	jktLFkku jkt&i=	**RAJASTHAN GAZETTE Extraordinary**
	Lkkf/kdkj	*Published by Authority*
	Hkknz 20] 'kqØokj] 'kkds 1931&flrEcj 11] 2009 *Bhadra 20, Friday, Saka*	

Hkkx 4 ¼d½

jktLFkku fo/kku eaMy ds vf/kfu;eA fof/k ¼fo/kk;h izk:i.k½ foHkkx

¼xzqi&2½

vf/klwpuk

t;iqj] flrEcj 11] 2009

la[;k i- 2¼21½ fof/k@2@2009-&jktLFkku jkT; fo/kku&e.My dk fuEukafdr vf/kfu;e] ftls jkT;iky egksn; dh vuqefr fnukad 11 flrEcj] 2009 dks izkIr gqbZ] ,rn~}kjk loZlkk/kkj.k dh lwpukFkZ izdkf'kr fd;k tkrk gS%&

jktLFkku uxjikfydk vf/kfu;e] 2009

¼2009 dk vf/kfu;e la[;kad 18½

[jkT;iky egksn; dh vuqefr fnukad 11 flrEcj] 2009 dks izkIr gqbZ]

jktLFkku jkT; esa uxjikfydkvksa ls lacaf/kr fof/k;ksa dks lesfdr djus vkSj la'kksf/kr djus rFkk muls lalDr vkSj vkuq"kafxd ekeyksa ds fy, mica/k djus ds fy, vf/kfu;eA

Hkkjr x.kjkT; ds lkBosa o"kZ esa jktLFkku jkT; fo/kku&e.My fuEufyf[kr vf/kfu;e cukrk gS%&

v/;k;

izkjfEHkd

1- laf{kIr uke] izlkj vkSj izkjaHk-& ¼1½ bl vf/kfu;e dk uke jktLFkku uxjikfydk vf/kfu;e] 2009 gSA

¼2½ bldk izlkj Nkouh {ks=ksa dks NksM+dj laiw.kZ jktLFkku jkT; esa gSA

¼3½ ;g ,slh rkjh[k dks izo`Rr gksxk tks jkT; ljdkj jkti= esa vf/klwpuk }kjk fu;r djsA

9 ¼2½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

2- ifjHkk"kk,a-&bl vf/kfu;e esa] tc rd fd lanHkZ }kjk vU;Fkk visf{kr u gks]&

¼i½ ^^laijh{kd** ls jktLFkku LFkkuh; fuf/k laijh{kk vf/kfu;e] 1954 ¼1954 dk vf/kfu;e la- 28½ esa ifjHkkf"kr laijh{kd vfHkizsr gS(

¼ii½

fiNMs+ oxZ ls vuqlwfpr tkfr;ksa vkSj vuqlwfpr tutkfr;ksa ls fHkUu] ukxfjdksa ds ,sls fiNMs+ oxZ vfHkiszr gSa tks jkT; ljdkj }kjk le;≤ ij fofufnZ"V fd;s tk;sa(

¼iii½ **rqyui=** ls /kkjk 92 ds v/khu rS;kj fd;k x;k rqyui= vfHkiszr gS(

¼iv½ **tho&fpfdRlk vif'k"V** ls dksbZ ,slk vif'k"V vfHkiszr gS tks ekuoksa ;k i'kqvksa ds funku] mipkj ;k izfrj{khdj.k ds nkSjku ;k muls lacaf/kr fdUgha vuqla/kku fØ;kdykiksa ;k tSo inkFkksZa ds mRiknu ;k ijh{k.k ds nkSjku mRiUu gqvk gS vkSj blesa fuEufyf[kr lfEefyr gaS%&

¼d½ ekuo 'kkjhfjd vif'k"V;

¼[k½ i'kq vif'k"V;

¼x½ lw{e tho foKku vkSj tho izkS|ksfxdh vif'k"V;

¼?k½ vif'k"V rh{.kkxz;

¼³½ Qsadh x;h vkS"k/ksa vkSj dksf'kdk vkfo"k vks"kf/k;ka;

¼p½ Bksl vif'k"V;

¼N½ nzo vif'k"V;

¼>½ jklk;fud vif'k"V;

¼v½ **iqy** esa iqfy;k lfEefyr gS(

¼vi½ **ctV izkDdyu** ls /kkjk 87 ds v/khu rS;kj fd;k x;k ctV izkDdyu vfHkizsr gS(

¼vii½ **ctV vuqnku** ls fdlh ctV izkDdyu ds O;; i{k eas fdlh o`gr~ 'kh"kZ ds v/khu izfo"V vkSj uxjikfydk }kjk vaxhd`r dqy jkf'k vfHkizsr gS vkSj mlesa bl vf/kfu;e vkSj rn/khu cuk;s x;s fu;eksa vkSj mi&fof/k;ksa ds mica/kkas ds vuqlkj vU; 'kh"kkZas ls ;k eas vUrj.k }kjk ,sls ctV vuqnku esa dh x;h c<+ksrjh ;k dVkSrh dh jkf'k Hkh lfEefyr gS(

(viii) **Hkou&fuekZrk** ;k **fodkldrkZ** ls ,slk dksbZ vfHkdj.k ;k O;fDr vfHkizsr gS ftlus viuh Lo;a dh Hkwfe ij ;k fdlh djkj ds v/khu fdlh vU; dh Hkwfe ij dksbZ dkEIysDl lafufeZr fd;k gS(

(ix) **Hkou** ls fdlh Hkh iz;kstu ds fy, vkSj fdlh Hkh lkexzh ls lafufeZr dksbZ lajpuk vfHkizsr gS vkSj blesa uhao] fIyUFk] nhokjsa] Q'kZ] Nras] fpefu;ka] fLFkj pcwrjs] cjkens] ckydkWfu;ka] dkfuZlsa ;k cfgxZr Hkkx ;k fdlh Hkou dk dksbZ Hkkx ;k mlls lalDr dksbZ oLrq ;k fdlh Hkwfe dh ckM+canh djrh gqbZ ;k ckM+canh djus ds fy, vk'kf;r dksbZ Hkh nhokj

¼rhu ehVj ls de ÅapkbZ dh lhek nhokj dks NksM+dj½] fpà ;k ckg~;
vfHkn'kZd lajpuk lfEEkfyr gS fdUrq blesa dksbZ rEcw] 'kkfe;kuk ;k
frjiky&vkJ; lfEefyr ugha gS(
9 ¼4½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ (x)
^^Hkou&LFky** ls Hkou fuekZ.k ds iz;kstu ds fy, /kkfjr
Hkwfe dk dksbZ Hkkx vfHkizsr gS(
(xi) **mi&fof/k** ls bl vf/kfu;e ds v/khu cuk;h x;h
mi&fof/k;ka vfHkizsr gS;
(xii)
v/;{k ls vfHkizsr gS]& ¼d½ uxjikfyd cksMZ ds
ekeys esa v/;{k(
¼[k½ uxjifj"kn~ ds ekeys esa lHkkifr(vkSj
¼x½ uxj fuxe ds ekeys esa egkikSj(
(xiii) ^^eq[; uxjikfyd vf/kdkjh^^ ls vfHkizsr gS]&
¼d½ uxj fuxe ds ekeys esa eq[; dk;Zikyd
vf/kdkjh ,oa vk;qDr(
¼[k½ uxj ifj"kn~ ds ekeys esa vk;qDr(vkSj
¼x½ uxjikfyd cksMZ ds ekeys esa dk;Zikyd
vf/kdkjh(
(xiv) ^^iw.kZ fnol^^ esa] tc og bl vf/kfu;e ds fdlh Hkh
mica/k ds v/khu uksfVl dh dkykof/k ds lanHkZ esa iz;qDr
fd;k tk;s] jfookj vkSj vU; vodk'k ds fnol lfEefyr gSa fdUrq
ml O;fDr }kjk] ftls uksfVl lEcksf/kr fd;k x;k gS] ,sls
uksfVl dh izkfIr dh rkjh[k vFkok uksfVl esa fofufnZ"V
rkjh[k lfEefyr ugha gS; (xv) ^^dkEIysDl** ls okf.kfT;d mi;ksx ds ekeys esa
iPphl ;k vf/kd bdkb;kas] vkSj vkoklh; mi;ksx ds
ekeys esa nl ;k vf/kd bdkb;ksa] ls feydj cuk dksbZ Hkou
vfHkizsr gS(
(xvi)
^^fuxe&ik"kZn**ls uxj fuxe dk dksbZ lnL; vfHkizsr gS(
(xvii) ^^ik"kZn** ls uxj ifj"kn~ dk dksbZ lnL; vfHkizsr gS(
Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼5½ (xviii) ^^Ms;jh**
esa dksbZ Hkh ,slk QkeZ] i'kq'kkyk] xkS'kkyk] nqX/k HkaMkj] nw/k dh nqdku
;k ,slk vU; LFkku lfEEkfyr gS& ¼d½ ftlls foØ; ij ;k foØ; ds fy,
nw/k dh vkiwfrZ dh tkrh gS] ;k
¼[k½ ftleas foØ; ds iz;kstuksa ds fy, nw/k j[kk
tkrk gS] ;k tks&
(i) eD[ku] ;k
(ii) ?kh] ;k
(iii) iuhj] ;k
(iv) ngh] ;k

