu;e ds micaèkksa esa ls fdlh micaèk dk mYya?ku fd;k gS ;k ugha ;k fu;eksa ;k fofu;eksa dh ckcr vfHkdfFkr dksbZ vijkèk fd;k gS rc U;k;fu.kkZ;d vfèkdkjh igys ,sls O;fDr ;k O;fDr;ksa dks lwpuk tkjh djsxk vkSj lwpuk esa fofu£n"V dh xbZ ,slh vofèk ds Hkhrj (tks fd lwpuk ds rkehy djus dh rkjh[k ls rhl fnu ls de dh ugha gksxh) ml fo"k; ds lacaèk esa mls@mUgsa vH;konsu djus dk volj nsxkA

7- ,sls fdlh O;fDr dks **fu;e 3-1-1 (6)** ds vèkhu nh xbZ izR;sd lwpuk esa mls ;k muds }kjk dkfjr fd, x, vfHkdfFkr vijkèk dh izÑfr vfèkfu;e dh ftl èkkjk (èkkjkvksa) dk vfHkdfFkr mYya?ku fd;k gS vkSj bl ekeys dh lquokbZ dh rkjh[k dk mYys[k djsxkA [kk| fo'ys"kd dh fjiksVZ dh ,d izfr ,slh lwpuk ds lkFk layXu gksxhA

8- lquokbZ ds fy, fu;r dh xbZ rkjh[k dks U;k;fu.kkZ;d vfèkdkjh ml O;fDr ;k O;fDr;ksa ftuds fo#¼ dk;Zokgh dh tk jgha gS ;k mlds izkfèkÑr izfrfufèk dks ,sls O;fDr }kjk dkfjr fd, x, vfHkdfFkr vijkèk dks Li"V djsxk rFkk ;g min£'kr djsxk fd vfèkfu;e] fu;e ;k fofu;eksa ds fdu micaèkksa dk mYya?ku fd, tkus dh ckcr vfHkdFku fd;k x;k gSA

9- U;k;fu.kkZ;d vfèkdkjh ,sls O;fDr ;k O;fDr;ksa dks ,sls nLrkost ;k lk{; tks og tkap ds fy, lqlaxr le>s] izLrqr djus dk volj nsxk vkSj ;fn vko';d gks rks fdlh Hkkoh rkjh[k rd lquokbZ dks LFkfxr djsxk %

ijarq **fu;e 3-1-1 (6)** esa fu£n"V lwpuk dk lacfèkr O;fDr ds vuqjksèk ij vfèkR;tu fd;k tk ldsxk %

ijarq ;g vkSj fd mi;qZDr **fu;e 3-1-1-(8)** esa mfYyf[kr lquokbZ dh igyh rkjh[k ls 90 fnu ds Hkhrj U;k;fu.kkZ;d vfèkdkjh vafre vkns'k ikfjr djsxkA

10- jkT; ljdkj bl fu;e ds vèkhu fdlh tkap esa LFkkuh; vfèkdkfjrk ds U;k;ky; ds vfèkoDrkvksa ds iSuy esa ls miLFkkfir vfèkdkjh ds :i esa fu;qDr dj ldsxhA

11- bl fu;e ds vèkhu tkap djrs le; U;k;fu.kZ;d vfèkdkjh ds ikl ;g 'kfDr gksxh fd og ekeys ds rF;ksa vkSj ifjfLFkfr;ksa ls voxr fdlh O;fDr dh mifLFkfr dks lk{; nsus ;k ,slk dksbZ nLrkost izLrqr djus] tks U;k;fu.kkZ;d vfèkdkjh dh jk; esa mi;ksxh ;k tkap dh fdlh fo"k;&oLrq ds fy, lqlaxr gks] ds fy, mldh mifLFkfr dks lqfuf'Pkr djus ds fy, cqyk ldsA

12- ;fn dksbZ O;fDr **fu;e 3-1-1(6) vkSj (7)** }kjk ;Fkkvisf{kr mifLFkr gksus esa mis{kk djrk gS ;k euk djrk gS rc U;k;fu.kZ;d vfèkdkjh ,sls O;fDr dh vuqifLFkfr esa ,slk djus ds dkj.k dks vfHkfyf[kr djus ds i'Pkkr~ tkap dj ldsxkA

3-1-2 % U;k;fu.kZ;d vfèkdkjh dk vkns'k vkSj mlls lacafèkr fo"k;

1- ;fn U;k;fu.kZ;d vfèkdkjh ds le{k izLrqr fd, x, lk{; ij fopkj djus ds i'Pkkr~ mldk ;g lekèkku gks tkrk gS fd ftl O;fDr ;k O;fDr;ksa ds fo#¼ tkap dh xbZ gS og@os 'kkfLr vkSj@;k

fu;e 3-1-1-(5) esa fu£n"V èkkjkvksa esa ls fdlh èkkjk ds vèkhu ;Fkksfpr iz'kklfud dk;Zokgh ds nk;h gks x;k gS@x, gSa rc og fyf[kr esa vkns'k }kjk ,slh 'kkfLr vfèkjksfir dj ldsxk] tks og mfpr le>sa] vkSj tks vfèkfu;e dh lqlaxr èkkjk ;k èkkjkvksa ds vuqlkj gksA

2- rFkkfi] ;fn U;k;fu.kZ;d vfèkdkjh dk ;g lekèkku gks tkrk gS fd ftl O;fDr ;k ftu O;fDr;ksa ;k muesa ls fdlh ,d fo#¼ tks tkap dh xbZ gS mlls funsZ'k esa ;FkkvfHkdfFkr vfèkfu;e ds micaèkksa dk mYya?ku lansg ls ijs lkfcr ugha gqvk gS rc og ,sls O;fDr ds fo#¼ ekeys dks [kkfjt dj nsxkA

3- **fu;e 3-1-2(1)** ds vèkhu fd, x, izR;sd vkns'k esa vfèkfu;e ;k fu;e ;k fofu;eksa ds mu micaèkksa dks fofu£n"V fd;k tk,xk ftudh ckcr vijkèk fd;k x;k gS vkSj ,sls fofu'Pk; ds fy, ml vkns'k esa la{ksi dkj.k gksaxsA vk£Fkd 'kkfLr vfèkjksfir djrs le; U;k;fu.kkZ;d vfèkdkjh vfèkfu;e dh èkkjk 49 ds micaèkksa dks lE;d :i ls è;ku es j[ksxkA ,sls 'kkfLr Økl ekax Mªk ÝV ds :i esa fdlh jk"Vªh;Ñr cSad ij vkgfjr ^^U;k;fu.kkZ;d vfèkdkjh -------- ftyk** ds i{k esa ml LFkku ij lans; gksxh tgka U;k;fu.kkZ;d vfèkdkjh vofLFkr gSA

4- ,sls izR;sd vkns'k ij rkjh[k gksxh vkSj U;k;fu.kkZ;d vfèkdkjh }kjk gLrk{kj fd, tk,axsA

5- U;k;fu.kkZ;d vfèkdkjh **fu;e 3-1-2** ds vèkhu fd, x, vkns'k dh ,d izfr ml O;fDr ;k O;fDr;ksa dks Hkstsxk ftuds fo#¼ tkap dh xbZ gS rFkk ml [kk| lqj{kk vfèkdkjh dks Hkh ,d izfr Hkstsxk ftlus U;k;fu.kZ;u ds fy, vkosnu iQkby fd;k gSA

6- bu fu;eksa ds vèkhu tkjh dh xbZ dksbZ lwpuk ;k dksbZ vkns'k ,sls O;fDr ;k O;fDr;ksa ij rkehy fd;k tk,xk ftuds fo#¼ U;k;fu.kZ;u dk;Zokfg;ka dh xbZ gSa ;k tkap dh xbZ gS vkSj ,slh lwpuk ;k dksbZ vkns'k fuEufyf[kr jhfr esa tkjh fd;k tk,xk%&

(*i*) ml O;fDr ;k lE;d~ :i ls mlds izkfèkÑr izfrfufèk dks ifjnÙk ;k fufonr djds ;k

(*ii*) ml O;fDr ds fuokl LFkku ij ;k mlds vafre Kkr fuokl LFkku ij tgka ij mlus dkjckj fd;k gS ;k O;fDrxr :i ls dk;Z fd;k gS ;k vfHkykHk ds fy, vafre :i ls dk;Z fd;k gS] Kkr vafre fuokl LFkku ij jftLVªhÑr jlhnh Mkd }kjk Hkstk tk,xk ;

(*iii*) ;fn **fu;e 3-1-2 (6) (*i*) ;k (*ii*)**ds vèkhu fofu£n"V jhfr esa ,slh lwpuk ;k vkns'k dks ml O;fDr dks rkehy ugha fd;k tk ldrk gS rc tgka og O;fDr fuokl djrk gS ;k vafre Kkr fuokl ij ;k tgka dkjckj fd;k gS ;k O;fDrxr :i ls dk;Z fd;k gS ;k vfHkykHk ds fy, dk;Z fd;k gS] mu ifjljksa ds ckgjh }kj ij ;k lgt n`'; LFkku ij fpidk fn;k tk,xk vkSj bldk fyf[kr fjiksVZ ij nks O;fDr;ksa }kjk lkf{kr fd;k tk,xkA

3-2 % vihy vfèkdj.k

3-2-1 vihy vfèkdj.k ds ihBklhu vfèkdkjh ds in dh vgZrk vkSj fucaèku

1- dksbZ O;fDr fdlh vihy vfèkdj.k ds ihBklhu vfèkdkjh ds :i esa fu;qfDr ds fy, rc rd v£gr ugha gksxk tc rd fd og dksbZ ftyk U;k;kèkh'k gS ;k jgk gS vkSj mlus fu;qfDr dh rkjh[k dks 65 o"kZ dh vk;q izkIr u dh gksA

2- jkT; ljdkj }kjk] ftlesa vfèkdj.k vofLFkr gS] ihBklhu vfèkdkjh dk p;u fd;k tk,xkA p;u iSuy rhu O;fDr;ksa ls feydj cusxk ftuesa ls ,d ml mPp U;k;ky; dk ,d lsokjr U;k;kèkh'k gksxk tgka ij ,d vihy vfèkdj.k vofLFkr gS] jkT; ljdkj dk fofèk lfpo vkSj jkT; ljdkj ds lacafèkr foHkkx dk lfpo gksxk_

3- iSuy dh fliQkfj'kksa ij fofu'Pk; xfBr iSuy ds lnL;ksa ds cgqer }kjk fd;k tk,xkA iSuy viuh fliQkfj'k jkT; ljdkj dks Hkstsxk tks fd ihBklhu vfèkdkjh dks fu;qDr djus ds fy, vfèklwfpr djus ls

lacafèkr vko';d dne mBk,xkA ;fn iSuy }kjk fliQkfj'k fd, x, vH;FkhZ ,d ls vfèkd gS rc iSuy mudh ;ksX;rk ds Øe esa vH;£Fk;ksa dks Øekuqlkj j[ksxkA

3-2-2 ihBklhu vfèkdkjh ds lsok ds fucaèku vkSj 'krs±

1- inkofèk % vihy vfèkdj.k dk ihBklhu vfèkdkjh in xzg.k djus dh rkjh[k ls ikap o"kZ dh vofèk ds fy, ;k rc rd tc rd og iSalB o"kZ dh vk;q izkIr djrk gS] buesa ls tks Hkh igys gks] in èkkfjr djsxkA

fjfDr Hkjuk % ;fn vLFkk;h vuqifLFkfr ls fHkUUk fdlh dkj.k ls vihy vfèkdj.k ds ihBklhu vfèkdkjh dk in fjDr gksrk gS rc] ;FkkfLFkfr] dsUæh; ljdkj ;k jkT; ljdkj vfèkfu;e ds micaèkksa ds vuqlkj fdlh vU; O;fDr dks fu;qDr djds fjDr LFkku dks Hkj ldsxh vkSj vihy vfèkdj.k ds le{k dk;Zokfg;ka ml izØe ls pkyw jgsaxh tc ,slh fjfDr gqbZ gksA

2- ihBklhu vfèkdkjh dk osru vkSj HkÙks % vihy vfèkdj.k ds ihBklhu vfèkdkjh dks ml jkT;] ftlesa vihy vfèkdj.k vofLFkr gS] ds lsokjr ftyk U;k;kèkh'k dks lanÙk osru dk lank; fd;k tk,xk %

ijarq ;fn ihBklhu vfèkdkjh dksbZ lsokfuo'Ùk iQk;ns vFkkZr~ isa'ku] minku] vfHknk;h Hkfo"; fufèk esa fu;kstd dk va'knku vkfn izkIr djrk gS rc ,sls ihBklhu vfèkdkjh ds osru dks isa'ku dh jde ;k vfHknk;h Hkfo"; fufèk esa fu;kstd ds va'knku vkfn fdlh vU; :i esa lsokfuo'fÙk iQk;ns] ;fn dksbZ gks] fy, x, gSa ;k fy, tk jgs gSa] mudks de fd;k tk,xkA

(*i*) **;krk;kr HkÙkk %** ihBklhu vfèkdkjh tc og nkSjs ij ;k LFkkukraj.k (ftlds varxZr vihy vfèkdj.k esa in Hkkj xzg.k djus ds nkSjku ;k=kk ;k vihy vfèkdj.k esa inkofèk lekIr gks tkus ij ;k vius Lox'g tkus ds fy,) ds fy, ;k=kk HkÙkk] nSfud HkÙkk] O;fDrxr lkeku dk ifjogu vkSj blh izdkj ds vU; fo"k;ksa dks mlh osrueku] mlh nj ij izkIr djus dk gdnkj gksxk tks ml jkT; esa ftlesa vihy vfèkdj.k vofLFkr gS] fdlh ftyk U;k;kèkh'k dks ykxw gksrs gSaA

(*ii*)**NqV~Vh ;k=kk fj;k;r %** ihBklhu vfèkdkjh ml jkT; esa] ftlesa vihy vfèkdj.k vofLFkr gS] ds ftyk U;k;kèkh'k dks ykxw gksus okyh mlh nj vkSj mlh osrueku ij NqV~Vh ;k=kk fj;k;r izkIr djus dk gdnkj gksxkA

(*iii*)**okgu** % ihBklhu vfèkdkjh fdlh ftyk U;k;kèkh'k dks ykxw gksus okyh LVkiQ dkj ds leku dkj izkIr djus dk gdnkj gksxkA

(*iv*)**fpfdRlk mipkj dh lqfoèkk,a** % vihy vfèkdj.k dk ihBklhu vfèkdkjh] ml jkT; esa] ftlesa vihy vfèkdj.k vofLFkr gS] ds ftyk U;k;kèkh'k dks ykxw gksus okys lsok fu;eksa esa ;FkkmicafèkrfpfdRlk mipkj vkSj vLirky lqfoèkkvksa dks izkIr djus dk gdnkj gksxkA

3- R;kxi=k vkSj gVk;k tkuk % vihy vfèkdj.k dk ihBklhu vfèkdkjh] ;FkkfLFkfr] dsUæh; ljdkj ;k jkT; ljdkj] ftlus mls fu;qDr fd;k gS] dks lacksfèkr djds fyf[kr esa ,d lwpuk ftlesa mlds gLrk{kj gksa ns dj R;kxi=k ns ldsxkA ;FkkfLFkfr] dsUæh; ljdkj ;k jkT; ljdkj vihy vfèkdj.k ds ihBklhu vfèkdkjh dks mlds in ls rc gVk ldsxh tc

(*i*) mls U;k;fu.khZr fnokfy;k ?kksf"kr fd;k x;k gks _

(*ii*) ;FkkfLFkfr] dsUæh; ljdkj ;k jkT; ljdkj dh jk; esa ,slk dksbZ vijkèk ds fy, nks"kfl¼ fd;k gS ftlds varxZr uSfrd vèkerk varxzZLr gS _

(*iii*) ihBklhu vfèkdkjh ds :i esa 'kkjhfjd ;k ekufld :i ls dk;Z djus esa vleFkZ gks x;k gS _

(*iv*) ,sls foÙkh; ;k vU; fgr v£tr dj fy, gSa ftuls ihBklhu vfèkdkjh ds :i esa mlds ÑR;ksa ij izfrdwy izHkko iM+us dh laHkkouk gS _

(*v*) mlus ,slk nqO;Zogkj fd;k gS ;k viuh gSfl;r dk nq#i;ksx fd;k gS ftldh otg ls yksd fgr esa mlds in ij cus jguk izfrdwy gS

ijarq] rFkkfi] ihBklhu vfèkdkjh dks ;FkkfLFkfr dsUæh; ljdkj ;k jkT; ljdkj }kjk fdlh vkns'k }kjk (*iv*) vkSj (*v*) ds flok; mfYyf[kr dkj.kksa ds fy, mlds in ls bl izdkj rc rd ugha gVk;k tk,xk tc rd fd fdlh mPp U;k;ky; ds lsokjr ;k lsokfuo'Ùk U;k;kèkh'k }kjk tkap djus ds i'Pkkr~ ihBklhu vfèkdkjh dks mlds fo#¼ yxk, x, vkjksiksa dh lwpuk u ns nh xbZ gks vkSj mls vkjksiksa dh ckcr lquokbZ dk ;qfDr;qDr volj u fn;k x;k gks vkSj tkap djus okys O;fDr }kjk ;g fjiksVZ iQkby dh xbZ gks fd ihBklhu vfèkdkjh dks gVk;k tkuk pkfg,A

;|fi (*i*), (*ii*) vkSj (*iii*) dh ckcr ljdkj dk fofu'Pk; fo'oluh; lk{; ;k nLrkosth lcwr ij vkèkkfjr gksxk vkSj bl ckcr dkj.k nsrs gq, vkns'k ds vkèkkj ij fofu'Pk; ij igqapuk gksxkA

4- vof'k"V 'kfDr;ka vkSj fu;e f'kfFky djus dh 'kfDr

(*i*) **vof'k"V 'kfDr;ka %** ihBklhu vfèkdkjh dh lsok dh 'krks± ls lacafèkr fo"k; ftudh ckcr bu fu;eksa esa vfHkO;Dr :i ls micaèk ugha fd;k x;k gS mUgsa izR;sd ekeys esa] ;FkkfLFkfr] dsUæh; ljdkj ;k jkT; ljdkj dks funsZf'kr fd;k tk,xk vkSj muds lacaèk esa dsUæh; ljdkj ;k jkT; ljdkj dk fofu'Pk; ihBklhu vfèkdkjh ij vkc¼dj gksxkA