(v) 'kq"d] folaØfer] la?kfur ;k VksUM nw/k] ds foØ; ds fy, fofuekZ.k ;k rS;kj djus ds fy, mi;ksx esa fy;k tkrk gS] fdUrq bleas fuEufyf[kr lfEefyr ugha gSa%&

(i) dksbZ nqdku ;k vU; LFkku ftleas nw/k dk foØ; dsoy mlds ifjlj ds Hkhrj miHkksx djus ds fy, fd;k tkrk gS(;k

(ii) dksbZ nqdku ;k vU; LFkku ftlesa ls nw/k dk okrjf{kr :Ik ls can vkSj fcuk [kqys ik=ksa eas mlh ewy fLFkfr esa foØ; ;k vkiwfrZ dh tkrh gS] ftlesa og ,slh nqdku ;k vU; LFkku esa izFke ckj izkIr gqvk Fkk(9 ¼6½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ (xix) ^^[krjukd jksx** ls vfHkizsr gS]&

¼d½ gStk] Iysx] pspd] izefLr"d lq"kqEukoj.k&'kksFk] fMIFkhfj;k] {k; jksx] dq"B] ba¶yq,atk] efLRk"d dyk 'kksFk] iksfy;ks ;k mina'k(;k

¼k½ dksbZ Hkh vU; egkekjh] LFkkfudekjh ;k laØked jksx ftls jkT; ljdkj bl vf/kfu;e ds iz;kstukas ds fy, vf/klwpuk }kjk [krjukd jksx ds :Ik esa ?kksf"kr djs(

(xx) ^^ikfdZax LFkku esa dh U;wurk** ls fdUgha Hkh xSj&vkoklh; Hkouksa] ftuesa dkEIysDl vkSj laLFkkxr Hkou] pkgs os vizkf/kd`r :i ls ;k Hkwfe mi;ksx ds ifjorZu }kjk fufeZr gq, gksa] lfEefyr gSa] esa fofHkUu izdkj ds ;kuksa ds fy, bl fufeRr cuk;h x;h mi&fof/k;kas ds v/khu ;Fkk&visf{kr ikfdZax LFkkukas ds fy, LFkku miyC/k djus esa j[kh x;h U;wurk vfHkizsr gS(

(xxi) ^^funs'kd] LFkkuh; fudk;** ls jkT; ljdkj }kjk bl :Ik esa fu;qDr fd;k x;k dksbZ vf/kdkjh ;k bl vf/kfu;e ds v/khu funs'kd] LFkkuh; fudk; ds d`R;ksa dk ikyu djus ds fy, jkT; ljdkj }kjk izkf/kd`r vk;qDr ds :i esa] ;k fdlh vU; inuke ls] inkfHkfgr mldk dksbZ vU; vf/kdkjh vfHkizsr gS(

(xxii) ^^O;;u** ls Hkwty] lrgh ty vkSj pkjksa vksj dh ok;q dh xq.koRrk dk lanw"k.k fuokfjr djus ds fy, fofufnZ"V mik;ksa ds vuqlkj uxjikfyd Bksl vif'k"Vksa dk vafre O;;u vfHkizsr gS(Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼7½ (xxiii) ^^ftyk eftLVªsV** ls n.M izfØ;k lafgrk] 1973 ¼1974 dk dsUnzh; vf/kfu;e la- 2½ dh /kkjk 20 ds v/khu ftyk eftLVªsV ds :i esa fu;qDr O;fDr vfHkizsr gS((xxiv) **ukyh** esa eyukyh] ikbZi] [kkbZ] tylj.kh

;k dksbZ vU; ;qfDr ftlls eSyk ikuh] ey rFkk nwf"kr ty] o"kkZ ty ;k v/kkse`nk ty dk ogu gks vkSj lkFk gh muls vuqyXu 'kkSpky; ik=] Vªsll] flad] gkSt] ¶y'k VSad rFkk vU; fQfVax lfEefyr gSa;

(xxv) ^^dk;Zikyd lfefr** ls /kkjk 55 esa fufnZ"V dk;Zikyd lfefr vfHkizsr gS(

(xxvi) ^^foRr vk;ksx** ls Hkkjr ds lafo/kku ds vuqPNsn 243> ds v/khu xfBr foRr vk;ksx vfHkizsr gS(

(xxvii) ^^foRrh; fooj.k** ls /kkjk 92 ds v/khu rS;kj fd;k x;k foRrh; fooj.k vfHkizsr gS(

(xxviii) ^^vfXu'keu ny** ls /kkjk 256 ds v/khu uxjikfydk }kjk LFkkfir vkSj Lka/kkfjr vfXu'keu ny vfHkizsr gS(

(xxix) ^^vfXu'keu laifRr** esa fuEufyf[kr lfEefyr gSa%&

¼d½ nedy dsUnzkas ds :Ik esa iz;qDr Hkwfe;ka vkSj Hkou]

¼[k½ nedy batu] miLdj] vkStkj] gkbZMªsVj] midj.k vkSj vfXu'keu ds fy, iz;qDr dh tkus okyh oLRkq,a] pkgs os dqN Hkh gksa]

¼x½ vfXu'keu ds laca/k esa iz;qDr eksVj;ku vkSj ifjogu ds vU; lk/ku]

¼?k½ ofnZ;ka vkSj jSad ds cSt(

9 ¼8½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ (xxx) ^^nedy dsanz** ls jkT; ljdkj }kjk nedy dsUnz ds :i esa lk/kkj.kr;k ;k fofufnZ"V :Ik ls ?kksf"kr dh x;h dksbZ pkSdh ;k LFkku vfHkizsr gS(

(xxxi) ^^ifjladVe; vif'k"V** ls i;kZoj.k ¼laj{k.k½ vf/kfu;e] 1986 ¼1986 dk dsUnzh; vf/kfu;e la- 29½ esa bl :i esa fofufnZ"V vif'k"V ds izoxZ vfHkizsr gaS(

(xxxii) ^^fuoklh^^ ls] tc og fdlh LFkkuh; {ks= ds izfr funZs'k ls iz;qDr fd;k tk;s] ml {ks= esa ekewyh rkSj ls fuokl djus okyk ;k dkjckj pykus okyk ;k LFkkoj lEifRr dk LokfeRo ;k vf/kHkksx j[kus okyk dksbZ Hkh O;fDr vfHkizsr gS(

(xxxiii) ^^Hkwfe^^ esa ,slh Hkwfe lfEefyr gS ftl ij fuekZ.k fd;k gqvk gks ;k tks tykPNkfnr gks(

(xxxiv) ^^uohure tux.kuk vkadMs+** ls os vkadM+s vfHkizsr gSa tks vfUre iwoZorhZ ml tux.kuk esa] ftlds lqlaxr vkadMs+ izdkf'kr dj fn;s x;s gaS] vfHkfuf'pr fd;s x;s gaS((xxxv) ^^cklk** esa rhFkZ&;kf=;ksa vkSj ;kf=;ksa dh okl&lqfo/kk ds fy, mi;ksx esa fy, tkus okys Hkouksa dk dksbZ lewg ;k dksbZ Hkou ;k fdlh Hkou dk dksbZ Hkkx lfEefyr gS((xxxvi) **lnL;** ls dksbZ ,slk O;fDr vfHkizsr gS tks fdlh uxjikfydk dk fof/kiwoZd lnL; gS vkSj blesa uxj fuxe ds ekeys esa fuxe&ik"kZn~] uxj ifj"kn~ ds ekeys esa ik"kZn~ vkSj uxjikfyd cksMZ ds ekeys esa lnL; lfEefyr gS(

(xxxvii)

^^nw/k** esa Øhe] Øhe ;qDr nw/k] Øhe fudyk nw/k vkSj la?kfur] folaØfer] lw[kk vkSj VksUM nw/k lfEefyr gaS(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼9½ (xxxviii)

^^uxjikfyd ys[kk funsZf'kdk** ls /kkjk 91 ds v/khu rS;kj dh x;h vkSj la/kkfjr uxjikfyd ys[kk funsZf'kdk vfHkizsr gS(

(xxxix) ^^uxjikfyd {ks=** ls jkT; ljdkj }kjk le;≤ ij ;Fkk&vf/klwfpr fdlh uxjikfydk dk izknsf'kd {ks= vfHkizsr gS(

(xl) ^^uxjikfyd fuf/k** ls /kkjk 79 esa fufnZ"V uxjikfyd fuf/k vfHkizsr gS(

(xli) ^^uxjikfyd Bksl vif'k"V** esa] fdlh uxjikfyd {ks= esa vkS|ksfxd ifjladVe; vif'k"V dks NksM+dj] fdUrq mipkfjr tho fpfdRlk vif'k"V dks lfEefyr djrs gq,] Bksl ;k v)Z Bksl :Ik esa iSnk gksus okyk okf.kfT;d vkSj vkokl lEcU/kh vif'k"V lfEefyr gS(

(xlii) **uxjikfydk** ls bl vf/kfu;e ds izkjEHk ds le; fo|eku ;k blds micU/kksa ds vuqlkj xfBr dksbZ uxj fuxe] uxj ifj"kn~ vkSj dksbZ uxjikfyd cksMZ vfHkizsr gS;

(xliii) ^^vukifRr izek.ki=** ls bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa }kjk vukifRr izek.ki= tkjh djus ds gdnkj izkf/kdkjh }kjk tkjh fd;k x;k nLrkost vfHkizsr gS vkSj bleas vuafre vukifRr izek.ki= lfEefyr gksxk(

(xliv) ^^U;wlasal** esa] dksbZ Hkh ,slk dk;Z] yksi] LFkku ;k oLrq lfEefyr gS tks n`f"V] ?kzk.k ;k Jo.k psruk ds fy, {kfr] [krjk] {kksHk ;k ?k`.kk dkfjr djs ;k ftlls buds dkfjr gksus dh lEHkkouk gks ;k tks thou ds fy,

9 ¼10½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ [krjukd ;k LokLF; ;k lEifRr ds fy, gkfudkjd gks ;k gks ldrh gks;

(xlv) ^^vf/kHkksxh** eas ,slk dksbZ O;fDr lfEefyr gS] tks Hkwfe ;k Hkou] ftlds laca/k esa bl 'kCn dk iz;ksx fd;k x;k gS] ds Lokeh dks fdjk;k ;k fdjk;s ds fdlh Hkkx dk] ;k ,slh Hkwfe ;k Hkou ds vf/kHkksx ds isVs uqdlkuh dk rRle; lank; dj jgk gS] ;k lank; djus dk nk;h gS] vkSj blesa fdjk;k eqDr vfHk/kkjh Hkh lfEefyr gS% ijUrq viuh Lo;a dh Hkwfe ;k Hkou esa jgus okyk ;k mldk vU;Fkk mi;ksx djus okyk Lokeh mldk vf/kHkksxh le>k tk;sxkA

(xlvi) ^^?k`.kksRiknd inkFkZ^^ ls vfHkizsr gS jlksbZ dk dpjk] vLrcy dk dpjk] xkscj] xank] xfyr ;k lM+us okyk inkFkZ ;k fdlh Hkh izdkj dh xanxh] ftls ey esa lfEefyr ugha fd;k x;k gS(

(xlvii)

uxjikfydk dk vf/kdkjh ls bl vf/kfu;e ds }kjk ;k v/khu l`ftr ;k pkyw j[ks x;s fdlh in dks rRle; /kkj.k djus okyk dksbZ O;fDr vfHkizsr gS fdUrq blesa uxjikfydk ;k mldh fdlh lfefr dk dksbZ lnL;] ,sls lnL; ds :i

esa lfEefyr ugha gksxk; (xlviii) ^^vU; vfHkdj.k** ls izkbosV lsDVj esa dh dksbZ dEiuh] QeZ] lkslkbVh] ;k fuxfer fudk;] ;k dksbZ laLFkk] ;k ljdkjh vfHkdj.k ;k dksbZ la;qDr {ks= dk vfHkdj.k ;k rRle; izo`Rr fdlh Hkh vU; fof/k ds v/khu dksbZ vfHkdj.k vfHkizsr gS(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼11½ (xlix) ^^Lokeh^^ eas ,slk O;fDr lfEefyr gS tks Lo;a ds en~ns ;k fdlh O;fDr ;k lkslkbVh ;k fdlh /kkfeZd ;k iwrZ iz;kstu ds fy, fdlh vfHkdrkZ ;k U;klh ds :Ik esa ;k fjlhoj ds :i esa fdlh Hkwfe ;k Hkou dk ;k fdlh Hkwfe ;k Hkou ds fdlh Hkkx dk rRle; fdjk;k izkIr dj jgk gS ;k ;fn og Hkwfe ;k Hkou ;k ml Hkwfe ;k Hkou dk dksbZ Hkkx fdlh vfHk/kkjh dks fdjk;s ij fn;k tkrk rks og ,slk fdjk;k izkIr djrk(

(l) ^^tula[;k** ls] tc og fdlh Hkh LFkkuh; {ks= ds izfr funsZ'k ls iz;qDr dh tk;s] ,sls LFkkuh; {ks= dh og tula[;k vfHkizsr gS tks ml vafre iwoZorhZ tux.kuk esa vfHkfuf'pr dh x;h gS] ftlds lqlaxr vkadMs+ izdkf'kr dj fn;s x;s gSa(

(li) **fofgr** ls bl vf/kfu;e }kjk ;k rn/khu cuk;s x;s fu;eksa] fd;s x;s vkns'kksa ;k cuk;h x;h mi&fof/k;ksa }kjk fofgr vfHkizsr gS;

(lii) **lkoZtfud LFkku** ls og LFkku vfHkizsr gS tks futh lEifRr u gks vkSj tks turk ds mi;ksx ;k miHkksx ds fy, [kqyk gks] pkgs ,slk LFkku uxjikfydk esa fufgr gks ;k u gks;

(liii) **yksd izfrHkwfr** ls vfHkizsr gSa]&

¼d½ jktLFkku ljdkj ;k dsUnzh; ljdkj ;k Hkkjr ds fdlh jkT; dh ljdkj dh izfrHkwfr;ka; vkSj