(*ii*)**f'kfFky djus dh 'kfDr** % ;FkkfLFkfr] dsUæh; ljdkj ;k jkT; ljdkj dks ihBklhu vfèkdkjh ls lacafèkr bu fu;eksa esa ls fdlh fu;e ds micaèk dks f'kfFky djus dh 'kfDr gksxhA

3-3 % vihy vfèkdj.k dks vihy djus ds fy, izfØ;k vkSj mlls lacafèkr fo"k;

3-3-1 vihy vfèkdj.k dks vihy

1- vihy iQkby djus dh ifjlhek % vfèkfu;e dh èkkjk 68 ds vèkhu fu;qDr fd, x, U;k; fu.kkZ;d vfèkdkjh ds fofu'Pk; ls vfèkfu;e dh èkkjk 70 ds vèkhu mn~Hkwr gksus okyh izR;sd vihy vkns'k dh izfr] ftlds fo:¼ vihy iQkby dh

xbZ gS] ftlds vihykFkhZ dks izkIr gksus dh rkjh[k ls rhl fnu dh vofèk ds Hkhrj] iQkby dh tk,xhA

ijarq rFkkfi ;g fd vihy vfèkdj.k dk ;fn ;g lekèkku gks tkrk gS fd rhl fnu ds Hkhrj vihy iQkby ugha djus ds

fy, i;kZIr dkj.k Fkk rks og dksbZ vihy xzg.k djus ds fy, vfèkdre vU; rhl fnu dh vofèk vuqKkr dj ldsxkA

2- vihy dk iz:i vkSj izfØ;k

(*i*) fdlh O;fFkr O;fDr }kjk vihy vfèkdj.k dh jftLVªh esa vihy dk ,d Kkiu iz:i 10 esa izLrqr fd;k tk,xk ;k jftLVªkj dks lacksfèkr djrs gq, jftLVªhÑr Mkd ls Hkstk tk,xkA

(*ii*) Mkd }kjk Hkstk x;k vihy dk Kkiu jftLVªh esa ml fnu izLrqr fd;k x;k leÖkk tk,xk ftl fnu og jftLVªh esa izkIr gksrk gSA

3- vihy ds Kkiu dh varoZLrq

(*i*) fu;e 3-3-1(2) ds vèkhu iQkby fd;k x;k vihy dk izR;sd Kkiu lqfHkUUk 'kh"kks± ds vèkhu laf{kIr :i ls Hkstk tk,xk] ,sls vihy ds vkèkkj ij vkSj ,sls vkèkkjksa dks Øekxr :i ls la[;kafdr fd;k tk,xkA

(*ii*) varfje vkns'k ;k funs'k izkIr djus ds fy, vihy dk i'Fkd Kkiu izLrqr djuk vko';d ugha gksxk ;fn vihy Kkiu esa mlds fy, vuqjksèk fd;k x;k gSA

4- vihy ;k vkosnu ;k ;kfpdk izLrqr djus dh jhfr

(*i*) vihy vfèkdj.k dks izLrqr dh xbZ izR;sd vihy ;k ;kfpdk ;k vkosnu vaxzsth esa ;k jkT; dh LFkkuh; Hkk"kk esa gksxk vkSj ekud ;kfpdk dkxt ij ,d vksj ls Mcy Lisl esa LoPN vkSj Li"V :i ls Vafdr ;k eqfær] lE;d~ #i ls

i`"Bkafdr] lwphc¼ vkSj iqfLrdk iz:i esa flyk gqvk gksxkA

(*ii*) vihy ;k ;kfpdk ;k vkosnu iSjkvksa esa foHkkftr gksxk vkSj Øekxr :i ls la[;kafdr gksxkA

5- ifjorZuksa ij vk|k{kj djuk

vihy vfèkdj.k ds le{k iQkby dh xbZ fdlh vihy ;k ;kfpdk ;k vkosnu esa iafDr;ksa ds chp esa dqN feVkuk ;k 'kqf¼

;k yksi i{kdkj }kjk ;k fyf[kr esa] mlds izkfèkÑr vfHkdrkZ }kjk ;k mls izLrqr djus okys i{kdkj ds vfèkoDrk }kjk vk|k{kfjr

gksxkA

6- vihy] ;kfpdk ;k vkosnu dk izLrqr fd;k tkuk

(*i*) izR;sd vihy] ;kfpdk ;k vkosnu rhu izfr;ksa esa] ;FkkfLFkfr] vihydrkZ ;k ;kph ;k vkosnd }kjk O;fDrxr :i ls ;k fyf[kr esa ;k mlds lE;d~ izkfèkÑr vfHkdrkZ }kjk ;k bl fufeÙk lE;d~ :i ls fu;qDr vfèkoDrk }kjk izLrqr fd;k

tk,xk vkSj tgka ykxw gks] fu;r iQhl yxh gksxhA

(*ii*) izR;sd vihy ds lkFk vk{ksfir vkns'k dh lR;kfir izfr yxh gksxhA

7- vihy ds Kkiu dh laoh{kk

(*i*) jftLVªkj izR;sd vihy ij fu;e 3-3-1 ds vèkhu izLrqr dh xbZ rkjh[k ;k ml fu;e ds vèkhu izLrqr dh xbZ le>h xbZ rkjh[k i`"Bkafdr djsxk vkSj i`"Bkadu ij gLrk{kj djsxkA

(*ii*) ;fn laoh{kk fd, tkus ij vihy Bhd ikbZ tkrh gS rks ;g lE;d~ :i ls jftLVj dh tk,xh vkSj Øe la[;kad fn;k tk,xkA

(*iii*) ;fn laoh{kk fd, tkus ij vihy ;k ;kfpdk ;k vkosnu =kqfViw.kZ ik;k tkrk gS rks mls i{kdkj dks lwpuk nsus ds i'Pkkr~ vuqikyu ds fy, okil Hkstk tk,xk rFkk ;fn ,slh lwpuk dh izkfIr ds bDdhl fnu ds Hkhrj ;k ,slh foLrkfjr

vofèk ds Hkhrj] tks jftLVªkj }kjk vuqnÙk dh tk,] =kqfV esa lqèkkj ugha fd;k tkrk rks jftLVªkj ys[kc¼ fd, tkus okys dkj.kksa ls vihy ;k ;kfpdk ;k vkosnu dks jftLVj djus ls euk dj ldsxkA

8- ,di{kh; la'kksèku

izR;sd vihy ;k ;kfpdk ;k vkosnu esa vadxf.krh;] O;kdj.kh;] fyfidh; vkSj ,slh vU; =kqfV;ksa esa i{kdkjksa dks lwpuk ds vèkhu jftLVªkj ds vkns'k ij lqèkkj fd;k tk ldsxkA

9- izR;FkhZ ij vihy dh rkehy

vihy Kkiu dh ,d izfr vkSj vfHkys[k iqfLrdk dh rkehy jftLVªkj }kjk izR;FkhZ dks jftLVªh esa jftLVªhÑr fd, tkus ds rqjar i'Pkkr~ vfr'kh?kz nLrh }kjk ;k jftLVªhÑr Mkd }kjk LihM iksLV ls dh tk,xhA

10- vfHkys[kksa dk eaxk;k tkuk

jftLVªkj vihy ;k vkosnu ;k ;kfpdk ds xzg.k fd, tkus ij ;fn ,slk vihy vfèkdj.k }kjk funs'k fn;k tk, rks lacafèkr U;k; fu.kkZ;d vfèkdkjh ls dk;Zokfg;ksa ls lacafèkr vfHkys[k ekax ldsxk vkSj mUgsa dk;Zokfg;ksa ds lekIr gksus ij ;k rRi'Pkkr~ iqu% ikjsf"kr dj ldsxkA

11- izR;FkhZ }kjk vihy dk mÙkj fn;k tkuk

(*i*) izR;FkhZ vihy dh lwpuk dh rkehy ds rhl fnu ds Hkhrj jftLVªh dks vihy ds mÙkj ;qDr rhu iw.kZ lsV isij cqd iz:i esa nLrkostksa lfgr iQkby dj ldsxkA

(*ii*) izR;sd mÙkj dh ,d izfr vkSj mÙkj ds lkFk mikc¼ nLrkost@lkexzh dh ,d izfr] ftl ij izR;FkhZ vkfJr gS] izR;FkhZ }kjk vkosnd dks rkehy dh tk,xhA

12- iQhl

(*i*) izR;sd vihy Kkiu ds lkFk mifu;e (*ii*) esa micafèkr iQhl yxh gksxh vkSj ,slh iQhl "jftLVªkj [kk| lqj{kk vihy vfèkdj.k" ds i{k esa fdlh jk"Vªh;Ñr cSad ij vkgjf.kr Økl ekaxi=k ds :i esa ml LFkku ij lans;] tgka vihy vfèkdj.k vofLFkr gS] izsf"kr gksxhA

(*ii*) vfèkfu;e dh èkkjk 68 ds vèkhu ikfjr U;k; fu.kZ;u vkns'k ds fo#¼ vihy dh ckcr lans; iQhl dh jde fuEukuqlkj gksxh :

Ø-la-	vfèkjksfir 'kkfLr dh jde	lans; iQhl dh jde
1-	10]000@& #0 ls de	500@&#0
2-	nl gtkj #0 ;k vfèkd ¯drq ,d yk[k #i, ls de	1500@& #0
3-	,d yk[k #i, ;k vfèkd 1500@&#0] èku	500@& #0 izR;sd ,d yk[k dh vfrfjDr mlds Hkkx ds fy, vfèkdre 5000 gtkj #i, ds vèkhu jgrs gq,A

3-3-2 vihy vfèkdj.k ls lacafèkr lkèkkj.k fo"k;

1- vihy vfèkdj.k dh cSBd ds ?kaVs

vihy vfèkdj.k dh cSBd ds ?kaVs ihBklhu vfèkdkjh }kjk tkjh fd, x, fdlh vkns'k ds vèkhu jgrs gq,] lkekU;r% 11-00 iwokZÉ ls 1-30 vijkÉ vkSj 2-30 vijkÉu ls 5-00 vijkÉu rd gksaxsA

vihy vfèkdj.k ds dk;Z ?kaVs

(*i*) vihy vfèkdj.k dk dk;kZy; mu lHkh dk;Z fnolksa dks [kqyk jgsxk] ftudks jkT; ljdkj ds dk;kZy; [kqys jgrs gSa vkSj vihy vfèkdj.k ds dk;kZy; ds dk;Z ?kaVs ml jkT; ljdkj dks ykxw dk;Z ?kaVs gksaxs] ftlesa vihy vfèkdj.k vofLFkr gSA

(*ii*) jftLVªh ds iQkby djus dk iVy lHkh dk;Z fnolksa dks 11-00 iwokZÉu ls 4-30 vijkÉu rd [kqyk jgsxkA **2- vihy vfèkdj.k dh Hkk"kk**

(*i*) vihy vfèkdj.k dh dk;Zokfg;ka vaxzsth esa ;k jkT; dh LFkkuh; Hkk"kk esa lapkfyr dh tk,axh

(*ii*) vihy vfèkdj.k }kjk vihy vfèkdj.k ds le{k dk;Zokfg;ksa esa vaxzsth ls fHkUUk fdlh Hkk"kk esa iQkby fd;k x;k dksbZ nLrkost Lohdkj ugha fd;k tk,xk tc rd fd vaxzsth esa mlds vuqokn dh lR; izfr layXu u gksA

3- vihy vfèkdj.k dh 'kkldh; eqæk

(*i*) vihy vfèkdj.k dh 'kkldh; eqæk og gksxh] tks le;≤ ij ihBklhu vfèkdkjh fofu£n"V djsA (*ii*) vihy vfèkdj.k dh 'kkldh; eqæk jftLVªkj dh vfHkj{kk esa j[kh tk,xhA

(*iii*) ihBklhu vfèkdkjh }kjk dksbZ lkèkkj.k ;k fo'ks"k funs'k fn, tkus ds vèkhu jgrs gq, vihy vfèkdj.k dh 'kkldh; eqæk fdlh vkns'k] leu ;k vU; vknsf'kdk ij jftLVªkj ls fyf[kr esa izkfèkdkj ds vèkhu ds flok; ugha yxk;h tk,xhA

(*iv*) vihy vfèkdj.k dh 'kkldh; eqæk vihy vfèkdj.k }kjk tkjh fdlh lR;kfir izfr ij jftLVªkj ls fyf[kr esa izkfèkdkj ds vèkhu ds flok; ugha yxk;h tk,xhA

4- funs'k ;k fu;e dk :i foèkku

izR;sd funs'k] leu] vfèkdkj i=k ;k vU; vkKkid vknsf'kdk ihBklhu vfèkdkjh ds uke ls tkjh dh tk,xh vkSj jftLVªkj ;k ihBklhu vfèkdkjh }kjk bl fufeÙk fo'ks"k :i ls izkfèkÑr fdlh vU; vfèkdkjh }kjk gLrk{kj djus dh rkjh[k ekl vkSj o"kZ ds lkFk gLrk{kfjr dh tk,xh vkSj vihy vfèkdj.k dh eqæk ds lkFk eqækafdr dh tk,xhA

5- vihy vfèkdj.k ds vklhu u jgus ds dkj.k okn lwph dks vxzsf"kr djuk vkSj ekeyksa dk vkLFkxu ;fn lkoZtfud vodk'k dh ?kks"k.kk gksus ds dkj.k ;k fdlh vU; vdfYir dkj.k ls vihy vfèkdj.k ml fnu dk;Z ugha djrk gS rks ml fnu ds fy, nSfud okn lwph tc rd vU;Fkk funs'k u fn;k tk,] ml fnu ds fy, igys ls gh yxk, x, ekeyksa ds vfrfjDr vxys dk;Z fnol ds fy, nSfud okn lwph leÖkh tk,xhA

6- dk;Zokfg;ksa dk vfHkys[k

izR;sd vihy esa ekeyk Mk;fj;ka Hkkjlkèkd fyfid }kjk ,sls iz:i esa tks ihBklhu vfèkdkjh }kjk fofgr fd;k tk, j[kh tk,xh vkSj os Li"V :i ls fy[kh dh tk,axhA eq[; iQkby dh Mk;jh esa vihy ;k ;kfpdk ;k vkosnu dk laf{kIr bfrgkl vkSj ml ij ikfjr fd, x, vkns'k('kksa) dk lkj var£o"V gksxkA

7- vkns'k i=k

(*i*) izR;sd dk;Zokgh esa vkns'k i=k cuk, j[kk tk,xk vkSj mlesa le;≤ ij vihy vfèkdj.k }kjk ikfjr lHkh vkns'k var£o"V gksaxsA

(*ii*) vkns'k i=k esa vihy ;k ;kfpdk ;k vkosnu dh lanHkZ la[;k] vkns'k dh rkjh[k vkSj mlds laf{kIr okn 'kh"kZd lfgr lHkh vkuq"kafxd C;kSjs gksaxsA

8- vihy vfèkdj.k esa ekeyksa dks yk;k tkuk

Hkkjlkèkd fyfid fdlh funs'k ds vèkhu jgrs gq,] tks ihBklhu vfèkdkjh }kjk fn;k tk ldsxk] Øekad esa okn lwph esa lwphc¼ekeyksa dks yk,xkA

9- lwpuk tkjh djuk

(*i*) tgka fdlh vihy ;k ;kfpdk ;k vkosnu dh lwpuk vihy vfèkdj.k }kjk tkjh dh tkrh gS ogka mldh izfr] mlds leFkZu esa 'kiFki=k vkSj mlds lkFk iQkby fd, x, vU; nLrkostksa dh izfr] ;fn dksbZ gks] lwpuk ds lkFk vU; i{kdkj dks rkehy dh tk,xhA

(*ii*) iwoksZDr izfr;ksa esa vihy ;k ;kfpdk ;k vkosnu ds izLrqr fd, tkus dh rkjh[k vkSj ml i{kdkj ds vfèkoDrk dk uke] mlds iwjs irs lfgr] rkehy ds fy, vkSj ml ij fd, x, varfje vkns'k ds fy, ;fn dksbZ gks] n£'kr gksxhA

(*iii*) vihy vfèkdj.k leqfpr ekeyksa esa lwpuk tkjh djus ds fy, vkns'k ns ldsxk vkSj lac) i{kdkj dks mDr fdlh futh lsok }kjk vU; i{kdkj ij lwpuk dh rkehy ds fy, vuqKkr dj ldsxk vkSj ,sls ekeys esa ,sls i{kdkj dks lwpuk ifjnÙk dj ldsxk rFkk ;g lac) i{kdkj ij fuHkZj gS fd og lcwr ds lkFk rkehy djus dk 'kiFki=k iQkby djsxkA

10- leu

tc dHkh futh lsok }kjk leu ;k lwpuk vkns'k fd;k tkrk gS rks] ;FkkfLFkfr] vihykFkhZ ;k vkosnd ;k ;kph tc rd fd vU; i{kdkj ij vfxze :i esa rkehy dj nh xbZ gks] vihy ;k vkosnu ;k ;kfpdk dh izfr dh rkehy jftLVªhÑr Mkd }kjk ;k dwfj;j l£ol }kjk djokus dh O;oLFkk djsxk vkSj lquokbZ ds fy, fu;r rkjh[k ls iwoZ vfHkLohÑfr ds lcwr ds lkFk rkehy fd, tkus dk 'kiFki=k iQkby djsxkA

11- u, fljs ls lwpuk tkjh fd, tkus ds fy, dne

;fn dksbZ lwpuk fu;e 3-3-3(9) esa vfofu£n"V ifjfLFkfr;ksa esa fcuk rkehy ds okil vk tkrh gS rks mlds rF; vkSj dkj.k jftLVªh dh lwpuk iV ij rqjar vfèklwfpr fd, tk,axsA vihykFkhZ ;k

vkosnd ;k ;kph ,slh vfèklwpuk dh rkjh[k ls lkr fnu ds Hkhrj u, fljs ls lwpuk dh rkehy fd, tkus ds fy, dne mBk,axsA