9 ¼12½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

¼[k½ fdlh Hkh ,sls vkns'k }kjk] tks jkT; ljdkj bl fufeRr djs] vfHkO;Dr :i ls izkf/kd`r dksbZ izfrHkwfr;

(liv) **lkoZtfud ekxZ** ls ,slk ekxZ vfHkizsr gS] &

¼d½ ftl ij gksdj turk dks vkokxeu dk vf/kdkj gS; ;k

¼[k½ ftls blls iwoZ uxjikfyd fuf/k] jkT; ljdkj dh fuf/k] dsUnzh; ljdkj dh fuf/k ;k vU; lkoZtfud fuf/k;ksa ls lery djok;k x;k gS] iRFkj tM+ok;s x;s gSa] Mkej fcNk;h x;h gS] tyljf.k;ka ;k eyukfy;ka cuok;h x;h gSa ;k ejEer djok;h x;h gS; ;k

¼x½ tks bl vf/kfu;e ds fdlh Hkh mica/k ds v/khu lkoZtfud ekxZ gks tkrk gS;

(lv) ^^dwM+kdjdV** ls /kwy] jk[k] VwVh bZaVsa] pwuk&xkjk] dkap ds

VqdM+s vkSj fdlh Hkh izdkj dk dksbZ dpjk] tks ?k`.kksRiknd inkFkZ ugha gS] vfHkizsr gS(

(lvi) **fu;e** ls bl vf/kfu;e }kjk iznRr 'kfDr dk iz;ksx djrs gq, cuk;k x;k dksbZ fu;e vfHkizsr gS;

(lvii) **vuqlwfpr tkfr** ls lafo/kku ¼vuqlwfpr tkfr;ka½ vkns'k] 1950 esa fofufnZ"V tkfr;ksa esa ls dksbZ Hkh tkfr vfHkizsr gS; (lviii) **vuqlwfpr tutkfr** ls lafo/kku ¼vuqlwfpr tutkfr;ka½ vkns'k] 1950 esa fofufnZ"V tutkfr;ksa esa ls dksbZ Hkh tutkfr vfHkizsr gS;

 ¼13½ (lix) ^^ey** ls fo"Bk vkSj 'kkSpky;ksa] ew=ky;ksa] eydwiksa ;k ukfy;ksa dh vU; vUroZLrq,a vfHkizsr gSa vkSj blesa lHkh izdkj ds O;olkf;d cfg%lzko vkSj fofuekZ.k'kkykvksa ls fuLlkj.k lfEefyr gaS(

(lx) **jkT;** ls jkT; iquxZBu vf/kfu;e] 1956 ¼1956 dk dsUnzh; vf/kfu;e la- 37½ dh /kkjk 10 }kjk ;FkkxfBr jktLFkku jkT; vfHkizsr gS;

(lxi) **jkT; foRr vk;ksx** ls Hkkjr ds lafo/kku ds vuqPNsn 243e ds lkFk ifBr vuqPNsn 243> }kjk iznr 'kfDr;ksa dk iz;ksx djrs gq, jkTkLFkku ds jkT;iky }kjk ;FkkxfBr jktLFkku foRr vk;ksx vfHkizsr gS(

(lxii) **ekxZ** ls dksbZ Hkh ,slh lM+d] iqy] iSny ekxZ] xyh] vgkrk] pkSd] ohFkh ;k jkLrk vfHkizsr gS tks turk dh] pkgs LFkk;h :i ls ;k vLFkk;h :i ls] igqap esa gks] pkgs og vke jkLrk gks ;k ugha] vkSj blesa lfEefyr gSa ekxZ ds nksuksa vksj fLFkr&

¼d½ ukfy;ka ;k xVj vkSj ifjfuf'pr lhek rd dh Hkwfe] pkgs ,slh Hkwfe ij fdlh Hkh cjkens ;k vU; mifjlajpuk dk Hkkx vkxs fudyk gqvk gks;

¼[k½ izR;sd [kkyh txg] pkgs og futh lEifRr gks] ;k ogka tkuk fdlh njokts] LrEHk] tathj ;k vU; vojks/k }kjk iw.kZr% ;k va'kr% ckf/kr gks] ;fn og fdlh O;fDr }kjk] pkgs og mlls layXu fdlh lEifRr dk vf/kHkksxh gks ;k u gks] fdlh lkoZtfud

LFkku ;k vke jkLrs rd tkus ;k ogka ls vkus ds lk/ku ds :i esa iz;qDr dh tkrh gks;

(lxiii) ^^mi&foHkktu** ls Hkwfe ds fdlh [k.M;k VqdM+s dk nks ;k vf/kd Hkkxksa esa foHkktu vfHkizsr gS(

(lxiv) **dj** esa bl vf/kfu;e ds v/khu mn~xzg.kh; dksbZ iFkdj] jsV] midj] Qhl ;k vU; ykx lfEefyr gS; (lxv) **dksbZ laØe.k'khy {ks=**] **dksbZ y?kqrj uxjh; {ks=** ;k **dksbZ c`gRrj uxjh; {ks=** ls Hkkjr

ds lafo/kku ds vuqPNsn 243Fk ds v/khu fofufnZ"V dksbZ {ks= vfHkizsr gS; (lxvi) ^^uxjh; Hkwfe** ls uxjh; fodkl ds iz;kstu ds fy, rRle; izo`Ÿk fdlh fof/k ds v/khu fdlh LFkkuh; izkf/kdkjh esa fufgr ;k mlds O;;u ij j[kh x;h dksbZ Hkwfe vfHkizsr gS(

(lxvii) **;ku** esa lkbfdy] rhu ifg;ksa dh lkbfdy] Lopkfyr eksVj dkj rFkk ifg;snkj ,slk izR;sd okgu lfEefyr gS tks fdlh lkoZtfud ekxZ ij iz;qDr fd;k tkrk gks ;k fd;s tkus ;ksX; gks;

(lxviii)

mik/;{k ls vfHkizsr gS]& ¼d½ uxjikfyd cksMZ ds ekeys esa mik/;{k(

¼[k½ uxjifj"kn~ ds ekeys esa milHkkifr(vkSj

¼x½ uxj fuxe ds ekeys esa miegkikSj;

(lxix) ^^xzke** ls Hkkjr ds lafo/kku ds vuqPNsn 243 ds [k.M ¼N½ ds v/khu fofufnZ"V dksbZ xzke vfHkizsr gS;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼15½ (lxx) ^^okMZ^^ ls /kkjk 9 ds v/khu cuk;k x;k dksbZ okMZ vfHkizsr gS(

(lxxi) ^*okMZ lfefr** ls /kkjk 54 esa fufnZ"V okMZ lfefr vfHkizsr gS;

(lxxii) ^^vif'k"V izca/k** esa uxjikfyd Bksl vif'k"V dk laxzg.k]i`FkDdj.k] HkaMkj.k] ifjogu] izlaLdj.k vkSj O;;u lfEefyr gS(vkSj

(lxxiii) ^^iw.kZ la[;k** ;k ^^dqy la[;k** ls] tc og fdlh uxjikfydk ds lnL;ksa ds lanHkZ esa iz;qDr dh tk;s] /kkjk 6 dh mi&/kkjk ¼1½ ds [k.M ¼d½ ds mi&[k.M ¼ii½ ds v/khu ukefufnZ"V lnL;ksa dks vioftZr djrs gq,] rRle; in /kkj.k djus okys lnL;ksa dh dqy la[;k vfHkizsr gSA

v/;k; 2

uxjikfydkvksa dk xBu vkSj 'kklu

3- uxjikfydkvksa dk ifjlheu-& ¼1½ jkT; ljdkj jkti= esa izdkf'kr vf/klwpuk }kjk fdlh Hkh LFkkuh; {ks= dks] tks fdlh uxjikfydk dh lhekvksa ds Hkhrj lfEefyr ugha gS] uxjikfydk ?kksf"kr dj ldsxh ;k ,sls fdlh Hkh {ks= dks fdlh uxjikfydk esa lfEefyr dj ldsxh ;k fdlh LFkkuh; {ks= dks fdlh uxjikfydk ls vioftZr dj ldsxh ;k fdlh Hkh uxjikfydk dh lhekvkas esa vU;Fkk ifjorZu dj ldsxh vkSj tc&

9 ¼16½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼d½ dksbZ Hkh LFkkuh; {ks= uxjikfydk ?kksf"kr fd;k tk;s ;k mleas lfEefyr fd;k tk;s] ;k

¼[k½ dksbZ Hkh LFkkuh; {ks= uxjikfydk ls vioftZr fd;k tk;s] ;k

¼x½ fdlh uxjikfydk dh lhekvksa dks] ,d uxjikfydk ds fdlh vU; uxjikfydk esa lekesyu djds ;k ,d uxjikfydk dks nks ;k vf/kd uxjikfydkvksa esa foHkkftr djds vU;Fkk ifjofrZr fd;k tk;s] ;k

¼?k½ dksbZ Hkh LFkkuh; {ks= dksbZ uxjikfydk u jgs]

rc jkT; ljdkj bl vf/kfu;e ;k rRle; izo`Rr fdlh Hkh vU; fof/k esa varfoZ"V fdlh ckr ds gksus ij Hkh] jkti= esa izdkf'kr vkns'k }kjk ;g mica/k dj ldsxh fd] &

(i) [kaM ¼d½ ds v/khu vkus okys ekeys esa ml {ks= ;k ml vfrfjDRk {ks= ds fy, lnL;ksa dk fuokZpu fu;r fnol ls Ng ekl dh dkykof/k ds Hkhrj&Hkhrj djk;k tk;sxk((ii) [kaM ¼[k½ ds v/khu vkus okys fdlh ekeys esa] mu lnL;ksa dks] tks jkT; ljdkj dh jk; esa uxjikfydk ls vioftZr {ks= dk izfrfuf/kRo djrs gSas] gVk;k tk;sxk(

¼**iii**½ [k.M ¼x½ ds v/khu vkus okys fdlh ekeys esa] ,slh uxjikfydk dh ftlesa dksbZ vU; uxjikfydk lekesfyr dh x;h gS] bl vf/kfu;e ds v/khu vof/k lekIr gksus rd] ,slh vU; uxjikfydk ds v/;{k] mik/;{k vkSj lnL; ml uxjikfydk ds] ftlesa ,slh vU; uxjikfydk 16

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼17½ lekesfyr dh x;h gS] lnL; le>s tk;saxs vkSj tgka dksbZ uxjikfydk nks ;k vf/kd uxjikfydkvksa esa foHkkftr dh x;h gS] ogka uo&xfBr uxjikfydk esa lfEefyr {ks= dk izfrfuf/kRo djus okys lnL; ,slh uohu uxjikfydk ds lnL; le>s tk;saxs vkSj ,slh uohu uxjikfydk] ;fn bl vf/kfu;e ds v/khu igys fo?kfVr ugha dj nh tk;s rks rc rd cuh jgsxh] tc rd fd ewy uxjikfydk cuh jgrhA

¼**iv**½ [kaM ¼?k½ ds v/khu vkus okys fdlh ekeys esa] uxjikfydk dks fo?kfVr dj fn;k tk;sxkA

Li"Vhdj.k%& bl mi&/kkjk esa ^^fu;r fnol** ls og fnol vfHkizsr gS ftlls [kaM ¼d½ ls¼?k½ rd esa ls fdlh esa Hkh fufnZ"V dksbZ ifjorZu gksrk gSA

¼2½ igys ls gh fo|eku izR;sd uxjikfydk dk] vkSj bl vf/kfu;e ds v/khu u;s :i ls LFkkfir izR;sd uxjikfydk dk] vkSj ,slh izR;sd uxjikfydk dk] ftldh LFkkuh; lhek,a ;FkkiwokZsDr :i ls ifjofrZr dh tk;as] ;g drZO; gksxk fd og vf/klwpuk esa ;Fkkof.kZr vius izkf/kdkj esa dh uxjikfydk dh lhekvksa ;k ifjofRkZr lhekvksa dks] ifjfuf'pr djrs gq, ,sls fooj.k okys rFkk ,slh fLFkfr;ksa esa Ik;kZIr lhek fpà] tks dyDVj ;k mlds }kjk bl fufeRr izkf/kd`r fdlh vf/kdkjh }kjk vuqeksfnr fd;s tk;saxs] vius [kpsZ ij ifjfufeZr ;k LFkkfir djok;s vkSj rRi'pkr~ vuqjf{kr j[ksA

9 ¼18½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼3½ tc dksbZ LFkkuh; {ks= uxjikfydk u jgs] rc mlesa LFkkfir uxjikfydk vfLrRoghu gks tk;sxh vkSj uxjikfyd fuf/k dk vfr'ks"k rFkk ,slh uxjikfydk esa fufgr vU; laifRr vkSj vf/kdkj] leLRk izHkkjkas vkSj mUgsa izHkkfor djus okys nkf;Roksa ds v/;/khu jgrs gq,] jkT; ljdkj esa fufgr gks tk;saxs vkSj muds vkxe] ;fn dksbZ gkas] jkT; ljdkj ds vkns'kksa ds v/khu ml LFkkuh; {ks= ds] ftlesa ,slh uxjikfydk dh vf/kdkfjrk Fkh] Qk;ns ds fy, O;; fd;s tk;saxsA

¼4½ mi&/kkjk ¼3½ esa varfoZ"V fdlh ckr ds gksus ij Hkh] tc dksbZ LFkkuh; {ks= uxjikfydk u jgs vkSj mls fdlh vU; LFkkuh; izkf/kdkjh dh vf/kdkfjrk dh LFkkuh; lhekvksa esa lfEefyr dj fy;k tk;s rc ml uxjikfydk esa fufgr

uxjikfyd fuf/k RkFkk vU; lEifRr vkSj vf/kdkj ,sls vU; LFkkuh; izkf/kdkjh esa fufgr gks tk;saxs vkSj ml uxjikfydk ds nkf;Ro ,sls vU; LFkkuh; izkf/kdkjh ds nkf;Ro gks tk;saxsA

¼5½ tc fdlh LFkkuh; {ks= dks fdlh uxjikfyd {ks= ls vioftZr dj fn;k tk;s vkSj nwljh uxjikfydk esa lfEefyr dj fy;k tk;s rc izFke of.kZr uxjikfydk esa fufgr uxjikfyd fuf/k vkSj vU; laifRr dk ,slk Hkkx vkSj mlds nkf;Roksa dk ,slk Hkkx] tks jkT; ljdkj nksuksa uxjikfydkvksa ls ijke'kZ ds i'pkr~ jkti= esa vf/klwpuk }kjk ?kksf"kr djs] ,slh nwljh uxjikfydk esa fufgr gks tk;sxk vkSj mldk nkf;Ro gks tk;sxk%

ijUrq bl mi&/kkjk ds mica/k fdlh ,sls ekeys esa ogka ykxw ugha gksaxs tgka jkT; ljdkj dh jk; esa ifjfLFkfr;ka ,slh gksa ftuds

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼19½ dkj.k uxjikfyd fuf/k vkSj laifRr;ksa ;k nkf;Roksa ds fdlh Hkkx dk varj.k vokaNuh; gksA