12- u, fljs ls lwpuk tkjh djus ds fy, dne mBkus esa vliQy jgus ds ifj.kke

tgka vU; i{kdkj dks leu tkjh fd;k tkrk gS vkSj og fcuk rkehy fd, okil vk tkrk gS rFkk ;FkkfLFkfr] vihykFkhZ ;k vkosnd ;k ;kph vihy vfèkdj.k }kjk izR;FkhZ ij lwpuk dh okilh dh rkjh[k ls vknsf'kr vofèk ds Hkhrj vko';d dne mBkus esa vliQy jgrs gSa rks mlds i'Pkkr~ jftLVªkj ekeys dks vihy vfèkdj.k ds le{k vkSj funs'k fn, tkus ;k xSj vfHk;kstu ds fy, [kkfjt fd, tkus ds fy, izLrqr djsxkA

13- izR;FkhZ ds milatkr gksus dk O;frØe vkSj ifj.kke

tgka izR;FkhZ ml ij leu ;k lwpuk dh izHkkoh rkehy ds ckotwn lquokbZ ds fy, fu;r rkjh[k ij vihy vfèkdj.k ds le{k milatkr ugha gksrk gS rks vfèkdj.k vihy ;k vkosnu ;k ;kfpdk ij ,di{kh; lquokbZ ds fy, vxzsf"kr gksxk vkSj xq.kkxq.k ds vkèkkj ij vafre vkns'k ikfjr djsxkA

14- izR;FkhZ }kjk vk{ksiksa dk iQkby fd;k tkuk

(*i*) izR;FkhZ] ;fn vihy vfèkdj.k }kjk ,slh okaNk dh tk, rks vihy vfèkdj.k }kjk vuqKkr le; ds Hkhrj vk{ksi ;k izfrokn iQkby djsxkA tc dHkh izFke ckj u, rF; izLrqr fd, tk,a rc fdlh vihy ;k ;kfpdk ds :i esa lR;kfir fd, tk,axs] vihy vfèkdj.k dh btktr vfHkizkIr dh tk,xhA

(*ii*) fdlh dk;Zokgh esa ;fn izR;FkhZ dks vk{ksi ;k izfrokn iQkby fd, tkus ds fy, vuqKkr fd;k tkrk gS rks og ;FkkfLFkfr] vihykFkhZ ;k vkosnd ;k ;kph ;k vfHkys[k ij muds vfèkoDrk ;k izkfèkÑr izfrfufèk dks mldh izfr;ksa dh rkehy djus ds i'Pkkr~ mldh rhu izfr;ka Hkh iQkby djsxkA

15- vfHkys[kksa dk fujh{k.k

vihy vfèkdj.k ds le{k fdUgha dk;Zokfg;ksa ds i{kdkj ;k muds vfèkoDrk ;k izkfèkÑr izfrfufè;ksa dks jftLVªkj dks bl fufeÙk dksbZ vkosnu djds vkSj ,sls fujh{k.k ds fy, fofgr iQhl dk lank; djds ,slh dk;Zokfg;ksa ds vfHkys[kksa dk fujh{k.k djuk vuqKkr fd;k tk ldsxkA

16- fujh{k.k dk vuqnÙk fd;k tkuk

(*i*) fu;e 3-3-3 (15) ds vèkhu vfHkys[k ds fujh{k.k ds fy, dksbZ vkosnu fofgr iz:i esa gksxk vkSj fdlh dk;Zfnol dks 10-30 iwokZ0 vkSj 3-00 vi0 ds chp vkSj ml rkjh[k ls rhu fnu iwoZ] ftldks fujh{k.k fd;k tkuk gS tc rd fd vU;Fkk jftLVªkj }kjk vuqKkr u fd;k tk,] jftLVªh ds iQkby djus ds iVy ij izLrqr fd;k tk,xkA

(*ii*) jftLVªh jftLVªkj ds le{k viuh vfHk;qfDr;ksa lfgr vkosnu izLrqr djsxh] tks ml ij fopkj djus ds i'Pkkr~ leqfpr vkns'k ikfjr djsxhA

17- fujh{k.k ds fy, lans; iQhl

[kk| izkfèkdkjh }kjk fofu£n"V iQhl fdlh yafcr ;k fofuf'Pkr ekeys ds vfHkys[kksa dk fujh{k.k djus ds fy, fdlh vkosnu ij lans; gksxhA ,slh iQhl “”jftLVªkj] [kk| lqj{kk vihy vfèkdj.k” ds i{k esa vkgjf.kr ekaxi=k ds ekè;e ls lanÙk dh tk,xh vkSj ml LFkku ij lans; gksxh] tgka vihy vfèkdj.k vofLFkr gSA

18- fujh{k.k dh jhfr

(*i*) jftLVªh] vfHkys[kksa ds fujh{k.k ds fy, vuqKk vuqnÙk djus ij ekeys ds vfHkys[k dks mikIr djus ds fy, O;oLFkk djsxh vkSj jftLVªkj }kjk fu;r rkjh[k vkSj le; ij bl fufeÙk izkfèkÑr fdlh vfèkdkjh dh Bhd mifLFkfr esa ,sls vfHkys[kksa dk fujh{k.k vuqKkr djsxhA

(*ii*) vfHkys[kksa dk fujh{k.k djus okyk O;fDr] fdlh Hkh jhfr esa fujh{k.k ds nkSjku vfHkys[kksa dks vLr&O;Lr] foÑr] NsM+NkM+ ;k uqdlku dkfjr ugha djsxkA

(*iii*) fujh{k.k djus okyk O;fDr bl izdkj fujh{k.k fd, x, fdlh vfHkys[k ;k dkxt ij dksbZ fpUgkadu ugha djsxk vkSj dksbZ uksV ;fn dksbZ gks] ugha ysxk] nLrkostksa ;k vfHkys[kksa dk fujh{k.k dsoy isafly }kjk fd;k tk ldsxkA

(*iv*) fujh{k.k dk i;Zos{k.k djus okyk jftLVªh vfèkdkjh fdlh Hkh le; vkxs fujh{k.k dks izfrf"k) dj ldsxk ;fn mldh jk; esa dksbZ vfHkys[k fujh{k.k dh izfØ;k ds nkSjku uqdlkuxzLr gksus okyk gS ;k vfHkys[kksa dk fujh{k.k djus okys O;fDr us bu fu;eksa ds micaèkksa dk mYya?ku fd;k gS ;k mYya?ku djus dj iz;kl fd;k gS rFkk jftLVªkj dks ml fo"k; ds ckjs esa rqjar fjiksVZ djsxk rFkk jftLVªkj ls vkSj vkns'k izkIr djsxkA

19- fujh{k.k jftLVj dks cuk, j[kuk

jftLVªh] nLrkostksa ;k vfHkys[kksa ds fujh{k.k ds iz;kstu ds fy, ,d jftLVj j[ksxh vkSj ,slk fujh{k.k djus okys O;fDr ds mlesa rFkk fujh{k.k ds lekiu ij vkosnu ij gLrk{kj vfHkizkIr djsxhA

20- nLrkostksa ds izLrqrhdj.k ds fy, vkosnu vkSj leu dk iz:i

(*i*) blesa blds uhps ;Fkk micafèkr ds flok; nLrkostksa dk izdVhdj.k ;k izLrqrhdj.k vkSj nLrkostksa dh okilh flfoy izfØ;k lafgrk] 1908 ds micaèkksa }kjk fofu;fer gksxhA

(*ii*) nLrkostksa dks izLrqr djus ds fy, leuksa ds fy, fdlh vkosnu esa mu nLrkost (tksa)] ftudks izLrqr fd, tkus dh ekax dh xbZ gS] nLrkostksa dh lqlaxrk nh tk,xh vkSj ml n'kk esa tgka lR;kfir izfr dk izLrqr fd;k tkuk iz;kstu dks iwjk djsxk ogka pkgs vkosnu leqfpr vfèkdkjh dks fd;k x;k gks ;k ugha vkSj mldk ifj.kke dqN Hkh jgk gksA

21- nLrkostksa dk Lo%izsj.kk ls leu fd;k tkuk

bu fu;eksa esa var£o"V fdlh ckr ds gksrs gq, Hkh] vihy vfèkdj.k Loizjs.kk ls yksd nLrkostksa ;k yksd vfèkdkjh dh vfHkj{kk esa vU; nLrkostksa ds izLrqrhdj.k ds fy, leu tkjh dj ldsxkA

3-3-3- jftLVªkj dh 'kfDr;ka vkSj ÑR; rFkk lacafèkr fo"k;

1- jftLVªkj ihBklhu vfèkdkjh ds lkèkkj.k vèkh{k.k ds vèkhu vius ÑR;ksa dk fuoZgu djsxkA og ,sls vU; ÑR;ksa dk fuoZgu djsxk tks mls bu fu;eksa ds vèkhu ihBklhu vfèkdkjh }kjk leuqnsf'kr fd, tk,aA

2- jftLVªkj ds ikl vihy vfèkdj.k ds vfHkys[kksa dh vfHkj{kk gksxhA

3- jftLVªkj dh fuEufyf[kr 'kfDr;ka vkSj ÑR; gksaxs] tSls

(*i*) vihyksa] ;kfpdkvksa vkSj vkosnuksa dk jftLVªhdj.kA

(*ii*) vihy ;k ;kfpdk ;k vkosnu ;k i'PkkRorhZ dk;Zokfg;ksa ds la'kksèku ds fy, vkosnu izkIr djukA

(*iii*) ihBklhu vfèkdkjh ds funs'kksa ds vèkhu jgrs gq, vihy ;k vU; dk;Zokfg;ksa dh lquokbZ ds fy, rkjh[k fu;r djuk vkSj ml ij lwpuk tkjh djukA

(*iv*) dk;Zokfg;ksa ds i{kdkjksa dks nLrkostksa dh izfr;ksa dks vuqnÙk djus ds fy, vkns'k nsukA

(*v*) lwpukvksa dh rkehy ;k vU; vknsf'kdkvksa] u, fljs ls lwpuk tkjh djus ds fy, vkonsu ;k le; foLrkj.k ds fy, ;k izR;FkhZ ij fof'k"V i¼fr dk vkns'k djus ls lacafèkr fo"k;ksa dk fuiVkjk djuk] ftuds varxZr lekpkj i=kksa esa foKkiuksa

ds ekè;e ls lwpuk ds izdk'ku }kjk izfrLFkkfir rkehy Hkh gSA

(*vi*) U;k;fu.kkZ;d vfèkdkjh ;k fdlh vU; izkfèkdkjh dh vfHkj{kk ls vfHkys[kksa dh vè;is{kk djukA

4- nSfud okn lwph rS;kj djuk vkSj mldk izdk'ku

(*i*) jftLVªh izR;sd dk;Zfnol ds dk;Z ?kaVksa dh lekfIr ls iwoZ okn lwph rS;kj djsxh vkSj mls jftLVªh ds lwpuk iV~V ij vxys dk;Zfnol ds fy, izdkf'kr djsxh rFkk ihBklhu vfèkdkjh ds funs'kksa ds vèkhu jgrs gq, nSfud okn lwph esa oknksa

dks lwphc¼ fd;k tkuk] fuEufyf[kr iwohZdrk Øe esa gksxk %

^^vkns'kksa dh mn~?kks"k.kk** ds fy, ekeys

(d) ^^Li"Vhdj.k** ds fy, ekeys

([k) ^^xzg.k djus** ds fy, ekeys

(x) ^^vkns'kksa ;k funs'kksa** ds fy, ekeys

(?k) Hkkxr% lqus x, ekeys] v|ru Hkkxr% lqus x, ekeys ftuesa uthj gSa

(Ä) vadh; Øe ds vuqlkj yxk, x, ;k ihBklhu vfèkdkjh }kjk ;Fkkfunsf'kr ekeysA

(*ii*) nSfud okn lwph ds 'kh"kZd esa] vihy ;k ;kfpdk ;k vkosnu la[;kad] vihy vfèkdj.k ds vklhu jgus dk fnu] rkjh[k vkSj le; vkSj ihBklhu vfèkdkjh dk uke min£'kr djrs gq, x.kiw£r var£o"V gksxhA

(*iii*) nSfud okn lwph esa lwphc¼ izR;sd ekeys dh la[;kad ds lkeus fuEufyf[kr n£'kr fd;k tk,xk] vFkkZr~ :&&

(*iv*) nksuksa i{kksa dh vksj ls milatkr gksus okys vfèkoDrk(vksa) ds uke vkSj dks”Bd esa mu i{kdkjksa ds C;kSjs ftudk os izfrfufèkRo dj jgs gSa fn, x, gksaA

(*v*) i{kdkjksa ds uke] ;fn mudk izfrfufèkRo ugha fd;k tk jgk gS dks”Bd esa muds C;kSjksa lfgr nsaA

(*vi*) jftLVªh ds vk{ksi vkSj fo'ks"k funs'k] ;fn dksbZ gksa] nSfud okn lwph ds vfHk;qfDr;ksa okys LraHk esa tc dHkh vuqikyu visf{kr gksa laf{kIr :i ls min£'kr fd, tk,axsA

3-3-4- vihy vfèkdj.k ds vkns'k vkSj lac¼ fo"k;

1- vkns'k

(*i*) vihy vfèkdj.k ds izR;sd vkns'k ij ihBklhu vfèkdkjh }kjk rkjh[k lfgr gLrk{kj fd, tk,axsA ihBklhu vfèkdkjh dks dkj.k tks ys[kc¼ fd, tk,axs] ds vèkhu jgrs gq, varfje vkns'k ;k O;kns'k ikfjr djus dh 'kfDr gksxh] ftls og U;k;

ds fgr esa vko';d leÖkrk gSA

(*ii*) ihBklhu vfèkdkjh }kjk vkns'k] vihy vfèkdj.k cSBd esa lquk, tk,axsA

(*iii*) vkns'k ds izorZu'khy Hkkx dk iBu vkns'k dk lquk;k tkuk leÖkk tk,xkA

(*iv*) tc vkns'kksa dks vkjf{kr fd;k x;k gS rc vkns'k dks lquk, tkus dh rkjh[k okn lwph esa vfèklwfpr dh tk,xh tks lquk, tkus dks lwfpr djus dh fofèkekU; lwpuk gksxhA

2- vkns'kksa dh lalwpuk

vihy vfèkdj.k }kjk ikfjr izR;sd vkns'k dh lR;kfir izfr] ;FkkfLFkfr] U;k;fu.kZ;d vfèkdkjh vkSj i{kdkjksa dks lalwfpr

dh tk,xhA

3- vkns'kksa dk izdk'ku

vihy vfèkdj.k ds vkns'k tks izsl esa izdk'ku ds fy, mfpr le>s tkrs gSa] ,sls izdk'ku ds fy, ,sls fucaèkuksa vkSj 'krks±ij] tks ihBklhu vfèkdkjh }kjk fofu£n"V dh tk,a tkjh fd, tka,xsA

4- izfof"V;ka djuk

jftLV[a]kj ihBklhu vfèkdkjh }kjk vkns'k ds lquk, tkus ds rqjar i'Pkkr~ ekeys dh iQkby ij mls lquk, tkus dh rkjh[k vkSj fuiVkjs dh izÑfr ds lacaèk esa vko';d i`"Bkadu djsxk vkSj mlds }kjk j[kh tkus okyh Mk;jh esa Hkh vko';d izfof"V;ka djsxkA

5- fuiVkjs ds i'Pkkr~ ekeyk iQkbyksa dh vuqØef.kdk cukuk

jftLV[a]kj] i{kdkjksa vkSj muds dkmalsy dks vkns'k dh lalwpuk ds i'Pkkr~ i`"Bokj vuqØef.kdk vfHkys[kksa dks O;ofLFkr djsxk vkSj i=k ,sls iz:i esa] tks vihy izkfèkdj.k }kjk fofgr fd;k tk,] rS;kj djsxkA og vk|k{kj djsxk vkSj rc vuqØef.kdk lfgr vfHkys[kksa dks vfHkys[k d{k esa ikjsf"kr djsxkA

6- vkns'kksa dh izfr;ka iqLrdky; esa Hkstuk

(*i*) jftLV[a]h dk Hkkjlkèkd vfèkdkjh izR;sd vafre vkns'k dh izfr;ka iqLrdky; dks HkstsxkA

(*ii*) izR;sd ekl esa izkIr lHkh vafre vkns'kksa dh izfr;ka iqLrdky; esa i'Fkd iQksYMj esa j[kh tk,axh] vkns'k ds lquk, tkus dh rkjh[k ds Øe esa O;ofLFkr dh tk,axh] lE;Dr :i ls vuqØef.kdk dh tk,axh vkSj flyh tk,axhA

7- dfBukb;ka nwj djuk vkSj funs'k tkjh djuk

bu fu;eksa esa var£o"V fdlh ckr ds gksrs gq, Hkh] tgka dgha fu;e ekSu gSa vkSj dksbZ micaèk ugha fd;k x;k gS ihBklhu vfèkdkjh dfBukb;ka nwj djus ds fy, leqfpr funs'k tkjh dj ldsxk vkSj ,slh fLFkfr ;k vkdfLedrk dks 'kkflr djus ds fy, tks vihy vfèkdj.k ds dk;Zdj.k esa mRiUUk gks] ,sls vkns'k ;k ifji=k tkjh dj ldsxkA

iz:i 1

'kiFki=k dk iz:i

ys[kk cfg;ka vkSj vU; nLrkostksa dk vfHkxzg.k

(fu;e 2-2-2 ns[ksa)

eSa] _____ iq=k@iRuh@iq=kh _____ vk;q yxHkx _____ o"kZ] fuoklh _____ lR;fu"Bk ls izfrKku djrk gwa vkSj 'kq¼ ân; ls fuEufyf[kr dFku djrk gwa %

1- eSa _____ izkbosV fyfeVsM@fyfeVsM (;gka iQeZ ;k daiuh dk uke nsa) dk]
2- ftldk dk;kZy;@dkjckj@jftLV[a]hÑr dk;kZy; _____ ij fLFkr gS] ,dek=k LokfeRoèkkjh@Hkkxhnkj@funs'kd@deZpkjh gwa A

eSa dFku djrk gwa fd rkjh[k _____ dks yxHkx _____ iwokZ0@vi0 esa [kk| lqj{kk vfèkdkjh _____ us (;gka ij [kk| lqj{kk vfèkdkjh

dk dkjckj pyk jgk gwa A ,sls fujh{k.k@ryk'kh ds nkSjku] [kk| lqj{kk vfèkdkjh us dkjckj ls lacafèkr dfri; ys[kk cfg;ksa vkSj nLrkostksa dk vfHkxzg.k fd;k gS A

3- eSa dFku djrk gwa fd fujh{k.k@ryk'kh ds nkSjku vfHkx'ghr ys[kkcfg;ka vkSj nLrkost dkjckj pykus ds fy, visf{kr gSa vkSj ;g vko';d gS fd os eq>s rqjar okil fd, tk,a A