¼6½ tc dksbZ vkoklx`g] fofuekZ.k'kkyk] HkkaMkxkj ;k m|ksx ;k dkjckj dk LFkku nks ;k vf/kd ik'oZLFk uxjikfyd {ks=ksa dh lhekvksa ds Hkhrj fLFkr gks] rc jkT; ljdkj] bl vf/kfu;e esa dgha Hkh varfoZ"V fdlh ckr ds gksrs gq, Hkh] jkti= esa vf/klwpuk }kjk ,slk uxjikfyd {ks= ?kksf"kr dj ldsxh ftlds vUrxZr ,slk vkoklx`g] fofuekZ.k'kkyk] HkkaMkxkj ;k m|ksx ;k dkjckj dk LFkku bl vf/kfu;e ds iz;kstuksa ds fy, lfEefyr fd;k gqvk le>k tk;sxkA

¼7½ tc fdlh LFkkuh; {ks= dks fdlh uxjikfydk esa lfEefyr dj fy;k tk;s] rc cuk;s x;s leLr fu;e vkSj mi&fof/k;ka] tkjh fd;s x;s vkns'k] funs'k] vf/klwpuk,a vkSj uksfVl vkSj iznRRk 'kfDr;ka] tks mDr {ks= dks bl izdkj lfEefyr fd;s tkus ds le; ,slh laiw.kZ uxjikfydk esa izo`RRk Fkha] ,sls {ks= ij] bl izdkj lfEefyr fd;s tkus dh rkjh[k ls] tc rd fd jkT; ljdkj vU;Fkk funs'k u ns] ykxw gkasxhA

¼8½ tc fdlh xkao esa lekfo"V dksbZ {ks= fdlh uxjikfydk {ks= ds :Ik esa fofufnZ"V fd;k tk;s] ;k tc dksbZ {ks= fdlh xkao ls vioftZr fd;k tk;s vkSj fdlh uxjikfyd {ks= esa lfEefyr fd;k tk;s rc ml rkjh[k ls] ftldks ,slk {ks= bl izdkj fofufnZ"V fd;k tk;s ;k bl izdkj lfEefyr fd;k tk;s] fuEufyf[kr ifj.kke gksaxs] vFkkZr~%&

¼d½ ,slk {ks= xkao ugha jgsxk(

9 ¼20½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼[k½ og uxjikfydk] ftlesa ,slk {ks= lfEefyr fd;k tk;s] ;k ,sls {ks= ds fy, ?kksf"kr uxjikfydk] ,sls {ks= ij viuh vf/kdkfjrk dk iz;ksx djsxh vkSj ,sls {ks= ds fy, LFkkfir iapk;r mleasa dk;Z djuk can dj nsxh(

¼x½ tc rd mi&/kkjk ¼1½ ds v/khu fuokZpu u gks tk;as] ;k bl vf/kfu;e ds v/khu uxjikfydk dh vof/k lekIr u gks tk;s] tks Hkh igys gks] rc rd uxjikfydk esa bl izdkj lfEefyr fd;s x;s ;k uxjikfydk ?kksf"kr fd;s x;s xkao ds ,sls {ks= dk izfrfuf/kRo djus okys ljiap] mi&ljiap vkSj iap ;k iapksa dks ml uxjikfydk dk] ftlesa xkao dk ,slk {ks= lfEefyr fd;k x;k

gS] vfrfjDr lnL; le>k tk;sxk ;k ,sls {ks= ds fy, ?kksf"kr uxjikfydk dk Øe'k% v/;{k] mik/;{k vkSj ;FkkfLFkfr] lnL; le>k tk;sxk(

¼?k½ bl izdkj uxjikfydk ?kksf"kr dh x;h iapk;r esa fufgr laiw.kZ vkfLr;ka vkSj iapk;r ds fo#) fo|eku laiw.kZ nkf;Ro] ;k ml n'kk esa tgka fdlh uxjikfydk esa fdlh xkao dk dsoy dksbZ Hkkx ;k laiw.kZ xkao bl izdkj lfEefyr dj fy;k tk;s ogka mDr vkfLr;ksa vkSj nkf;Roksa dk ,slk Hkkx] ftlds fy, jkT; ljdkj funs'k ns] ,sls {ks= ds fy, ?kksf"kr uxjikfydk dks ;k ml uxjikfydk dks ftlesa xkao dk ,slk {ks= lfEefyr fd;k x;k gS] U;kxr gksxk(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼21½ ¼3½ xkao ds fdlh Hkh {ks= dks uxjikfydk esa lfEefyr djds ;k fdlh xkao dks uxjikfydk ?kksf"kr djds bl izdkj LFkkfir dh x;h uxjikfydk ,sls dj mn~x`ghr djsxh ;k djrh jgsxh tks bl vf/kfu;e ds v/khu fof/kiwoZd vf/kjksfir fd;s tk;as(

¼p½ ,slk {ks= jktLFkku iapk;rh jkt vf/kfu;e] 1994 ¼1994 dk vf/kfu;e la- 13½ ds v/khu cuk;s x;s leLr fu;ekas] vf/klwpukvksa] vkns'kksa rFkk mi&fof/k;ksa ds v/;/khu ugha jgsxkA

¼9½ fdlh uxjikfydk esa xkao ds fdlh Hkh {ks= dks lfEefyr fd;s tkus ;k ,sls fdlh {ks= dks uxjikfydk ?kksf"kr fd;s tkus dks lqdj cukus ds iz;kstu ds fy, jkT; ljdkj] fyf[kr vkns'k }kjk] ,sls funs'k ns ldsxh] tks mls vko';d izrhr gksaA

¼10½ bl /kkjk esa vU;Fkk ;Fkkmicaf/kr ds flok;] blds mica/k] bl vf/kfu;e] jktLFkku iapk;rh jkt vf/kfu;e] 1994 ¼1994 dk vf/kfu;e la- 13½ ;k rRle; izo`Ÿk fdlh vU; fof/k esa vUrfoZ"V fdlh ckr ds gksrs gq, Hkh izHkkoh gksaxsA

4- uxjikfyd cksMZ dks vf/kfu;e ds ,sls mica/kksa ds izorZu ls NwV nsus dh 'kfDr tks mlds fy, vuqi;qDr gksa-& ¼1½ jkT; ljdkj] vf/klwpuk }kjk vkSj ys[kc) dkj.kksa ls fdlh uxjikfyd cksMZ dks bl vf/kfu;e ds ,sls mica/kksa ds izorZu ls NwV ns ldsxh] tks mlds fy, vuqi;qDr le>s tk;sa vkSj rnqijkUr ,sls mica/k rc rd ,sls

9 ¼22½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ uxjikfyd cksMZ esa ykxw ugha gksaxs tc rd ,sls mica/kksa dks vf/klwpuk }kjk ykxw ugha fd;k tk;sA

¼2½ mi&/kkjk ¼1½ ds v/khu vf/klwpuk ds izo`Ùk jgus rd jkT; ljdkj ,sls mica/kksa] ftuls uxjikfyd cksMZ dks NwV gS] ds {ks= ds vUrxZr vkus okys fdlh Hkh ekeys ds ckjs esa bl vf/kfu;e ds mica/kksa ls lqlaxr fu;e cuk ldsxhA

5- uxjikfydk dh LFkkiuk vkSj fuxeu-& ¼1½ izR;sd laØe.k'khy {ks= esa ,d uxjikfyd cksMZ dh LFkkiuk dh tk;sxh vkSj izR;sd ,slk uxjikfyd cksMZ ml LFkku ds] ftlds izfr funsZ'k ls uxjikfydk tkuh tkrh gS] uxjikfyd cksMZ ds uke ls ,d fuxfer fudk; gksxk rFkk mls 'kk'or mRrjkf/kdkj gksxk vkSj mldh ,d lkekU; eqgj gksxh rFkk mlds fuxfer uke ls og okn pyk ldsxk ;k ml ij okn pyk;k tk ldsxkA

¼2½ izR;sd y?kqRkj uxjh; {ks= esa ,d uxj ifj"kn~ dh LFkkiuk dh tk;sxh vkSj ,slh izR;sd uxj ifj"kn~ ml uxj dh] ftlds izfr funsZ'k ls uxjikfydk tkuh tkrh gS] uxj ifj"kn~ ds uke ls ,d fuxfer fudk; gksxh rFkk mls 'kk'or mRrjkf/kdkj gksxk vkSj mldh ,d lkekU; eqgj gksxh rFkk mlds fuxfer uke ls og okn pyk ldsxh vkSj ml ij okn pyk;k tk ldsxkA

¼3½ izR;sd o`gRrj uxjh; {ks= esa ,d uxj fuxe dh LFkkiuk dh tk;sxh vkSj ,slk izR;sd uxj fuxe ml uxj ds] ftlds izfr funsZ'k ls uxjikfydk tkuh tkrh gS] uxj fuxe ds uke ls ,d fuxfer fudk; gksxk rFkk mldk 'kk'or mRrjkf/kdkj gksxk vkSj mldh

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼23½ lkekU; eqgj gksxh rFkk mlds fuxfer uke ls og okn pyk ldsxk vkSj ml ij okn pyk;k tk ldsxk%

ijUrq bl /kkjk ds v/khu dksbZ uxjikfydk ,sls uxjh; {ks= ;k mlds fdlh Hkkx esa xfBr ugha dh tk ldsxh ftls jkT;iky {ks= ds vkdkj vkSj ml {ks= esa fdlh vkS|ksfxd LFkkiuk }kjk nh tk jgh ;k fn;s tkus ds fy, izLrkfor uxjikfyd lsokvksa vkSj ,slh vU; ckrksa dks] tks og Bhd le>s] /;ku esa j[krs gq,] vf/klwpuk }kjk] vkS|ksfxd uxjh ds :Ik esa fofufnZ"V djs%

ijUrq ;g vkSj fd jkT; ljdkj] fdlh uxjh; {ks= ds lkaLd`frd] ,sfrgkfld] i;ZVd ;k blh izdkj ds vU; egRo dks /;ku esa j[krs gq, jkti= esa izdkf'kr vf/klwpuk }kjk ,sls {ks= dks uxjikfydk ls vioftZr dj ldsxh vkSj fodkl izkf/kdj.k xfBr dj ldsxh] ;k ,sls {ks= dks uxjikfydk ls vioftZr fd;s fcuk mDr {ks= esa ,slh 'kfDr;ksa dk iz;ksx vkSj ,sls drZO;ksa dk fuoZgu djus ds fy,] tks fofgr fd;s tk;sa] uxjikfydk ds vfrfjDr ,d fodkl izkf/kdj.k xfBr dj ldsxh vkSj bl vf/kfu;e esa vU;= dgha Hkh fdlh ckr ds gksus ij Hkh] jkti= esa izdkf'kr vf/klwpuk }kjk] mDr izkf/kdj.k dks ,sls {ks= ds lEcU/k esa ,slh uxjikfyd 'kfDr;ka] d`R; vkSj drZO; izR;k;ksftr dj ldsxh tks og ,sls {ks= ds mfpr] Rofjr vkSj ;kstukc) fodkl ds fy, mfpr le>sA

6- uxjikfydk dh lajpuk-& ¼1½ mRrjorhZ mi&/kkjkvksa esa varfoZ"V mica/kksa ds v/;/khu jgrs gq,] fdUrq bl mi&/kkjk ds vkxkeh mica/kksa esa ;Fkk&micaf/kr ds flok;] fdlh uxjikfydk ds lHkh LFkku okMkZas ds uke ls tkus tkus okys izknsf'kd fuokZpu {ks=kas ls] izR;{k

9 ¼24½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ fuokZpu }kjk pqus x;s O;fDr;kas ls Hkjs tk;saxsA ,sls LFkkuksa dh la[;k] tks rsjg ls de ugha gksxh] le;≤ Ikj jkT; ljdkj }kjk jkti= esa vf/klwpuk }kjk] fu;r dh tk;sxh%&

¼d½ uxjikfyd cksMZ] uxj ifj"kn~ ;k] ;FkkfLFkfr] uxj fuxe esa fuEufyf[kr dk izfrfuf/kRo gksxk] vFkkZr~%&

(i) fdlh ,sls fuokZpu {ks= dk] ftlesa fdlh uxjikfydk dk {ks= iw.kZr% ;k Hkkxr% lekfo"V gks] izfrfuf/kRo djus okyk jktLFkku fo/kku lHkk dk lnL;(vkSj

(ii) uxjikfyd iz'kklu dk fo'ks"k Kku ;k vuqHko j[kus okys rhu O;fDr ;k uxjikfydk ds fuokZfpr lnL;ksa dh la[;k dk nl izfr'kr

buesa ls tks Hkh de gks] ftUgsa jkT; ljdkj }kjk] jkti= esa vf/klwpuk }kjk] ukefufnZ"V fd;k tk;s%

ijUrq &

(i) /kkjk 24 vkSj /kkjk 35 esa varfoZ"V mica/k ukefufnZ"V fd;s tkus okys ;k ukefufnZ"V lnL;ksa ij ykxw gksaxs(

(ii) jkT; ljdkj dks fdlh ukefufnZ"V lnL; dks fdlh Hkh le; izR;kg`r djus dh 'kfDr gksxh((iii) ukefufnZ"V lnL; dks uxjikfydk dh cSBdksa esa er nsus dk vf/kdkj ughas gksxk(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼25½ ¼[k½ fdlh ,sls fuokZpu {ks= dk] ftlesa uxj ifj"kn~ ;k] ;FkkfLFkfr] uxj fuxe dk {ks= iw.kZr% ;k Hkkxr% lekfo"V gS] izfrfuf/kRo djus okys yksd lHkk ds lnL; dk ,slh uxj ifj"kn~ ;k] ;FkkfLFkfr] uxj fuxe esa izfrfuf/kRo gksxk%

ijUrq [kaM ¼d½ ds mi&[kaM ¼i½ esa fufnZ"V lnL; dks uxjikfyd cksMZ] uxj ifj"kn~ ;k] ;FkkfLFkfr] uxj fuxe dh cSBdksa esa er nsus dk vf/kdkj gksxk vkSj [kaM ¼[k½ esa fufnZ"V lnL; dks uxj ifj"kn~ ;k uxj fuxe dh cSBdksa esa oksV nsus dk vf/kdkj gksxk%

ijUrq ;g vkSj fd [k.M ¼d½ ds mi&[k.M ¼i½ vkSj [k.M ¼[k½ esa fufnZ"V lnL; bl vf/kfu;e ds mica/kksa ds v/khu fdlh Hkh fujgZrk ;k fdUgha Hkh vU; dk;Zokfg;ksa ds v/;/khu ugha gksaxsA

¼2½ uxjikfydk dh LFkkiuk ds i'pkr~ izR;sd tux.kuk ds iw.kZ gksus ij jkT; ljdkj jkti= esa vf/klwpuk }kjk LFkkuksa dh la[;k] uxjikfyd {ks= dh uohure tux.kuk esa ;Fkk&vfHkfuf'pr tula[;k ds vk/kkj ij iqu% vo/kkfjr djsxh%

ijUrq LFkkuksa ds iwokZsDrkuqlkj vo/kkj.k ls uxjikfydk dh fo|eku lajpuk ij mldh inkof/k lekIr gksus rd dksbZ izHkko ugha iMs+xkA

¼3½ uxjikfydk ds fy, bl izdkj LFkkuksa dh dqy la[;k fu;r djrs le; jkT; ljdkj Øe'k% lkekU; LFkkuksa dh vkSj efgykvksa ds fy, rFkk vuqlwfpr tkfr;ksa ds lnL;ksa ds fy, ;k vuqlwfpr tutkfr;ksa ds lnL;ksa ds fy, ;k nksukas ds fy, ;k fiNMs+ oxkZsa ds