4- esjs vuqjksèk ij [kk| lqj{kk vfèkdkjh] fujh{k.k@ryk'kh ds nkSjku vfHkx'ghr ys[kkcfg;ka vkSj vU; nLrkost ,slh ys[kkcfg;ksa vkSj iqLrdksa ds m¼j.k] mUgsa esjs }kjk miyCèk djk, tkus ds vèkhu jgrs gq,] okil djus ds fy, lger gks x, gSa A [kk| lqj{kk vfèkdkjh us esjs }kjk visf{kr m¼j.kksa ;k izfr;ksa ds C;kSjs eq>s ns fn, gSa A

5- eSa dFku djrk gwa fd eSaus [kk| lqj{kk vfèkdkjh@ _____ (uke)] tks [kk| lqj{kk vfèkdkjh ds foHkkx esa ,d vfèkdkjh ds :i esa dk;Zjr gS] dh mifLFkfr esa fy, tkus ds fy, bl izdkj visf{kr m¼j.k@izfr;ka djok nh gSa A

6- eSa iqf"V vkSj ?kks"k.kk djrk gwa fd bl 'kiFki=k ds lkFk mikc) rkjh[k _____ dks vfHkx`ghr ys[kkcfg;ksa vkSj vU; nLrkostksa ds m¼j.k@izfr;ka lR;] vfèkizekf.kr vkSj okLrfod gSa vkSj mldh iqf"V esa eSaus ,sls m¼j.k@izfr;ksa ds izR;sd iUUks ij vk|k{kj dj fn, gSa A

7- eq>s Kkr gS fd bl 'kiFki=k esa nh xbZ izfrKku ?kks"k.kk ds vkèkkj ij [kk| lqj{kk vfèkdkjh iwoksZDr rkjh[k _____ dks ;Fkk vfHkxzghr ys[kk cfg;ksa vkSj vU; nLrkostksa dks okil djus ds fy, lger gks x;k gS A

8- eSa opu nsrk gwa fd fdlh Hkh le; ftldh vfHkfgr vfèkdkjh ;k [kk| lqj{kk vfèkdkjh }kjk ;k fdlh tkap dk;Zokgh ds le{k ;k fdlh U;k;fu.kkZ;d dk;Zokgh ds le{k] tks [kk| lqj{kk fyfeVsM@fyfeVsM ;k nksuksa ds fo#¼ vkjaHk dh tk,xh] ys[kk cfg;ksa vkSj vU; nLrkostksa ;k muds fdlh Hkkx dks izLrqr d:axk A

(vfHklk{kh ds gLrk{kj)

lR;fu"Bk ls izfrKku fd;k x;k vkSj esjs le{k_____rkjh[k dks gLrk{kfjr fd;k x;k

uksVsjh ifCyd

iz:i 2

vfHkxzg.k Kkiu

(fu;e 2&3&1 fu£n"V djsa)

[kk| lqj{kk vkSj ekud vfèkfu;e dh èkkjk 38 ds vèkhu eq>s izR;k;ksftr 'kfDr;ksa dk iz;ksx djrs gq,] eSa] eSllZ _____ _____ ds ifjljksa ls uhps o£.kr [kk| mRiknksa@nLrkostksa dks vfHkxzghr@fujksfèkr djrk gwa] tks bl vfèkfu;e dh èkkjk _____ ds micaèk dk mYya?ku djrs gSa A

Øe la-	mRikn dk uke	cSp la0	;wfuVksa dh la0	ek=kk fdxzk0 esa
1-				
2-				
3-				
4-				
5-				

fujksèk@vfHkxzg.k fd;k x;k gS vkSj fuEufyf[kr lkf{k;ksa dh mifLFkfr esa lwph rS;kj dh xbZ gS A

lkf{k;ksa dk uke vkSj irk gLrk{kj

1-

2-

fujksfèkr@vfHkxzghr mRikn lE;d~ :i ls lhycan dj fn, x, gSa vkSj bl vuqns'k ds lkFk fd lhy ds lkFk dksbZ NsM+NkM+ u djs vkSj vxyk vkns'k gksus rd mRiknksa dk O;;u u djs Jh _____ dh vfHkj{kk esa NksM+ fn, x, gSa A

fofuekZrk@O;kSgkjh ds gLrk{kj

[kk| lqj{kk vfèkdkjh ds gLrk{kj

uke_____

LFkku_____

rkjh[k_____

iz:i 3

vfHkxzg.k vkns'k dk iz:i

(fu;e 2-3-2(1) ds izfrfunsZ'k djsa)

lsok esa

([kk| dkjckj drkZ dk uke vkSj irk)

_____

_____

_____

uhps o£.kr foØ; ds fy, vk'kf;r [kk| oLrq _____ tks vkids dCts esa gSa eq>s ,slk izrhr gksrk gS fd os [kk| lqj{kk vkSj ekud vf/fu;e dh /kjk _____ ds v/hu vifefJr@feF;k Nki okyh gSa %

Øe laú	mRikn dk uke	cSp laú	;wfuVksa dh [illegible]	ek=kk fdxzkú esa
1-				
2-				
3-				
4-				
5-				

vr% vc eSa [kk| lqj{kk vkSj ekud vf/fu;e] 2006 (2006 dk 34) dh /kjk 38 dh mi/kjk (1) ds [kaM(x) ds v/hu vkidks funs'k nsrk gwa fd vki mDr lhycan fd, x, LVkd dks ,sls vkns'kksa ds v/hu jgrs gq,] tks rRi'Pkkr~ mlds laca/ esa tkjh fd, tk,a lqjf{kr vfHkj{kk esa j[ksa A

[kk| lqj{kk vf/dkjh {ks=k_____

LFkku_____

rkjh[k_____

iz:i 4

(fu;e 2-3-2(2) ds izfrfunsZ'k djsa)

izfrHkwr ca/i=k dk iz:i

;g lcdks Kkr gks fd ge (i)_____ dk iq=k _____ fuoklh _____ vkSj (ii)_____ dk iq=k_____ fuoklh_____ eSllZ _____ ftls blesa blds i'Pkkr~ [kk| dkjckj dÙkkZ dgk x;k gS ds LokfeLoèkkjh@ Hkkxhnkj@ deZpkjh gSa vkSj (iii)_____ dk iq=k _____ fuoklh _____ vkSj (iv)_____ dk iq=k_____ fuoklh_____ ftUgsa blesa blds i'Pkkr~ izfrHkw dgk x;k gS] Hkkjr ljdkj ds jk"Vªifr@_____ ds jkT;iky ftUgsa blesa blds i'Pkkr~ ljdkj dgk x;k gS ds izfr #ú_____ ftudk lank; ljdkj dks fd;k tkuk gS] ftuds fy, lank; okLro esa fd;k tk,xk A

ge n`<+rkiwoZd Lo;a la;qDr :i ls vkSj i`Fkd~ :i ls bl foys[k tks rkjh[k_____ dks gLrk{kfjr fd;k x;k }kjk vkc¼djrs gSa A Jh _____ [kk| lqj{kk vf/dkjh us _____ dks (;gka lkefxz;ksa dk C;kSjk la[;kad@ek=kk rFkk dksbZ dher lfgr var£o"V djsa ftUgsa blesa blds i'Pkkr~ mDr oLrq dgk x;k gS) _____ ls (LFkku fofu£n"V djsa) vfHkx`ghr fd;k gS A

ljdkj] [kk| dkjckj dÙkkZ (dÙkkvksa) ds vuqjks/ ij [kk| dkjckj dÙkkZ (dÙkkvksa) ds ikl lqjf{kr vfHkj{kk esa mDr oLrqvksa dks j[kus ds fy, rS;kj gks xbZ gS] ftlds fy, izfrHkw@nks izfrHkwfr;ksa }kjk var£o"V vkSj leFkZ mu fuca/uksa ij tks blesa nh xbZ gSa ,d ca/i=k fu"ikfnr fd;k x;k gS ftu ij [kk| dkjckj dÙkkZ (dÙkkvksa) ,slk djus ds fy, lger gks x;k gS@gks x, gSa A vc Åij fyf[kr ckè;rk dh 'krZ ,slh gS fd ;fn [kk| dkjckj dÙkkZ ,sls U;k;ky; ;k izkf/dkjh ds le{k mDr oLrqvksa dks T;ksa dk R;ksa ,slh rkjh[k ([kksa) dks tks [kk| lqj{kk vf/dkjh }kjk fofu£n"V djs] izLrqr djus esa vliQy jgrs gSa rks ml n'kk esa [kk| dkjckj dÙkkZ vkSj@;k izfrHkw@izfrHkwfr;ka ljdkj dks ekax fd, tkus ij fcuk vkifÙk ds _____ #i, dh jde dk lank; rqjar djsaxs vkSj rRi'Pkkr~ mDr ca/i=k 'kwU; gks tk,xk rFkk mldk dksbZ izHkko ugha gksxk A vU;Fkk og iw.kZr% izHkkoh jgsxk A

;s foys[k vkxs Hkh fuEufyf[kr lk{; nsrs gSa %

(i)uhps izfrHkw@izfrHkwfr;ksa dk nkf;Ro fdlh rRle; vuqnÙk ekiQh ds dkj.k] pkgs og [kk| dkjckj vkijsVjksa }kjk fu"ikfnr ;k mUeksfpr nkf;Roksa ;k 'krks± esa ls lHkh ;k fdUgha dh ckcr ljdkjh dh Hkwypwd ds dkj.k pkgs og izfrHkwfr;ksa ;k muesa ls fdlh ds Kku ;k lgefr ds lfgr ;k jfgr nh xbZ gks] de ugha gksxk ;k mUeksfpr ugha gksxk A u gh ljdkj dks ;g vko';d gksxk fd og uhps 'kksè; jde ds fy, izfrHkwfr;ksa ;k muesa ls fdlh ds Åij okn ykus ls iwoZ [kk| dkjckj vkijsVjksa ds Åij okn yk, A

(ii)fdlh ÑR; ds fu"iknu ds fy, ftlesa turk fgrc¼ gS ca/i=k [kk| lqj{kk vkSj ekud vf/fu;e] 2006 ds v/hu fn;k x;k gS A

(iii)ljdkj bu foys[kksa ij lans; LVkEi 'kqYd dks ogu djsxh A

mlds lkf{k;ksa ds le{k ;s foys[k [kk| dkjckj dÙkkZ (dÙkkvksa) vkSj HkwfrHkw@izfrHkwfr;ksa }kjk vkSj Hkkjr ds jk"Vªifr dh vksj ls Jh _____ }kjk blesa uhps o£.kr rkjh[k dks gLrk{kfjr fd, x, gSa vkSj uhps muds gLrk{kj ds lkeus rkjh[k nh xbZ gSa A

lk{kh

1-_____(gLrk{kj)

(uke vkSj irk)_____

2- _____(gLrk{kj)

(uke vkSj irk)_____

gLrk{kj&&&&&&&&&&&&&&&&&&&([kk| dkjckj
vkijsVj)&&&&&&&&&&&&&&&&&&&&&&

gLrk{kj&&&&&&&&&&&&&&&&&&([kk| dkjckj vkijsVj)&&&&&&&&&&&&&&&&&&

gLrk{kj&&&&&&&&&&&&&&&&&&(izfrHkw)&
&&&&&&&&&&&&&&&&&&

gLrk{kj&&&&&&&&&&&&&&&&&&(izfrHkw)&
&&&&&&&&&&&&&&&&&&

Hkkjr ds jk"Vªifr@jkT; ds jkT;iky dh
vksj ls
gLrk{kj&&&&&&&&&&&&&&&&
&&&&&&
(inuke)&&&&&&&&&&&&&&&&&
&&&

iz:i 5d

[kk| dkjckj vkijsVj dks lwpuk dk iz:i

(fu;e 2-4-1(3) ds izfrfunsZ'k djsa)

lsok esa

_____
_____

fiz; egksn;@egksn;k

eSaus vkt rkjh[k _____ dks _____ ij fLFkr _____ ifjlj@nqdku@cktkj ls uhps ;Fkkfofu£n"V [kk| ds uewus fy, gSa ftudks _____ ds fy, [kk| fo'ys"kd }kjk mlh izdkj fo'ysf"kr fd;k tkuk gS A

[kk| ds C;kSjs

_____

dksM la[;kad

_____

ijh{k.k fd, tkus okys ekunaM _____

1- fof'k"V mRikndksa ds fy, ,iQ,l,l,vkbZ ds ekudksa ds vuqlkj A 2- fd;k tkus okyk dksbZ vfrfjDr ijh{k.k] ;fn dksbZ gS A

LFkku _____

rkjh[k _____

irk _____

(gú&) [kk| lqj{k vf/dkjh@izkf/Ñr vf/dkjh

vfHkLohÑfr _____

[kk| dkjckj dÙkkZ ds
gLrk{kj
lk{kh
lk{kh

iz:i 5[k

Øsrk }kjk nh tkus okyh lwpuk

dk iz:i

(fu;e 2-4-4 (2) ds izfrfunsZ'k

djsa)

lsok esa

_____

_____

fiz; egksn;@egksn;k

eSaus vkt rkjh[k _____ dks _____ ij fLFkr _____ ifjlj@nqdku@cktkj ls uhps ;Fkkfofu£n"V [kk| ds uewus fy, gSa ftudks _____ ds fy, [kk| fo'ys"kd }kjk mlh izdkj fo'ysf"kr fd;k tkuk gS A

[kk| ds C;kSjs _____

dksM laú _____

ijh{k.k fd, tkus okys ekunaM _____

1- fof'k"V mRikndksa ds fy, ,iQ,l,l,vkbZ ds ekudksa ds vuqlkj A 2- fd;k tkus okyk dksbZ vfrfjDr ijh{k.k] ;fn dksbZ gS A

LFkku _____

rkjh[k _____

irk _____

iz:i 6

[kk| fo'ys"kd dks

Kkiu izs"kd

_____

_____

lsok esa

[kk| fo'ys"kd rkjh[k_____

_____

_____

Kkiu

(fu;e 2-4-1(11) ds izfrfunsZ'k djs)

1-uhps o£.kr uewuk fo'ys"k.k ds fy, [kk| lqj{kk vkSj ekud vfèkfu;e] 2006 dh èkkjk _____ ds vèkhu _____ dks fo'ys"k.k ds fy, Hkstk tkrk gS A

(*i*) dksM la[;kad

(*ii*) laxzg.k dh rkjh[k vkSj LFkku

(*iii*) fo'ys"k.k ds fy, izLrqr dh xbZ oLrqvksa dh izÑfr

(*iv*) uewus esa vifefJr ifjj{kd] ;fn dksbZ gks] dh izÑfr vkSj ek=kk

2-bl Kkiu dh ,d izfr vkSj uewus ds iSdsV dks lhy fd, tkus esa iz;qDr lhy dh uewuk Nki i'Fkd~ :i ls Mkd@dwfj;j@nLrh }kjk ifjnku ds fy, Hkstk tk jgk gS (tks ykxw u gks mls dkV nsa)

(gñ) [kk| lqj{kk

vfèkdkjh irk %

iz:i 7d
[1]fu;e 2-4-4(6) ds izfrfunsZ'k
djsa[o]

[kk| fo'ys"kd dh fjiksVZ

fjiksVZ lañ_____
izekf.kr fd;k tkrk gS fd eqÖks_____([kk| fo'ys"kd dk uke) [kk| lqj{kk vkSj ekud vfèkfu;e] 2006 (2006 dk 34) ds micaèkksa ds vèkhu lE;d~ :i ls _____ ds fy, (LFkkuh; {ks=k dk uke) fu;qDr fd;k x;k gS] eSaus {ks=kvks ds inkfHkfgr vfèkdkjh dk _____ ls vks *_____ dk ,d uewuk] ftldk dksM lañ vkSj Øñlañ _____ gS _____ rkjh[k _____ dks (uewuk ysus dh rkjh[k) fo'ys"k.k ds fy, izkIr fd;k gS A

vkèkku ij vkSj izkfIr ds cká [kksy ij eqæk dh fLFkfr fuEukuqlkj gS %

T;ksa fd R;ksa@{kfrxzLr@yqIr (tgka ykxw u gks mls dkV nsa)

eSaus [kk| lqj{kk vkSj ekud fofu;eksa ds vè;k; 5 dh en lañ ds vèkhu vkus okys _____ dk (uewus dk izoxZ) uewuk izkIr fd;k gS A uewuk fo'ys"k.k ds fy, Bhd fLFkfr esa Fkk vkSj _____ rkjh[k dks (fo'ys"k.k vkjaHk djus vkSj iwjk djus dh rkjh[k nsa) fo'ys"k.k fd;k gS rFkk fo'ys"k.k dk ifj.kke uhps fn;k x;k gS@uhps fn, x, dkj.k ls fo'ys"k.k ds fy, Bhd fLFkfr esa ugha Fks A

dkj.k%

_____

fo'ys"k.k fjiksVZ
fu;e 2-4-2(5) ds izfrfunsZ'k
djsa

(*i*)uewuk o.kZu (mlesa D;k var£o"V gS)
_____
(*ii*)uewuk@vkèkku dh HkkSfrd :i
_____
(*iii*)yscy ?kks"k.kk
_____

Øñlañ	DokfyVh ds	iz;qDr ijh{k.k dh i¼fr dh	fuEukuqlkj fofgr ekud (d) lqj{kk vkSj ekud vfèkfu;e] fu;e vkSj fofu;eksa ds micaèk
1-			
2-			
3-			
4-			
5-			
6-			

fjiksVZ (uewuk okj)

&vifefJr@feF;k Nki okyh @ekunaMksa ds Hkhrj@_____ds micaèk dk mYya?ku gksrk gS
(tgka ykxw u gks mls dkV nsa)

& dksbZ vU; laizs{k.k

_____rkjh[k_____dks gLrk{kfjr irk_____

* Hkstus okys ds C;kSjs nsa

** ykxw u gks mls dkV nsa

(gñ@&) [kk| fo'ys"kd

*** tc jk; vkSj fuoZpu lfEefyr gksa rc og nLrkost ftlds vkèkkj ij jk;@fuoZpu fd;k x;k gS A

iz:i 8

[1]fu;e 2-4-6 (1) ds izfrfunsZ'k[o]

vfHkfgr vfèkdkjh ds le{k vihy dk iz:i

vfHkfgr vfèkdkjh ds le{k vihy

(LFkku)

[kk| lqj{kk vkSj ekud vfèkfu;e] 2006 (2006 dk 34) dh èkkjk 46(4) ds vèkhu vihy ds ekeys esa

vkSj

[kk| fo'ys"kd ls&&&&&&&&&&&&rkjh[k dh fjiksVZ ds fo#¼ vihy ds ekeys esa

1- [kk| fo'ys"kd dh fjiksVZ dh lañ vkSj rkjh[k] ftlds fo#¼ vihy dh tk jgh gS

2- rF;ksa vkSj vkèkkjksa ds laf{kIr C;kSjs ftu ij fjiksVZ dks pqukSrh nh xbZ gS

3- nkok fd;k x;k vuqrks"k

vihykFkhZ ds

gLrk{kj

iz:i lañ 9

(uke funsZ'ku dk iz:i&fu;e 2-5-1 ds izfrfunsZ'k djsa)

fdlh daiuh }kjk O;fDr;ksa dk uke funsZ'ku

fu;e 3-5-1(2) ds fucaèkuksa ds vuqlkj daiuh dk LokfeRoèkkjh ;k funs'kd cksMZ }kjk izkfèkÑr gLrk{kjdrkZ gksus ds dkj.k eSa lwpuk nsrk gwa fd fuEufyf[kr O;fDr(;ksa) dks O;fDr@O;fDr;ksa ds uke ds lkeus o£.kr LFkkiu] 'kk[kk] ;wfuV dk Hkkjlkèkd O;fDr (;ksa) ds :i esa ukefunsZf'kr fd;k tkrk gS@ fd, tkrs gSa vkSj lac¼ LFkkiu@'kk[kk@;wfuV dh ckcr [kk| lqj{kk ;k vfèkfu;e vkSj fu;e@fofu;eksa ;k rn~èkhu tkjh fd, x, funs'kksa ds fdlh mYya?ku ds fy, mÙkjnk;h vkSj nk;h gksaxs A

O;fDr(;ksa) }kjk os lHkh dne mBk,axs] tks [kk| lqj{kk vkSj ekud vfèkfu;e] 2006 vkSj rn~èkhu cuk, x, fu;eksa vkSj fofu;eksa ds vèkhu vkSj muds vuqikyu esa fdlh vijkèk ds daiuh }kjk fd, tkus dks jksdus ds fy, vko';d gksa A

'kk[kk okn@dk;kZy; okj ukefunsZ'k A

LFkkiu@'kk[kk@bdkbZ dk uke	Hkkjlkèkd O;fDr dk uke vkSj gLrk{kj
1-	1-
2-	2-
3-	3-

izkfèkÑr gLrk{kjdrkZ ds lacaèk esa cksMZ ds ladYi dh lR;kfir izfr rkjh[k_____layXu gS A

LFkku_____ fyfeVsM@izkbosV

fyfeVsM_____ds fy, rkjh[k_____

1- daiuh dk izkfèkÑr gLrk{kjdrkZ

LFkku_____

iz:i 10
(fu;e 3- 3-1(2) dk (i) dk izfrfunsZ'k
ns[ksa)
vihy dk iz:i
[kk| lqj{kk vihy vfèkdj.k ds le{k
(vfèkdj.k dk LFkku)

[kk| lqj{kk vkSj ekud vfèkfu;e] 2006 (2006 dk 34) ds ekeys esa
vkSj
U;k; fu.kkZ;d vfèkdkjh (LFkku) }kjk ikfjr vkns'k
rkjh[k&&&&&&&&&&&&&&&&ds fo#¼ vihy ds ekeys esa o"kZ&&&&&&&&&dh
vihy la0&&&&&&&&

d-[k- && vihykFkhZ
cuke
x&?k &&&

izR;FkhZ vihy vfèkdj.k dk;kZy; ds mi;ksx ds fy,
Mkd }kjk izkfIr dh rkjh[k
jftLVªhdj.k la0
gLrk{kj
(jftLVªkj)

vuqØef.kdk
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2-	d	U;k; fu.kkZ;d vfèkdkjh }kjk tkjh rkjh[k _____ ds dkj.k crkvks	
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5-	?k	vk{ksfir vkns'k rkjh[k _____ dh izfr	

vihy dk Kkiu 1- **<u>vihykFkhZ dh fof'kf"V;k</u>a**

(*i*)vihykFkhZ dk uke d [k
(*ii*)vihykFkhZ dk irk
(*iii*)lHkh lwpukvksa dh rkehy ds fy, irk
(*iv*)VsyhiQksu ua0@iQSDl ua0] bZ&esy dk irk] ;fn dksbZ gks

2- **<u>izR;FkhZ dh fof'kf"V;</u>ka**

(*i*)izR;FkhZ dk uke x ?k
(*ii*)izR;FkhZ dk irk
(*iii*)lHkh lwpukvksa dh rkehy ds fy, irk
(*iv*)VsyhiQksu ua0@iQSDl uañ] bZ&esy dk irk] ;fn dksbZ gks

3- vihy vfèkdj.k dh vfèkdkfjrk

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4- ifjlhek

vihykFkhZ ;g vkSj ?kks"k.kk djrk gS fd vihy fu;e 3-3-1(2) esa ;Fkk fofgr ifjlhek ds Hkhrj gS A

5- ekeys ds rF;

;gka ekeys ds rF; vkSj fofu£n"V vkns'k ds fo#¼ vihy ds vkèkkj ij Øekuqlkj la{ksi esa nsa] izR;sd iSjk esa ;Fkk laHko i`Fkd fook|d] rF; ;k vU;Fkk lkiQ&lkiQ var£o"V gksa A

6- ekaxk x;k vuqrks"k

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(;gka ekaxs x, vuqrks"k vkSj fofèkd micaèk] ftudk vkJ; fy;k x;k gS] ;fn dksbZ gksa] fofu£n"V djsa)

7- ekaxk x;k varfje vuqrks"k (;fn vuqjksèk fd;k x;k gS)

vihy esa fofu'Pk; ds yafcr jgrs gq, vihykFkhZ fuEufyf[kr varfje vuqrks"k pkgrk gS A

vuqjksèk fd, x, varfje vuqrks"k vkSj mlds fy, dkj.kksa dks ;gka fofu£n"V djsa)

8- os ekeys tks fdlh vU; U;k;ky; esa yafcr ugha gSa

vihykFkhZ ;g mn~?kks"k.kk djrk gS fd og ekeyk ftlds lacaèk esa ;g vihy iQkby dh xbZ gS fdlh fofèk ds U;k;ky; ds le{k ;k fdlh vU; izkfèkdkjh ;k fdlh vU; vfHkdj.k ds le{k yafcr ugha gS A

9- lanÙk iQhl dh fof'kf"V;ka

(*i*)iQhl dh jde &&&&&&&&&&#0

(*ii*)ml cSad dk uke ftl ij ekax i=k vkgfjr fd;k x;k gS (*iii*)ekaxi=k la0 vkSj rkjh[k

10- lwpdkad ds C;kSjs

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MINISTRY OF HEALTH AND FAMILY WELFARE
(Department Of Health and Family Welfare)

New Delhi, dated the 5 May, 2011

Notification

G.S.R.362(E) Whereas Central Government proposes to make draft Food Safety and Standards Rules, 2011, in exercise of the powers conferred by section 91 of Food Safety and Standards Act, 2006 (34 of 2006), read with the sections 5,7,30,36,37,38,39,40,41,43,45,46,47,68,70,71,73,74,75,76,77,78,81,82,83 and 84 which have been notified by the Government of India *vide* SO 1855 (*E*) dated 29th July, 2010, and

Whereas these draft rules have been pubished at 1 to 68 in the Gazette of India Extraordinary Part II – Sec. 3 (*i*) dated 19th January, 2011 under the notification of Government of India in the Ministry of Health and Family Welfare no G.S.R 39 (*E*) dated the 19th January, 2011 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of period of thirty days from the date on which the copies of the said Gazette containing the said notification were made available to the public;

And whereas objections and suggestions received from the public within the specified period on the said draft Rules have been considered by the Central Government.

Now therefore, in exercise of the power conferred by section 91 of the said Act, the Central Government hereby makes the following Rules namely:—

Food Safety and Standards Rules, 2011

CHAPTER 1

GENERAL

1.1: Title and commencement

1.1.1: These rules may be called the Food Safety and Standards Rules, 2011.

1.2: Definitions

1.2.1: In these rules, unless the context otherwise requires,

1. "Act" means the Food Safety and Standards Act, 2006 (Act 34 of 2006) ;

2. "Adjudicating Officer" means the Adjudicating Officer appointed under sub-section (1) of section 68 of the Act.

3. "Advocate" means a person who is entitled to practice the profession of law under the Advocates Act, 1961 (25 of 1961)

4. "Appellate Tribunal" means the Food Safety Appellate Tribunal constituted under section 70 of the Act.

5. "Authorised Officer" means an officer authorized by the Food Authority referred in the sub-section (5) of section 47 of the Act.

6. "Inquiry" means the inquiry referred to in section 68.

7. "Licensing Authority" means the Designated Officer appointed under section 36 of the Act for the local area and includes any other officer so appointed for the purpose of granting license by the Commissioner of Food Safety.

8. "Notified laboratory" means any of the laboratories notified by the Food Authority under sub-sections (1) and (2) of section 43ofthe Act.

9. "Presiding Officer" means a person appointed as Presiding Officer of the Appellate Tribunal under section 70 of the Act.

10. "Referral laboratory" means any of the laboratories established and/or recognized by the Food Authority by notification under sub section (2) of section 43 of the Act.

11. "Registrar" means the Registrar of the Appellate Tribunal and includes an officer of such Appellate Tribunal who is authorized by the Presiding Officer to function as Registrar

12. "Registry" means the registry of the Appellate Tribunal

13. "Rules" means the Food Safety and Standards Rules, 2011.

CHAPTER 2

ENFORCEMENTSTRUCTUREANDPROCEDURES

2.1 - Qualification and duties

2.1.1: Commissioner of Food Safety:

1. Qualification: No person below the rank of "Commissioner and Secretary" to State Government shall be eligible to be appointed as the Commissioner of Food Safety.

2. Powers and Duties: Powers and duties of the Commissioner of Food Safety shall beas provided in the section 30 (2) of Food Safety and Standards Act, 2006.

2.1.2: Designated Officer

1. Qualification

(*i*) The Designated Officer shall be a whole time Officer, not below the rank of Sub-Divisional Officer or equivalent and shall possess a minimum of bachelors' degree in Science with chemistry as one of the subjects or at least one of the educational qualifications prescribed for the Food Safety Officer under these Rules.

(*ii*) He shall Undergo training as may be specified by the Food Authority, within a period of six months from the date of his appointment as Designated Officer.

(*iii*) (*a*) persons having been appointed as food Inspector having qualification prescribed under the PFA Rules, 1955 or as Local Health Authority shall be eligible for appointment as Designated Officer, subject to fulfilling such other conditions as may be prescribed for the post of Designated Officer by the State Government.

(*b*) At the time of commencement of these rules, the post of designated Officer is held by any other officer of equivalent rank as additional charge basis such other officer shall continue to hold such additional charge till such time a whole time Designated Officer is appointed or for a period of one year whichever is earlier.

2. Powers and duties:

(*i*) The powers and duties of the Designated Officer shall be as mentioned in section 36 (3) of FSS Act, 2006.

(*ii*) The Designated officer shall function under overall supervision of collector/ District Magistrate of the District.

(*iii*) The Designated Officer shall, in addition to the powers specified in Section 36 (3) of FSS Act, 2006, also ensure the refund of fee for analysis paid by the purchaser as per the provision of Section 40 (1), besides the cost of the sample

(*iv*) The Designated Officer shall ensure timely disposal of redundant samples, in the manner notified for the seized materials, by the Commissioner of Food Safety.

(*v*) Without prejudice to anything contained in the aforesaid Rules, the Designated Officer shall have all administrative powers which may include suspension, cancellation or revocation of the license of the Food Business Operator in case any threat or grave injury to public, has been noticed in the report of the Food Analyst,

Provided that while taking such administrative action the procedure described in the Act and Regulations shall be followed.

2.1.3: Food Safety Officer

1. **Qualification:** Food Safety Officer shall be a whole time officer and shall, on the date on which he is so appointed possesses the following:

(*i*) a degree in Food Technology or Dairy Technology or Biotechnology or Oil Technology or Agricultural Science or Veterinary Sciences or Bio-Chemistry or Microbiology or Masters Degree in Chemistry or degree in medicine from a recognized University, or

(*ii*) any other equivalent/recognized qualification notified by the Central Government, and

(*iii*) has successfully completed training as specified by the Food Authority in a recognized institute or Institution approved for the purpose.

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a Food Safety Officer under this rule

2. On the date of commencement of these Rules, a person who has already been appointed as a Food Inspector under the provisions of Prevention of Food Adulteration Act, 1954, may perform the duties of the Food Safety Officer if notified by the state/Central government if the officer fulfils such other conditions as may be prescribed for the post of Food Safety Officer by the State Government.

3. State Government may, in cases where a Medical Officer of health administration of local area has been performing the function of food Inspector under the Prevention of Food Adulteration Act, 1954, assign the powers and duties of Food Safety Officer to such Medical Officer in charge of health administration of that area.

Provided further that the persons appointed under clauses 2 and 3 above, shall undergo a specialized training laid down by the Food Authority within a period of two years from the commencement of these rules.

4. **Powers and Duties:**

(*i*) Without prejudice to the powers conferred on him under section 38 of the Act, where the Food Safety Officer is of the opinion or he has reason(s) to be recorded in writing that in the given situation it is not possible to comply with the provision of section 38 (1) (*c*) or the proviso to section 38(1) for reasons like non availability of the Food Business Operator, the Food Safety Officer may seize the adulterant or food which is unsafe or sub-standard or mis-branded or containing extraneous matter, may seal the premises for investigation after taking a sample of such adulterant or food for analysis.

(*ii*) Where the Food Safety Officer is of the opinion or he has reason(s) to believe that any person engaged in selling, handling or manufacturing any article of food is suffering from or harbouring the germs of any infectious disease, he may cause such person to be examined by a qualified medical professional duly authorized by the Designated Officer.

Provided that where such person is a female, she shall be examined by a qualified lady medical professional duly authorized by the Designated Officer.

If on such examination the qualified medical professional certifies that such person is suffering from any such disease, the Food Safety Officer may by order in writing under intimation to the Designated Officer direct such person not to take part in selling or manufacturing any article of food.

(*iii*) Furthermore, it shall be the duty of the Food Safety Officer

(*a*) To inspect, as frequently as may be prescribed by the Designated Officer, all food establishments licensed for manufacturing, handling, packing or selling of an article of food within the area assigned to him;

(*b*) To satisfy himself that the conditions of licenses are being complied with by each of the Food Business Operators carrying on business within the area assigned to him and report to the Designated Officer;

(*c*) To procure and send for analysis if necessary, samples of any article of food which he has reason to believe or on the basis of information received including from a purchaser are being manufactured, stocked or sold or exhibited for sale in contravention of the provisions of the Act, or rules and regulations framed thereunder

(*d*) To draw samples for purposes of surveillance, survey and research, which shall not be used for prosecution

(*e*) To investigate any complaint which may be made to him in writing in respect of any contravention of the provisions of the Act, or rules framed thereunder;

(*f*) To maintain a data base of all Food Business within the area assigned to him;

(*g*) To recommend Desidnated Officer to issue of improvement notices to the Food Business Operator whenever necessary;

(*h*) To maintain a record of all inspections made and action taken by him in the performance of his duties, including the taking of samples and seizure of stocks, and to submit copies of such records to the Designated Officer as directed in this regard;

(*i*) To make such inquiries and inspections as may be necessary to detect the manufacture, storage or sale of articles of food in contravention of the Act or rules framed thereunder;

(*j*) To stop and inspect any vehicle suspected to contain any unsafe food or food which does not comply with the provisions of this Act and rules, intended for sale or delivery for human consumption;

(*k*) To recommend to the Designated Officer giving specific grounds, suitable action in regard to licenses issued to any Food Business Operator, if on inspection the Food Safety Officer finds that the Food Business Operator had violated the conditions for grant of license;

(*l*) To carry out food safety surveillance to identify and address the safety hazards

(*m*) To respond to incidents of food poisoning in his area and to send report to and assist the Designated Officer to enable him to initiate corrective action;

(*n*) To facilitate preparation of Food safety plans for Panchayat and Municipalities in accordance with the parameters and guidelines given in **schedule IV of Chapter 3 of Regulations**.

(*o*) To detain imported packages which are suspected to contain articles of food, the import or sale of which is prohibited;

(*p*) To coordinate with the Food Business Operators within his area of operation and facilitate the introduction of food safety systems by the Food Business Operators.

(*q*) To perform such other duties, as may be entrusted to him by the Designated Officer or Food Safety Commissioner having jurisdiction in the local area concerned.

2.1.4: Food Analyst

1. **Qualification:** A person shall not be qualified for appointment as Food Analyst under the Act unless she/ he:-

(i) Holds a Master's degree in Chemistry or Biochemistry or microbiology or Dairy Chemistry or Food Technology, Food and Nutrition or holds Bachelor of Technology in Dairy/Oil or holds degree in Veterinary Sciences from a university established in India by law or is an associate of the Institution of Chemists (India) by examination in the section of Food Analysts conducted by the Institution of Chemists (India) or any other equivalent qualification recognized and notified by the Central government for such purposes and has not less than three years experience in the analysis of food; and

(ii) Has been declared qualified for appointment as a Food Analyst by a board appointed and notified by the Authority

Notwithstanding anything contained above,

(*a*) any person who has been declared qualified for appointment as Public Analyst by the board constituted under Prevention of Food Adulteration Act, 1954 shall also be eligible for holding the post of Food Analyst.

(*b*) any person who is a Public Analyst under the provisions of Prevention of Food Adulteration Act, 1954 on the date of commencement of these Rules, may hold office of the Food Analyst subject to the terms and conditions of service applicable to such person.

A person appointed as Food Analyst shall undergo all specialized training programmes specified by the Food Authority periodically.

2. **Duties:**

(i) The Food Analyst shall analyse or cause to be analysed the article of food sent to him for analysis. In analyzing the article of food, the Food Analyst shall follow such instructions and shall adhere to such

procedure as adopted by the Food Authority from time to time. The report of analysis shall be signed by the Food Analyst

(ii) After completion of analysis of article of food, the Food Analyst shall send his report to the Designated Officer, the Purchaser of article of food, as the case may be, in

Form VII A.

2.2 - Procedure of taking extracts of documents and matters connected therewith

2.2.1: Manner of taking extracts

1. Where the Food Safety Officer has seized any books of account and other relevant relevant documents in exercise of powers conferred upon him under sub-section (6) of section 38 of the Act, he shall return the same to the person from whom they were seized within a period not exceeding thirty days from the date of such seizure

Provided that before returning the books of account and other documents, the Food Safety Officer shall be entitled for copies thereof or extracts there from, as the case may be.

2. On receipt of such communication from the Food Safety Officer, the person from whom the books of account and documents were seized shall provide the copies or extracts as the case may be, duly authenticated by the Food Business Operator.

3. The extracts shall be taken by the Food Safety Officer or by any person authorized by him.

4. The person making the extracts shall not in any manner cause dislocation, mutilation, tampering or damage to the records in the course of making extracts.

5. The person making extracts shall not make any marking on any record or paper.

2.2.2 Affidavit

1. The extracts or the copies referred to in **Rule 2.2.1** above, shall be initialed on each page of such extracts or copies by the person from whom the books of account and other documents were seized and such extracts or copies so authenticated shall be provided to the Food Safety Officer, accompanied by an Affidavit in

Form I of the person from whom the books of account and other documents were seized, certifying the authenticity of such extracts or copies.

2.3 - Seizure of articles of food by the Food Safety Officer and matters connected therewith

2.3.1.: Form of receipt for article of food seized by a Food Safety officer– For every article of food seized under clause (*b*) of sub-section 1 of Section 38 of the Act, a receipt in

Form II shall be given by the Food Safety Officer to the person from whom the article of food was seized.

2.3.2 Form of order/bond not to dispose of the stock: Where the Food Safety Officer keeps any article of food in the safe custody of the Food Business Operator under clause (*c*) of sub-section (1) of Section 38 of the Act.

1. he shall, after affixing the seal, on the article of food, make an order to the Food Business Operator in

Form IV.

2.4: Sampling and Analysis

2.4.1: Procedure for taking sample and manner of sending it for analysis –

The Food Safety Officer while taking sample of food for analysis under clause A of Sub Section 1 of Section 38 and Section 47 (except 47 (5)) of the Act, shall also follow the procedure specified hereunder;-

1. shall call one or more witnesses at the time of lifting of the samples
2. Obtain the signatures from the witnesses in all the forms and documents prepared

Form V A to the business operator then and there

4. in case the food business operator discloses that the product has been obtained from the manufacturer, the distributor or supplier, a notice shall also be given to such manufacturer, distributor or supplier,

5. in case where the sample is drawn from an open container, the person drawing the sample shall also draw a sample from a container in original condition of the same article bearing the same declaration, if such container is available, and intimate the same to the Food Analyst.

6. Where a Food Safety Officer or the purchaser takes a sample of an article of food for analysis, he shall pay, the cost of such sample, to the person from whom the sample is taken, calculated at the rate at which the article is sold to the public.

7. Sample of article of Food for the purpose of analysis shall be taken in clean dry bottles or jars or in other suitable containers which shall be closed to prevent leakage, evaporation or to avoid entrance of moisture in case of dry substance and shall be carefully sealed.

Provided, if a sealed package marketed by the manufacturer/Food Business Operator is taken as sample, further sealing in separate containers will not be required.

8. All bottles or jars or other containers containing the samples for analysis shall be properly labeled and the parcel shall be properly addressed. The label on any sample of food sent for analysis shall bear

I. Code number of the sample

II. Name of the sender with his official designation

III. Date and place of collection

IV. Nature of articles being sent for analysis

V. Nature and quantity of preservative, if any, added to the sample.

9. The samples will be packed and sealed in the manner prescribed hereunder :

(*i*) Sample shall be divided into four parts or take four already sealed packages and mark and seal or fasten up each part in such a manner as its nature permits and take the signature or thumb impression of the person from whom the sample has been taken on the label mentioned in 2.4.1.8

(*ii*) The stopper/cap shall first be securely fastened so as to prevent leakage of the contents in transit

(*iii*) The bottle, jar or other container shall then be completely wrapped in fairly strong thick paper. The ends of the paper shall be neatly folded in and affixed by means of gum or other adhesive.

(*iv*) A paper slip of the size that goes round completely from the bottom to top of the container, bearing the signature of the Designated Officer or any officer authorized by Food Safety commissioner and code number of the sample, shall be pasted on the wrapper. The signature or thumb impression of the person from whom the sample has been taken, shall be affixed in such a manner that the paper slip and the wrapper both carry a part of this signature or the thumb impression

Provided that in case the person from whom the sample is taken refuses to affix his signature or thumb impression, the signature or thumb impression of one or more witnesses shall be taken in the same manner

Provided furtherthat in case the paper slip containing the signature of the Designated Officer is of such a size that it does not cover completely from the bottom to the top of the container, the Food Safety Officer shall affix additional sheet/s of paper to the slip containing the signature of the Designated Officer so as to cover the container completely and the Food Safety Officer shall affix his signature on each of the joints for the purpose of identification.

Provided also further that where the purchaser or an Authorized Officer draws the sample no such paper slip shall be required to be affixed

(*v*) The paper cover shall be further secured by means of strong twine or thread both above and across the bottle, jar or other container and the twine or thread shall then be fastened on the paper cover by means of sealing wax on which there shall be distinct and clear impression of the seal of the sender, of which one shall be at the top of the packet, one at the bottom and the other two on the body of the

packet. The knots of the twine or thread shall be covered by means of sealing wax bearing the impression of the seal of the sender.

10. The containers of the samples shall be dispatched forthwith in the following manner

Form VI shall be sent in a sealed packet to the Food Analyst under appropriate condition to retain the integrity of the sample.

(*ii*) the sealed container of the second and third parts of the sample and two copies of memorandum in

(*iii*) the sealed container of the remaining fourth part of the sample and a copy of memorandum in

Form VI shall be sent to an accredited laboratory along with fee prescribed by the Authority, if so requested by the Food Business Operator, under intimation to the Designated Officer

Provided that fourth part also shall be deposited with Designated Officer if Food business Operator does not request to send the sample to an accredited lab.

(*iv*) for lifting a sample for testing microbiological parameters, the method of lifting sample, type of container, temperature to be maintained, method of transportation and any other condition to maintain the integrity of the sample shall be notified by the Food Authority from time to time.

11. The Food Safety Officer shall send to the Food Analyst to whom the sealed container of first part of the sample was sent, a copy of the memorandum and specimen impression of the seal used to seal the packet and the same shall be sent forthwith.

12. The Food Safety Officer or the Authorized Officer, while taking sample for the purpose of analysis under the provisions of the Act except in the case where the sample is meant for microbiological testing/ analysis, may add to the sample, a preservative as may be prescribed from time to time in the regulations for the purpose of maintaining it in a condition suitable for analysis.

13. Whenever any preservative is added to a sample, the nature and quantity of the preservative added shall be clearly noted on the label to be affixed to the container.

14. The quantity of sample of food to be sent to the Food Analyst / Referral lab for analysis shall be as specified in regulations by the Food Authority:

Explanation: Foods sold in packaged condition (sealed container or package) shall be sent for analysis in its original condition without opening the package as far as practicable, to constitute approximate quantity along with original label. In case of bulk packages, wherever preservatives are to be added as per the requirement under these rules, the sample shall be taken after opening sealed container or package in the presence of the Food Business Operator or in case of his refusal, in the presence of one or more witnesses and the contents of the original label shall also be sent along with the sample for analysis. However, such samples shall not be used for microbiological analysis

15. Where food is sold or stocked for sale or for distribution in sealed containers having identical label declaration, the contents of one or more of such containers as may be required to satisfy the quantity prescribed, shall be treated to be a part of the sample.

16. The quantity of sample of food packaging material to be sent to the Food Analyst /Director of referral lab for analysis shall be as specified below:-

Name of food packaging material	Approximate quantity/surface area to be supplied
1.Food packaging material when sample is	taken from manufacturer.
2.When sample is taken from small consumer	packages.

8 x 1000 x 9 sq.cm. surface area."

Complete packaging material used for one container.

17. Notwithstanding anything contained in **Rule 2.4.1 (15)** the quantity of sample sent for analysis shall be considered as sufficient unless the Food Analyst reports to the contrary.

For the purpose of the **Rule 2.4.1,** if the sample is taken for Surveillance purposes, the procedure illustrated under this rule shall not be followed

2.4.2. Analysis of food samples by Food Analyst

1. On receipt of the package containing a sample of food for analysis, the Food Analyst or an officer authorized by him shall compare the seals on the container and the outer cover with specimen impression of seal received separately and shall note the condition of the seal thereon.

2. Food laboratories including mobile food laboratories wherever required, may be established or notified by the Central/State Government for the purpose of testing food samples received from the Food Safety Officer/ purchaser.

3. If the sample container received by the Food Analyst is found to be in broken condition or unfit for analysis, he shall, within a period of seven days from the date of receipt of such sample, inform the Designated Officer about the same and request him to send the second part of the sample for analysis.

4. On receipt of requisition from the Food Analyst pursuant to **Rule 2.4.2 (3)** the Designated Officer, shall by the succeeding working day, dispatch to the Food Analyst for analysis one part of the samples sent to him by the Food Safety Officer.

5. On receipt of the sample, the Food Analyst shall analyse or cause to be analysed the sample and send the analysis report mentioning the method of analysis. The analysis report shall be as per

Form VII A and four copies of the same shall be sent to the Designated Officer under whose jurisdiction the Food Safety Officer functions or the purchaser of article of food. The analysis report shall be signed by the Food Analyst and such report shall be sent within fourteen days of the receipt of the sample by the Food Analyst.

6. The Designated Officer shall keep two copies of analysis report for further action, one copy shall be sent to Food Safety Officer for record and one copy to Food business Operator from whom the sample was taken**.**

Provided that in case the sample cannot be analysed within fourteen days of its receipt, the Food Analyst shall inform the Designated Officer and the Commissioner of Food Safety giving reasons and specifying the time to be taken for analysis.

7. The manuals of the method of analysis, as amended/adopted by the Authority from time to time including AOAC/ ISO/Pearson's/Jacob/IUPAC/Food Chemicals CODEX/BIS/Woodmen/Winton-Winton/Joslyn, shall be used for analyzing the samples of food articles. However, in case the method for analyzing any parameter is not available in these manuals, a validated method of analysis prescribed by internationally recognized/analytical/regulatory agencies, shall be adopted

2.4.3: Action by Designated Officer on the report of Food Analyst.

If, after considering the report, the Designated Officer is of the opinion for reason(s) to be recorded in writing, that the report delivered by the Food Analyst under **Rule 2.4.2 (5)** is erroneous, he shall forward one of the parts of the sample kept by him to referral laboratory, for analysis and if the analysis report of such referral laboratory is to the effect that the article of food is unsafe or sub-standard or mis-branded or containing extraneous matter, the provisions of **Rule 3.1** shall, so far as may be, apply.

2.4.4: Purchasers may have the food analysed

1. A Purchaser of food article may, if he so desires, have the article analysed by the Food Analyst according to the procedure notified by the Food Authority.

2. If the Purchaser desires to have the food article purchased by him to be analysed by the Food Analyst, he shall give a notice in writing, then and there, in

Form V B of his intention to have it so analysed to the person from whom he has purchased the food article.

3. The provisionsof **Rule2.4.1** shall *mutatis mutandis* apply except 2.4.1 (9) (i, iv) , 10 (ii, iii), 11, and 16 and with the modification that the samples shall be divided into two parts or two already sealed packages will be taken each of which will be marked and sealed or fastened up in such a manner as its nature permits and the signature or thumb impression of the person from whom the sample has been taken or a witness will be affixed on the label mentioned in 2.4.1 (8). The purchaser will forward one part of the sample to the Food Analyst and the other to the Designated Officer which can be used in the event of appeal by the Food Business Operator against the finding of the report of the Food Analyst.

4. The Purchaser shall pay the prescribed fee to the Food Analyst for carrying out the analysis.

5. The Food Analyst shall send to the Purchaser his report on analysis of the article of food and if the finding of the report is to the effect that the article of food is adulterated/misbranded/contaminated or does not conform to the standards prescribed under the Act or the Regulations, the Food Analyst shall also send his report in triplicate, to the Designated Officer of the area in which the article of food was purchased, besides sending a copy of the Report to the Purchaser.

6. The report of the Food Analyst shall be sent within 14 days of the receipt of the article of food for analysis and such report shall be in

Form VII A.

2.4.5: Food business operator's right to have the food analysed

1. In case the Food business operator from whom the sample has been taken or the person whose name and address and other particulars have been disclosed under **Rule 2.5** of these rules, desires to have the fourth part of the sample analysed, he shall request the Food Safety Officer in writing to send the sample to any NABL accredited/ FSSAI notified laboratory for analysis under intimation to the Designated Officer.

2. The Food Safety Officer shall send the sample to a NABL accredited/FSSAI notified laboratory, under intimation to the Designated Officer forthwith, in the manner prescribed under **Rule 2.4.1**.

Provided that the cost of testing by the accredited lab will be borne by the Food Business Operator or the person identified under **Rule 2.5.** The payment shall be made by the Food Business Operator through Bank draft or online transfer or treasury chalan or any other suitable means as specified by the Designated Officer.

Provided further that the Accredited lab where the Food Safety Officer will send the sample, should be within the state or the neighboring state wherever available

3. The Food Analyst in-charge of the accredited laboratory shall analyse the sample within fourteen days from the date of the receipt of the sample

Provided that in case the sample cannot be analysed within fourteen days from the date of its receipt, the Food Analyst/in-charge of the accredited laboratory, shall inform the Designated Officer and the Commissioner of Food Safety giving reasons and specify the time to be taken for analysis.

4. The Food Analyst shall send four copies of the analysis report to the Designated Officer, in the proforma given in

Form VII A, indicating the method of analysis.

2.4.6: Appeal to the Designated Officer

1. When an appeal as provided under subsection 4 of section 46 is preferred to the Designated Officer by the Food Business Operator against the report of the Food Analyst, the Designated Officer, shall if he so decides, within thirty days from the receipt of such appeal after considering the material placed before him and after giving an opportunity to Food Business Operator to be heard shall forward one part of the sample to the referral lab. Such appeal shall be in

Form VIII which shall be filed within 30 days from the date of the receipt of the copy of the analysis report from the Designated Officer. Report of the referral laboratory shall be final in this regard.

2. The Designated Officer shall forward one part of the the sample under appropriate condition as specified for the product including transport, to retain the integrity of the sample. The cost of analysis of the sample shall be borne by the Food Business Operator. The remaining samples will also be safely kept under appropriate conditions to prevent deterioration.

2.5: Nomination by the company in the prescribed proforma

2.5.1: The company which is having different establishments or branches, units, any establishment or branch shall inform the Licensing authority in

Form IX, the particulars relating to the concerned head or the person in-charge of such establishment, branch, unit, with due certification that the concerned person has been so nominated for the purposes of the section 66 of the Act and regulations made under section 31 of the Act.

2.5.2: The Company shall also intimate to the Licensing Authority, as and when any change occurs in the nomination given in Rule 2.5.1 above forthwith, in

Form IX

CHAPTER 3

ADJUDICATIONAND APPEALTO TRIBUNAL

3.1: Adjudication proceedings

3.1.1: Holding of inquiry

Form VII A from the Designated Officer, the person from whom the sample was taken or the persons, whose names and addresses and other particulars have been disclosed under **Rule 2.5** of these rules or wholesaler or manufacturer has preferred an appeal against the findings of the report of the Food Analyst before the Designated Officer in terms of sub-section (4) of section 46 of the Act and the same has been dismissed, or the referral laboratory has, pursuant to the reference made by the Designated Officer in terms of sub-section (4) of section 46 of the Act confirmed the findings of the Food Analyst in his report, or if no appeal has been preferred, the Designated Officer shall examine the case on the basis of the sections under which the person has been charged as to whether the contravention is punishable with imprisonment or the same is punishable with fine only under the Act. However, if no contravention is established and the sample conforms to the requirement of FSS regulations, the same will be communicated to the Food Business Operator immediately.

2. If the Designated Officer decides that such contravention is not punishable with imprisonment but only with fine under the provisions of the Act, he shall cause and authorize the Food Safety Officer to file with the Adjudicating Officer an application for adjudication of the offence alleged to have been committed by the person

from whom the food sample has been taken or the person whose name and address and other particulars have been disclosed under **Rule 2.5** of these rules and/or the seller or manufacturer of the food item in respect of which the report has been received.

3. On receipt of the communication from the Designated Officer authorizing the filing of the adjudication application, the Food Safety Officer shall file the application for adjudication with the Adjudicating Officer for adjudication of the offence/contravention alleged to have been committed.

4. On receipt of the application for adjudication from the Food Safety Officer, the Adjudicating Officer shall commence the inquiry proceedings.

5. The Adjudicating Officer shall have power to hold an inquiry for purpose of adjudicating offences punishable under sections 50, 51, 52, 53, 54, 55, 56, 57, 58, 64, 65, 66 and 67 of the Act.

6. For holding an inquiry for the purpose of adjudication under section 68 of the Act as to whether any person(s) has/have committed contravention of any of the provisions of the Act referred to in **Rule 3.1.1.(5)** herein or the rules or regulations in respect of which the offence is alleged to have been committed, the Adjudicating Officer shall, in the first instance, issue a notice to such person or persons giving him or them an opportunity to make a representation in the matter within such period as may be specified in the notice (not being less than 30 days from the date of service thereof).

7. Every notice under **Rule 3.1.1.(6)** to any such person shall indicate the nature of offence alleged to have been committed by him or them, the section(s) of the Act alleged to have been contravened, and the date of hearing of the matter. A copy of the report of the Food Analyst shall also be annexed to such notice.

8. On the date fixed for hearing, the Adjudicating Officer shall explain to the person or persons proceeded against or to his authorized representative, the offence alleged to have been committed by such person, indicating the provision of the Act, rules or regulations in respect of which the contravention is alleged to have taken place.

9. The Adjudicating Officer shall then give an opportunity to such person or persons to produce such documents or evidence as he may consider relevant to the inquiry and if necessary the hearing may be adjourned to a future date

Provided that the notice referred to in **Rule 3.1.1. (6)** may, at the request of the person concerned, be waived.

Provided further that the Adjudicating Officer shall pass the final order within 90 days from the date of first hearing mentioned in **Rule 3.1.1 (8)** above**.**

10. The State Government may appoint a presenting officer from amongst the panel of advocates of the court of local jurisdiction, in an inquiry under this rule.

11. While holding an inquiry under this rule, the Adjudicating Officer shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which, in the opinion of the Adjudicating Officer may be useful for or relevant to, the subject matter of the inquiry.

12. If any person fails neglects or refuses to appear as required by **Rule 3.1.1 (6&7)** before the Adjudicating Officer, the Adjudicating Officer may proceed with the inquiry in the absence of such person, after recording the reasons for doing so.

3.1.2: Order of the Adjudicating Officer and matters relating thereto

1. If, upon consideration of the evidence produced before the Adjudicating Officer, the Adjudicating Officer is satisfied that the person or persons or any of them against whom the inquiry has been conducted, has become liable to penalty and/or any suitable administrative action under any of the sections referred to in **Rule 3.1.1. (5)** he may, by order in writing, impose such penalty as he thinks fit, in accordance with the provisions of the relevant section or sections of the Act.

2. If however, the Adjudicating Officer is satisfied that the person or persons or any of them against whom the inquiry has been conducted for the contravention of provisions of the Act, has or have not been proved beyond doubt, the Adjudicating Officer shall dismiss the case.

3. Every order made under **Rule 3.1.2. (1)** shall specify the provisions of the Act or the rules or the regulations in respect of which the offence has taken place and shall contain brief reasons for such decision. While imposing monetary penalty, the Adjudicating Officer shall have due regard to the provisions of section 49 of the Act. Such penalty will be remitted in the form of a crossed demand draft drawn on a nationalized bank in favour of "Adjudicating Officer, …….District" payable at the station where the Adjudicating officer is located

4. Every such order shall be dated and signed by the Adjudicating Officer.

5. The Adjudicating Officer shall send a copy of the order made under **Rule 3.1.2** to the person or persons against whom the inquiry was conducted and the Food Safety Officer who has filed the application for adjudication.

6. A notice or an order issued under these rules shall be served on the person or the persons against whom the adjudication proceedings were held or inquiry has been conducted, in any of the following manner:

(*i*) by delivering or tendering it to that person or his duly authorized representative or

(*ii*) by sending it to the person by registered post with acknowledgement due to the address of his place of residence or his last known place of residence or the place where he carried on or last carried on, business or personally works or last worked for gain or

(*iii*) if it cannot be served in the manner specified under **Rule 3.1.2 (6)** (*i*) **or** (*ii*) by affixing it on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided or carried on business or personally works or has worked for gain and written report thereof should be witnessed by two persons.

3.2: Appellate Tribunal

3.2.1 Qualification and terms of office of Presiding Officer of an Appellate Tribunal

1. No person shall be qualified for appointment as a Presiding Officer of an Appellate Tribunal unless he is or has been a District Judge and has not attained the age of 65 years on the date of appointment.

2. The Presiding Officer shall be selected by the State Government in which the Appellate Tribunal is located. The selection panel shall consist of three persons, one being a serving Judge of the High Court in which the Appellate Tribunal is located, the Law Secretary of the State Government and the Secretary of the concerned department of the State Government.

3. The panel's recommendation shall be decided by the majority of the members constituting the panel. The panel shall send its recommendation to the State Government, which will then take such steps as may be necessary to notify the appointment of the Presiding Officer. If there are more than one candidate which the panel has recommended for appointment, the panel shall rank the candidates in the order of their merit.

3.2.2: Terms and conditions of service of Presiding Officer

1. **Term of office:** The Presiding Officer of the Appellate Tribunal shall hold office for a term of five years from the date on which he assumes office or until he attains the age of 65 years, whichever is earlier.

Filling of vacancy: If for reason other than temporary absence, any vacancy occurs in the office of the Presiding Officer of the Appellate Tribunal, then the Central Government or the State Government, as the case may be, shall appoint another person in accordance with the provisions of the Act to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy occurred.

2. **Salary and allowances of Presiding Officer:** The Presiding Officer of Appellate Tribunal shall be paid such salary as admissible to a serving District Judge of the State in which the Appellate Tribunal is located.

Providedthat if the Presiding Officer is in receipt of any retirement benefit by way of pension, gratuity, employer's contribution to Contributory Provided Fund, etc. the pay of such Presiding Officer shall be reduced by the gross amount of pension or employer's contribution to the Contributory Provided Fund or any other form of retirement benefit, if any, drawn or to be drawn by him.

(*i*) **Travelling Allowance:** The Presiding Officer while on tour or on transfer (including the journey undertaken to join the Appellate Tribunal or on the expiry of his term with the Appellate Tribunal to proceed to his home town) shall be entitled to traveling allowance, daily allowances, transportation of personal effects and other similar matters at the same scale and at the same rates as are applicable to a District Judge of the State in which the Appellate Tribunal is located.

(*ii*) **Leave Travel Concession:** The Presiding Officer shall be entitled to Leave Travel Concession at the same rates and at the same scale as are applicable to a District Judge of the State in which the Appellate Tribunal is located.

(*iii*) **Conveyance:** The Presiding Officer shall be entitled to a staff car as applicable to a District Judge.

(*iv*) **Facilities of Medical Treatment:** The Presiding Officer of the Appellate Tribunal shall be entitled to medical treatment and hospital facilities as provided in the Service Rules as are applicable to a District Judge in the state in which the Appellate Tribunal is located.

3. **Resignation and removal:** The Presiding Officer of the Appellate Tribunal may, by a notice in writing under his hand addressed to the Central Government or the State Government, as the case may be, which has appointed him, resign from his office. The Central Government or the State Government, as the case may be, remove from office, the Presiding Officer of the Appellate Tribunal, who

(*i*) has been adjudged as insolvent

(*ii*) has been convicted of an offence which in the opinion of the Central Government or the State Government, as the case may be, involves moral turpitude

(*iii*) has become physically or mentally incapable of acting as the Presiding Officer

(*iv*) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Presiding Officer

(*v*) has so misbehaved or abused his position as to render his continuance in office prejudicial to the public interest.

Provided however that the Presiding Officer shall not be so removed from his office for reasons mentioned in iv and v except by an order of the Central Government or the State Government, as the case may be, after an inquiry made by a serving or retired Judge of a High Court in which the Presiding Officer has been informed of the charges against him and given a reasonable opportunity of being heard in respect of the charges and the person conducting the enquiry files a report that the Presiding Officer ought to be removed.

Whereas in respect of i, ii, and iii the decision of the Government shall be based on convincing evidence or documentary proof on the basis of a speaking order**.**

4. Residuary powers and power to relax rules

(*i*) **Residuary Powers:** Matters relating to the conditions of service of the Presiding Officer with respect to which no express provision is made in these rules, shall be referred, in each case to the Central Government or the State Government as the case may be for its decision and the decision of the Central Government or the State Government thereon shall be binding on the Presiding Officer.

(*ii*) **Power to relax:** The Central Government or the State Government as the case may be, shall have the power to relax the provision of any of these rules relating to Presiding Officer.

3.3: Procedure for Appeal to Appellate Tribunal and Connected matters therewith

3.3.1 Appeal to Appellate tribunal

1. **Limitation for filing appeal:** Every appeal under section 70 of the Act, arising out of a decision of the Adjudicating Officer appointed under section 68 of the Act, shall be filed within a period of 30 days from the date on which the copy of the order against which the appeal is filed, is received by the appellant.

Provided however that the Appellate Tribunal may allow a maximum of another 30 days to entertain an appeal if it is satisfied that there was sufficient cause for not filing the appeal within first 30 days.

2. **Form and procedure of appeal**

(*i*) A memorandum of appeal shall be presented in **Form X** by any aggrieved person in the registry of the Appellate Tribunal or shall be sent by registered post addressed to the Registrar.

(*ii*) A memorandum of appeal sent by post shall be deemed to have been presented in the registry on the day it is received in the registry.

3. **Contents of Memorandum of Appeal**

(*i*) Every Memorandum of Appeal filed under **Rule 3.3.1 (2)** shall set forth concisely under distinct heads, the grounds of such appeal and such grounds shall be numbered consecutively.

(*ii*) It shall not be necessary to present separate memorandum of appeal to seek interim order or direction, if the same is prayed for in the Memorandum of Appeal.

4. **Manner of presentation of appeal or application or petition**

(*i*) Every appeal or petition or application presented to the Appellate Tribunal shall be in English or the local language of the state and shall be fairly and legibly type written or printed, in double spacing on one side of standard petition paper, duly paginated, indexed and stitched together in paper book form.

(*ii*) Appeal or petition or application shall be divided into paragraphs and shall be numbered consecutively.

5. **Initialing alteration**

Every interlineations erasing or correction or deletion in any appeal or petition or application filed before the Appellate Tribunal shall be initialed by the party or his authorized agent in writing or the party's advocate presenting the same.

6. Presentation of appeal, petition or application

(*i*) Every appeal, petition or application shall be presented in triplicate by the appellant or the petitioner or the applicant, as the case may be, in person or by his duly authorized agent in writing or by an advocate duly appointed in this behalf and shall be accompanied, wherever applicable, with the stipulated fee. (*ii*) Every appeal shall be accompanied by the certified copy of the impugned order.

7. Scrutiny of memorandum of appeal

(*i*) The Registrar shall endorse on every appeal the date on which it is presented under **Rule 3.3.1** or deemed to have been presented under that rule and shall sign endorsement.

(*ii*) If on scrutiny, the appeal is found to be in order, it shall be duly registered and given a serial number.

(*iii*) If on scrutiny, the appeal or petition or application is found to be defective, the same shall, after notice to the party, be returned for compliance and if within 21 days of receipt of such notice or within such extended time as may be granted by the Registrar, the defect is not rectified, the Registrar, may, for reasons to be recorded in writing, decline to register the appeal or petition or application.

8. Ex-parte amendments

(*i*) In every appeal or petition or application, arithmetical, grammatical, clerical and such other errors may be rectified on the orders of the Registrar under notice to the parties.

9. Service of appeal on the respondent

A copy of the Memorandum of Appeal and the paper book shall be served by the Registrar on the Respondent as soon as they are registered in the registry, by hand delivery or by Registered post or speed post.

10. Calling for records

On the admission of the appeal or the application or petition, the Registrar shall, if so directed by the Appellate Tribunal, call for the records relating to the proceedings from the respective Adjudicating Officer and re-transmit the same at the conclusion of the proceedings or thereafter.

11. Reply to the appeal by the Respondent

(*i*) Respondent may, within 30 days of service of notice of appeal file with the registry three complete sets containing reply to the appeal along with the documents in a paper book form.

(*ii*) A copy of every reply and a copy of every document/material annexed to the reply, relied on by the Respondent, shall be served on the appellant by the respondent.

12. Fee

(*i*) Every Memorandum of appeal shall be accompanied with a fee provided in sub-rule (*ii*) and such fee shall be remitted in the form of crossed demand draft drawn on a nationalized bank in favour of "Registrar, Food Safety Appellate Tribunal" payable at the station where the Appellate Tribunal is located.

(*ii*) The amount of fee payable in respect of appeal against adjudication orders passed under section 68 of the Act shall be as follows:

Sl No.	Amount of penalty imposed	Amount of fee payable
1.	Less than Rupees10,000/-	Rs. 500/-
2.	Rupees Ten thousand or more but less than Rupees One lakh	Rs. 1,500/-
3.	Rupees One lakh or more Rs.1500/- plus	Rupees 500/- for every additional one lakh of penalty or fraction thereof subject to a maximum of Rs.5,000/-

3.3.2 General matters relating to Appellate Tribunal

1. Sitting hours of the Appellate Tribunal

The sitting hours of the Appellate Tribunal shall ordinarily be from 11:00 a.m. to 1:30 p.m. and from 2:30 p.m. to 5:00 p.m., subject to any order issued by the Presiding Officer.

Working hours of the Appellate Tribunal

(*i*) The office of the Appellate Tribunal shall remain open on all working days on which the State Government Offices remain open and the working hours of the office of the Appellate Tribunal shall be as applicable to working hours of the State Government in which the Appellate Tribunal is located.

(*ii*) The filing counter of the Registry shall remain open on all working days from 11:00 a.m. to 4:30 p.m.

2. **Language of the Appellate Tribunal**

(*i*) The proceedings of the Appellate shall be conducted in English or the local language of the state.

(*ii*) No document filed in the proceedings before the Appellate Tribunal in any language other than English, shall be accepted by the Appellate Tribunal unless the same is accompanied by a true copy of translation thereof in English.

3. Official seal of the Appellate Tribunal

(*i*) The official seal of the Appellate Tribunal shall be such, as the Presiding Officer may from time to time specify.

(*ii*) The official seal of the Appellate Tribunal shall be kept in the custody of the Registrar.

(*iii*) Subject to any general or special direction given by the Presiding Officer, the official seal of the Appellate Tribunal shall not be affixed to any order, summons or other process, save under the authority in writing from the Registrar.

(*iv*) The official seal of the Appellate Tribunal shall not be affixed to any certified copy issued by the Appellate Tribunal, save under the authority in writing of the Registrar.

4. Format of direction or rule

Every direction, summons, warrant or other mandatory process shall be issued in the name of the Presiding Officer and shall be signed by the Registrar or any other officer specifically authorized in that behalf by the Presiding Officer, with the day, month and year of signing and shall be sealed with the seal of the Appellate Tribunal.

5. Carry forward of cause list and adjournment of cases on account of non-sitting of the Appellate Tribunal

If by reason of declaration of holiday or for any other unforeseen reason, the Appellate Tribunal does not function for the day, the Daily Cause List for that day shall, unless otherwise directed, be treated as the Daily Cause List for the next working day, in addition to the cases already posted for that day.

6. Record of Proceedings

Case Diaries, in each appeal, shall be kept by the clerk-in charge in such form as may be prescribed by the Presiding Officer and they shall be written legibly. The diary in the main file shall contain a concise history of the appeal or petition or application, and the substance of the order(s) passed thereon.

7. Order sheet

(*i*) Order sheet shall be maintained in every proceeding and shall contain all orders passed by the Appellate Tribunal from time to time.

(*ii*) Order sheet shall also contain the reference number of the appeal or petition or application, date of order and all incidental details including short cause title thereof .

8. Calling of cases in the Appellate Tribunal

Subject to any direction that may be given by the Presiding Officer, the clerk-in-charge shall call the cases listed in the cause list in the serial order.

9. Issue of notice

(*i*) Where notice of an appeal or petition or application is issued by the Appellate Tribunal, copies of the same, the Affidavit in support thereof and the copy of other documents filed therewith, if any, shall be served along with the notice on the other side.

(*ii*) The aforesaid copies shall show the date of presentation of the appeal or petition or application and the name of the advocate of such party, with his full address for service and the interim order, if any, made thereon.

(*iii*) The Appellate Tribunal may order for issuing notice in appropriate cases and also permit the party concerned for service of the said notice on the other side by private service and in such case, deliver the notice to such party and it is for such party to file affidavit of service with proof.

10. Summons

Whenever summons or notice is ordered by private service, the appellant or applicant or petitioner as the case may be, unless already served on the other side in advance, shall arrange to serve the copy of appeal or application or petition by registered post or courier service and file affidavit of service with its proof of acknowledgment before the date fixed for hearing.

11. Steps for issue of fresh notice

If any notice is returned unserved in the circumstances not specified in **Rule 3.3.3 (9)** that fact and the reason thereof shall be notified immediately on the notice board of the Registry. The appellant or applicant or petitioner shall within seven days from date of such notification takes steps to serve the notice afresh.

12. Consequence of failure to take steps for issue fresh notice

Where after a summon has been issued to the other side and returned unserved and the appellant or applicant or petitioner, as the case maybe, fails to take necessary steps within a period as ordered by the Appellate Tribunal from the date of return of the notice on the respondent/s, the Registrar shall post the case before the Appellate Tribunal for further directions or for dismissal for non-prosecution.

13. Default of appearance of respondent and consequences

Where the respondent, despite effective service of summons or notice on him does not appear before the date fixed for hearing, the Appellate Tribunal may proceed to hear the appeal or application or petition ex parte and pass final orders on merits.

14. Filing of objections by respondent

(*i*) The respondent, if so directed by the Appellate Tribunal, shall file objections or counter within the time allowed by the Appellate Tribunal. The objections shall be verified as an appeal or petition and wherever new facts are sought to be introduced for the first time, leave of the Appellate Tribunal shall be obtained.

(*ii*) The respondent, if permitted to file objections or counter in any proceeding shall also file three copies thereof after serving copies of the same on the appellant or applicant or the petitioner or their Advocate on record or the authorized representative, as the case may be.

15. Inspection of records

The parties to any proceedings before the Appellate Tribunal or their Advocate or the authorized representative may be allowed to inspect the records of such proceedings by making an application in that behalf to the Registrar and paying the prescribed fee for such inspection.

16. Grant of inspection

(*i*) An application for inspection of record under **Rule 3.3.3 (15)** shall be in the prescribed form and presented at the filing counter of the Registry between 10:30 a.m. and 3:00 p.m. on any working day and three days before the date on which the inspection is sought, unless otherwise permitted by the Registrar.

(*ii*) The Registry shall submit the application with its remarks before the Registrar, who shall on consideration of the same, pass appropriate orders.

17. Fee payable for inspection

Fee as may be specified by the Food Authority shall be payable on any application for inspection of records of a pending or decided case. Such fee shall be paid by way of Demand Draft to be drawn in favour of "Registrar, Food Safety Appellate Tribunal" and payable at the place where the Appellate Tribunal is located.

18. Mode of inspection

(*i*) On grant of permission for inspection of the records, the Registry shall arrange to procure the records of the case and allow inspection of such records on the date and time fixed by the Registrar in the immediate presence of an officer authorised in that behalf.

(*ii*) The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to the records in the course of inspection.

(*iii*) The person inspecting the records shall not make any marking on any record or paper so inspected and taking notes, if any, of the documents or records inspected may be done only in pencil.

(*iv*) The officer of the Registry supervising the inspection may at any time prohibit further inspection, if in his opinion, any of the records are likely to be damaged in the process of inspection or the person inspecting the records has violated or attempted to violate the provisions of these rules and shall immediately make a report about the matter to the Registrar and seek further orders from the Registrar.

19. Maintenance of Register of Inspection

The Registry shall maintain a Register for the purpose of inspection of documents or records and shall obtain therein the signature of the person making such inspection on the Register as well as on the application on the conclusion of inspection.

20. Application for production of documents and form of summons

(*i*) Except as otherwise provided hereunder, discovery or production and return of documents shall be regulated by the provisions of Civil Procedure Code, 1908.

(*ii*) An application for summons to produce documents shall set out the document/s production of which is sought; the relevancy of the document/s and in case where the production of a certified copy would serve the purpose, whether application was made to the proper officer and the result thereof.

21. *Suo motu* summoning of documents

Notwithstanding anything contained in these rules, the Appellate Tribunal, may, suo motu, issue summons for production of public documents or other documents in the custody of a public officer.

3.3.3:Powers and functions of the Registrar and related matters

1. The Registrar shall discharge his functions under the general superintendence of the Presiding Officer. He shall discharge such other functions as are assigned to him under these rules by the Presiding Officer. 2. The Registrar shall have the custody of the records of the Appellate Tribunal.

3. The Registrar shall have the following powers and functions viz.

(*i*) registration of appeals, petitions and applications;

(*ii*) to receive applications for amendment of appeal or the petition or application or subsequent proceedings

(*iii*) subject to the directions of the Presiding Officer, to fix date of hearing of the appeal or other proceedings and issue notices thereon

(*iv*) to order grant of copies of documents to parties to proceedings.

(*v*) to dispose of all matters relating to the service of notices or other processes, application for the issue of fresh notice or for extending the time for or ordering a particular method of service on a respondent including a substituted service by publication of the notice by way of advertisement in the newspapers. (*vi*) to requisition records from the custody of the Adjudicating officer or any other authority.

4. Preparation and publication of daily cause list:

(*i*) The Registry shall prepare and publish on the Notice Board of the Registry before the closing of working hours on each working day, the cause list for the next working day and subject to the directions of the Presiding Officer, listing of cases in the Daily Cause List shall be in the following order of priority: cases for"pronouncement of orders"

(*a*) cases for "clarification"

(*b*) cases for "admission"

(*c*) cases for "orders or directions"

(*d*) part-heard cases, latest part-heard having precedence

(*e*) cases posted as per numerical order or as directed by the Presiding Officer

(*ii*) The title of the daily cause list shall contain the number of the appeal or petition or application number, the day, date and time of the sitting of the Appellate Tribunal and the Coram indicating the name of the Presiding Officer.

(*iii*) Against the number of each case listed in the daily cause list, the following shall be shown namely

(*iv*) the name/s of the advocate/s appearing for both sides and setting in brackets the details of the parties whom they represent

(*v*) the names of the parties, if unrepresented, with their details in brackets

(*vi*) The objections and special directions, if any, of the Registry shall be briefly indicated in the daily cause list in remarks column, whenever compliance is required.

3.3.4: Orders of Appellate Tribunal and related matters

1. Order

(*i*) Every order of the Appellate Tribunal shall be signed and dated by the Presiding Officer. The Presiding Officer shall have powers to pass interim orders or injunction, subject to reasons to be recorded in writing, which he considers necessary in the interest of justice.

(*ii*) Orders shall be pronounced in the sitting of the Appellate Tribunal by the Presiding Officer (*iii*) Reading of the operative portion of the order shall be deemed to be pronouncement of order.

(*iv*) When orders are reserved, the date for pronouncement of order shall be notified in the cause list which shall be a valid notice of intimation of pronouncement.

2. Communication of orders

A certified copy of every order passed by the Appellate Tribunal shall be communicated to the Adjudicating Officer and to the parties, as the case may be.

3. Publication of orders

The orders of the Appellate Tribunal, as are deemed fit for publication in the press may be released for such publication on such terms and conditions as the Presiding Officer may specify.

4. Making of entries

Immediately on pronouncement of an order by the Presiding Officer, the Registrar shall make necessary endorsement on the case file regarding the date of such pronouncement and the nature of disposal and shall also make necessary entries in the diary maintained by him.

5. Indexing of case files after disposal

After communication of the order to the parties or their counsel, the Registry shall arrange the records with pagination and prepare in the Index Sheet in such form as may be prescribed by the Appellate Tribunal. He shall affix initials and then transmit the records with the Index to the records room.

6. Copies of orders in library

(*i*) The Officer in charge of the Registry shall send copies of every final order to the library.

(*ii*) Copies of all final orders received in each month shall be kept at the library in a separate folder, arranged in the order of date of pronouncement, duly indexed and stitched.

7. Removal of difficulties and issue of directions

Notwithstanding anything contained in these rules, wherever the rules are silent or no provision is made, the Presiding Officer may issue appropriate directions to remove difficulties and issue such order or circulars to govern the situation or contingency that may arise in the working of the Appellate Tribunal.

FORM I

FORM OF AFFIDAVIT

Seizure of books of account and other documents

(*Refer Rule 2.2.2*)

I, son of/wife of/daughter of Mr. _____, aged about _____ years and residing at _____ do hereby solemnly affirm and sincerely state as follows:

1. I am the sole proprietor/Partner/Director/employee of _____Private Ltd/Limited (here give the name of the firm or Company) having its Office/carrying on business//Registered Office at _____.
2. I say that on _____ at about ___a.m./p/m., the Food Safety Officer,_____(here give the area of operation of the Food Safety Officer) inspected/searched the premises at _____ where I am/ _____Private Ltd./Limited is carrying on business. During the course of such inspection/search, the Food Safety Officer has seized certain books of account and documents relating to the business.
3. I say that the books of accounts and other documents seized during the inspection/search are required for carrying on business and hence it is necessary that they be returned to me immediately.
4. At my request, the Food Safety Officer has agreed to return the books of account and other documents so seized during the inspection/search, subject to my providing him extracts or copies of such books of account and other documents. The Food Safety Officer has given me the details of the extracts or the copies required by him.
5. I say that I have caused the extracts/copies so required to be taken in the presence of the Food Safety Officer/_____ (name) an officer working in the department of the Food Safety Officer.
6. I confirm and declare that the extracts/copies annexed to this Affidavit are the true, authentic and genuine extracts/copies of books of account/other documents seized on _____ and in confirmation thereof, I have initialed each page of such extracts/copies.
7. I am aware that based on the solemn declarations given in this Affidavit, the Food Safety Officer has agreed to return the books of accounts and other documents seized as aforesaid on _____.
8. I hereby undertake to produce the books and accounts and other documents or any part thereof at any time as may be required by the Designated Officer or by the Food Safety Officer or before any inquiry proceedings or before any adjudication proceedings that may be initiated by the Food Safety Officer against me or against _____Private Ltd./Limited or both..

(SIGNATURE OF THE DEPONENT)

Solemnly affirmed and
signed before me this _____ of _____
Notary Public._____

FORM II

SEIZURE MEMO

[Refer Rule 2.3.1]

In exercise of the power delegated to me under section38 of the FSS Act, I hereby seize/detain the under mentioned food products/documents which contravene the provision of section———————————— of this Act at the premises of M/S————————————

FORM III

FORM OF ORDER OF SEIZURE

[Refer Rule 2.3.2.(1)]

To

(Name and address of the Food Business Operator)

…….

…….

…….

Whereas below mentioned articles of food….intended for sale which is in your possession appears to me to be adulterated/ misbranded underin violation of section————————————————————of FSS Act:

Sl.No.	Name of the products	Batch No.	No of units	Qty in kgs .
1.				
2.				
3.				
4.				
5.				

Now therefore under clause (*c*) of sub-section (1) of section 38 of the Food Safety and Standards Act, 2006 (34 of 2006), I hereby direct you to keep in your safe custody the said sealed stock subject to such orders as may be issued subsequently in relation thereto.

Food Safety Officer

Area…….....……Place:

Date:

FORM IV

[Refer Rule 2.3.2.(2)]

FORM OF SURETY BOND

Know all men by these present that we (*i*) ……..son of ……resident of ……..and (*ii*) …… son of……..resident of …….proprietors/partners/employees of Messrs …….hereinafter called the Food Business Operator (s) and (*iii*)……..son of ……..resident of …….and (*iv*) ……son of …….resident of…….hereinafter called the surety/sureties are held and firmly borne up to the President of India/Governor of……hereinafter called the government in the sum of ……..rupees to be paid to the government, for which payment will and truly be made.

We firmly bind ourselves jointly and severally by these presents.

Signed this ……day of …….whereas Shri……Food Safety Officer has seized…….(here, insert the description of materials together with number/quantity and total price hereinafter referred to as the said article) from……..(specify the place);

Whereas on the request of the Food Business Operator(s) the government has agreed to keep the said article in the safe custody of the Food Business Operator(s) executing a bond in the terms hereinafter contained and supported by surety/ two sureties which the Food Business Operator(s) has/have agreed to do. Now the condition of the above written obligation is such that if in the event of the Food Business Operator(s) failure to produce intact the said article before such court or Authority and on such dates(s) as may be specified by the said Food Safety Officer from time to time the Food Business Operator(s) and /or the surety/sureties forthwith pay to the government on demand and without a demur sum of……rupees and there after the said bond will be void and of no effect. Otherwise the same shall be and remain in full force and virtue.

These presents further witness as follows:

(*i*)The liability of the surety/sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance, act or omission of the government whether with or without the knowledge or consent of the sureties or either of them in respect of or in relation to all or any of the obligations or conditions to be performed or discharged by the Food Business Operator(s). Nor shall it be necessary for the government to sue the Food Business Operator(s) before suing the sureties or either of them for the amount due, hereunder.

(*ii*)This Bond is given under the Food Safety and Standards Act,2006 for the performance of an Act in which the public are interested.

(*iii*)The government shall bear the stamp duty payable on these presents.

In witness whereof these presents have been signed by the Food Business Operator(s) and the surety/sureties the day hereinabove mentioned and by Shri……on behalf of the President of India on the date appearing below against his signature.

Witnesses:

1……. (Signature)

(Name and address)……..

2……. (Signature)

(Name and address)……..

Signature…… (*Food Business Operator*)……

Signature…… (*Food Business Operator*)……

Signature…….. (Surety)……

Signature……..

(Surety)……

for and on behalf of the

President

of India / governor of state of.

Signature……..

.

(Designation)……

FORM V A

FORM OF NOTICE To THE Food Business Operator

(*Refer Rule 2.4.1.* (*3*))

To

……..

…….

Dear Sir/s/ Madam:

I have this day taken the samples of food from premises/shop/market of …….situated at ……..as specified below to have the same analysed by the Food Analyst for _____.

Details of food:
Code number:

Parameter to be tested:

1. As per the FSSAI Standards for the specific products
2. Any additional test to be performed if any

Place: (Sd/-) Food Safety

Date: Officer/Authorized Officer.

Address:

Acknowledgement:

Sign of Food Business Operator

Witnesses

Witnesses

FORM V B

(form of notice to be given by purchaser)

(***Refer Rule 2.4.4*** (***2***))

To

……..

…….

Dear Sir/s/ Madam:

I have this day taken the samples of food from premises/shop/ market of …….situated at ……..as specified below to have the same analysed by the Food Analyst for _____.

Details of food:

Code number:

Parameter to be tested:

1. As per the FSSAI Standards for the specific products 2.

Any additional test to be performed if any

Place:

Date:

Address:

FORM VI

MEMORANDUM TO FOOD ANALYST

From:

……..

…….. Date: _____

To

Food Analyst

……

……..

MEMORANDUM

(*Refer Rule 2.4.1*(*11*))

1. The sample described below is sent herewith for analysis under ___ of ___ of section ____ of Food Safety and Standards Act, 2006

   (*i*)Code Number

   (*ii*)Date and place of collection

   (*iii*)Name/Nature of articles submitted for analysis

   (*iv*)Name/Nature and quantity of preservative, if any, added to the sample.

2. A copy of this memo and specimen impression of the seal used to seal the packet of sample are being sent separately by post/courier/hand delivery (strike out whichever is not applicable)

(Sd/) Food Safety Officer
Address:

FORM VII A

[Refer Rule 2.4.4*(*6*)*]

REPORT OF THE FOOD ANALYST

Report No._____.

Certified that I _____ (name of the Food Analyst) duly appointed under the provisions of Food Safety and Standards Act, 2006 (34 of 2006), for _____ (name of the local area) have received from _____* a sample of ____, bearing Code number and Serial Number _____ of Designated Officer of _____ area* on_____(date of receipt of sample) for analysis.

The condition of seals on the container and the outer covering on receipt was as follows:

Intact/damaged/missing (delete where inapplicable)

I found the sample to be …….. (category of the sample) falling under item No.____ of Chapter 5 of Food Safety and Standards Regulations. The sample was in a condition fit for analysis and has been analysed on _____ (give date of starting and completion of analysis) and the result of its analysis is given below/ was not in a condition fit for analysis for the reason given below:

Reasons:

……..

Analysis Report

Refer Rule 2.4.2 (5)

(*i*)Sample Description (What it contains)

……

(*ii*)Physical Appearance of sample/container

……

(*iii*)Label declaration.

……

Sl.No.	Quality characteristics	Nature of method of test used	Result	Prescribed standards as per (*a*) provisions of the FSS Act , Rules and Regulations
1.				
2.				
3.				
4.				
5.				
6.				

Report (sample wise)

-adulterated/misbranded/within norms/ violates provision of …..……(delete where not applicable)

-any other observations

Signed this _____ day of _____ 20

Address: (Sd/-) Food Analyst.

*Give the details of the senders

**Strike out whichever is not applicable

***When opinion and interpretation are included, document the basis upon which the opinions/interpretations have been made.

FORM VIII

[Refer Rule 2.4.6 (1)]

FORM OF APPEAL BEFORE THE DESIGNATED OFFICER APPEAL BEFORE THE DESIGNATED OFFICER

(PLACE)

In the matter of appeal under section 46 (4) of The Food Safety and Standards Act 2006 (34 of 2006)

AND

In the matter of appeal against the report dated ____ from the Food Analyst

1. No. and date of the report of the Food Analyst against which the appeal is being preferred 2. Brief details of the facts and the grounds on which the report is being challenged
3. Relief being claimed

Signature of Appellant

FORM NO. IX

(Form of Nomination – Refer rule 2.5.1)

NOMINATION OF PERSONS BY A COMPANY

Being the proprietor or a signatory authorized by the board of directors of the company in terms of Rule 2.5.1 (2), I do hereby gives notice that the following persons(s) is/are nominated as the person(s) in charge of establishment, branch or the unit mentioned against the name of the person(s) and shall be responsible and liable for food safety or any contravention of the Act and rules/regulations or directions issued thereunder in respect of the concerned establishment/branch/unit. The person(s) shall take all such steps as may be necessary to prevent the commission by the Company of any offence under and comply with the provisions of Food Safety and Standards Act, 2006 and the Rules and Regulations made thereunder.

Branch wise/office wise nomination .

Establishment/branch/unit name	Name and Sign of Person i/c
1.	1.
2.	2.
3.	3.

A certified copy of the resolution of the board regarding the authorized signatory, dated _____ is enclosed.

Place:_____ For _____ Ltd./Private Ltd.

Date:_____

1. Authorized signatory of the company

Place:

Date:

FORM X

(Refer Rule (*i*) of 3.3.1 (2))

FORM OF APPEAL

BEFORE THE FOOD SAFETY APPELLATE TRIBUNAL

(PLACE OF THE TRIBUNAL)

In the matter of Food Safety and Standards Act, 2006 (34 of 2006)

AND

In the matter of appeal against the order dated ___ passed by the Adjudicating Officer, (Place) APPEAL NO. ____ OF ____

A.B. .. Appellant

Vs

C.D ... Respondent

For use in Appellate Tribunal's office
Date of presentation in the registry
Date of receipt by post
Registration No.

Signature
(Registrar)

INDEX

(Specimen Index)

Sl No.	EXHIBIT	PARTICULARS	Page No.
1.		Memorandum of Appeal	
2.	A	Copy of the Show Cause Notice dated ____ issued by the Adjudicating Officer	
3.	B	Copy of the Reply dated __ sent by the Appellant to the Show Cause Notice.	
4.	C	Copy of the letter dated ___ sent by the Appellant to the Adjudicating Officer	
5.	D	Copy of the impugned order dated _____	

MEMORANDUM OF

APPEAL 1. Particulars of the Appellant

(*i*)Name of the Appellant: A B
(*ii*)Address of the Appellant:
(*iii*)Address for service of all notices

(*iv*)Telephone/Fax No.

E-mail address, if any

2.Particulars of the Respondent

(*i*)Name of the Respondent : C.D.
(*ii*)Address of the Respondent:
(*iii*)Address for service of all notices
(*iv*)Telephone/Fax No.

e-mail address, if any

3.Jurisdiction of the Appellate Tribunal

The Appellant declares that the matter of appeal falls within the jurisdiction of the Appellate Tribunal.

4.Limitation

The Appellant further declares that the appeal is within the limitation as prescribed in Rule 3.3.1 (2)

5.Facts of the case

Here give a concise statement of facts of the case and grounds of appeal against the specified order, in a chronological order, each paragraph containing as neatly as possible as separate issue, fact or otherwise)

6.Relief(s) sought

In view of the facts mentioned in paragraph 5 and the grounds on which the impugned order is challenged, the Appellant prays for the following relief(s)

(Here specify the relief(s) sought and the legal provision, if any, relied upon)

7.Interim relief(s) sought (if prayed for)

Pending the final decision in the appeal, the Appellant seeks the following interim relief (s).

(Here specify the interim relief(s) prayed for and the reasons therefore)

8.Matters not pending with any other court

The Appellant further declares that the matter regarding which this appeal has been filed, is not pending before any court of law or any other authority or any other Tribunal.

9.Particulars of fee paid

(*i*)Amount of fee Rs._____

(*ii*)Name of the bank on which the Demand Draft is drawn _____ Bank

(*iii*)Demand draft No. and date

10.Details of Index

An index containing the details of the documents relied upon is enclosed.

11.List of enclosures

(Signature of the Appellant)

VERIFICATION

I, _____ son /wife/daughter of Mr._____being the Appellant do hereby verify that the contents of paragraphs 1 to 11 are true to my personal knowledge and belief and that I have not suppressed any material fact.

(Signature of the Appellant)

Place:

Date:

[F.No. P15017/20/2009-FSSAI(Pt)

(L.C. Goyal)
Additional Secretary and
D.G. (C.G.H.S.)

To

The manager,
Govt of India Press,
Maya puri,
Delhi.