9 ¼26½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ O;fDr;ksa ds fy, vkjf{kr LFkkuksa dh og la[;k fofufnZ"V djsxh tks jkT; ljdkj izR;sd ekeys esa vo/kkfjr djsA

¼4½ uxjikfydk ds fy, fu;r LFkkuksa dh dqy la[;k ds laca/k esa vuqlwfpr tkfr;kas ;k vuqlwfpr tutkfr;ksa ds fy, vkjf{kr LFkkuksa dh Lka[;k dk vuqikr ;Fkk'kD; fudVre ogh gksxk tks vuqikr ml uxjikfyd {ks= esa vuqlwfpr tkfr;ksa ;k vuqlwfpr tutkfr;ksa dh tula[;k dk mldh dqy tula[;k ds lkFk gSA

¼5½ fiNMs+ oxkZsa ds fy, vkjf{kr LFkkuksa dk izfr'kr bruk gksxk ftruk vuqlwfpr tkfr;ksa vkSj vuqlwfpr tutkfr;ksa dh lfEefyr tula[;k dk izfr'kr ml uxjikfyd {ks= dh dqy tula[;k ds ipkl izfr'kr ls de iM+rk gS%

ijUrq fiNMs+ oXkkaZs ds fy, bl izdkj vkjf{kr LFkkuksa dk izfr'kr bDdhl ls vf/kd ugha gksxk%

ijUrq ;g vkSj fd tgka vuqlwfpr tkfr;ksa vkSj vuqlwfpr tutkfr;ksa dh lfEefyr tula[;k dk izfr'kr ml uxjikfyd {ks= dh dqy tula[;k ds lRrj izfr'kr ls vf/kd ugha gS ogka izR;sd uxjikfydk esa de ls de ,d LFkku fiNMs+ oxkZsa ds fy, vkjf{kr jgsxkA

¼6½ vuqlwfpr tkfr;ksa ;k vuqlwfpr tutkfr;ksa ;k fiNMs+ oxkasZ ds fy, vkjf{kr LFkkukas esa ls vk/ks LFkku ,slh tkfr;ksa] tutkfr;ksa ;k] ;FkkfLFkfr] oxksZa dh efgykvksa ds fy, vkjf{kr jgsaxsA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼27½ ¼7½ LFkkuksa dh dqy la[;k esa ls vk/ks LFkku] ftlesa mi&/kkjk ¼6½ ds v/khu vkjf{kr LFkkuksa dh la[;k lfEefyr gS] efgykvksa ds fy, vkjf{kr jgsaxsA

¼8½ mi&/kkjk ¼3½] ¼5½ vkSj ¼6½ ds v/khu vuqlwfpr tkfr;ksa vkSj vuqlwfpr tutkfr;ksa rFkk fiNMs+ oXkkZsa ds fy, LFkkukas dk vkj{k.k] Hkkjr ds lafo/kku ds vuqPNsn 334 esa fofufnZ"V dkykof/k dh lekfIr Ikj izHkkoh ugha jgsxkA

¼9½ uxjikfydk ds fy, fu;r fd;s x;s lkekU; rFkk vkjf{kr lHkh LFkku uxjikfyd {ks= ds okMkZsa esa ls izR;{k fuokZpu }kjk Hkjs tk;saxs vkSj ,sls fuokZpu fofgr jhfr ls djok;s tk;saxsA

Li"Vhdj.k-&;fn bl /kkjk ds v/khu laxf.kr LFkkuksa dh la[;k dh Hkkx:Ik dksbZ fHkUu gks rks ml fLFkfr esa] tc og fHkUu ,d LFkku ds vk/ks ;k mlls vf/kd ls cuh gks] LFkkuksa dh la[;k dks Bhd mPprj la[;k rd c<+k fn;k tk;sxk vkSj ml fLFkfr esa] tc og ,d LFkku ds vk/ks ls de gks] fHkUu dks NksM+ fn;k tk;sxkA

7- inkof/k-& ¼1½ izR;sd uxjikfydk] ;fn og bl vf/kfu;e ds mica/kksa ds v/khu igys gh fo?kfVr ugha dj nh x;h gks] rks mldh izFke cSBd ds fy, fu;r rkjh[k ls ikap o"kZ rd cuh jgsxh vkSj blls vf/kd ughaA

¼2½ fdlh uxjikfydk dh vof/k dh lekfIRk ds iwoZ ml uxjikfydk ds fo?kVu ij xfBr dh x;h dksbZ uxjikfydk] ml vof/k ds dsoy 'ks"k Hkkx ds fy, cuh jgsxh ftlds fy, fo?kfVr uxjikfydk mi&/kkjk ¼1½ ds v/khu cuh jgrh A

9 ¼28½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Li"Vhdj.k -& bl /kkjk ds iz;kstu ds fy, vfHkO;fDr ^^izFke cSBd** ls lkekU; fuokZpu ds rqjUr i'pkr~ uxjikfydk ds fuokZfpr lnL;ksa dh gqbZ cSBd vfHkizsr gSA

8- uxjikfyd 'kklu dk uxjikfydk esa fufgr gksuk-& bl vf/kfu;e eas vfHkO;Dr :Ik ls vU;Fkk micaf/kr dks NksM+dj] fdlh uxjikfydk dk uxjikfyd 'kklu] uxjikfyd cksMZ] uxj ifj"kn~ ;k] ;FkkfLFkfr] uxj fuxe esa muds v/;{kksa ds ek/;e ls fufgr

gksxk] tks bl vf/kfu;e ds mica/kksa dks] mlesa fofufnZ"V ifjlhekvksa rFkk fucZU/kuksa ds v/;/khu jgrs gq,] dk;kZfUor djus ds fy, drZO;c) gksxkA

9- okMkZsa esa foHkktu-& ¼1½ fuokZpuksa ds iz;kstukFkZ] uxjikfydk dks /kkjk 6 dh mi&/kkjk ¼1½ ds v/khu uxjikfydk ds fy, fu;r dqy LFkkuksa dh la[;k ds cjkcj okMkZsa esa foHkkftr fd;k tk;sxkA

¼2½ izR;sd okMZ dk izfrfuf/kRo ml okMZ dh tula[;k ds vk/kkj Ikj gksxk vkSj mldk vuqikr ;FkklEHko ogh gksxk tks uxjikfydk ds LFkkuksa dh dqy la[;k dk mldh tula[;k ds lkFk gSA

10- okMkasZ dk vo/kkj.k-& ¼1½ jkT; ljdkj vkns'k }kjk fuEufyf[kr dk vo/kkj.k djsxh%&

¼d½ okMZ] ftuesa izR;sd uxjikfydk dks fuokZpu ds iz;kstu ds fy, foHkkftr fd;k tk;sxk(

¼[k½ izR;sd okMZ dh lhek(

¼x½ vuqlwfpr tkfr;ksa ;k] ;FkkfLFkfr] vuqlwfpr tutkfr;ksa ds lnL;ksa ds fy, vkSj ,slh tkfr;kas vkSj tutkfr;ksa 28

ds fy, RkFkk fiNMs+ oxksZa ds lnL;ksa vkSj mudh efgyk lnL;ksa ds fy, vkjf{kr LFkkuksa] ;fn dksbZ gksa] dh la[;k(vkSj

¼?k½ efgyk mEehnokjksa ds fy, okMksZa dh la[;kA

¼2½ vuqlwfpr tkfr;ksa ;k] ;FkkfLFkfr] vuqlwfpr tutkfr;ksa ds fy, vkSj fiNM+s oxksZa ds fy, vkSj efgykvksa ds fy, vkjf{kr LFkkuksa dk vkcaVu fofHkUu okMksZa dks pØkuqØe }kjk ,slh jhfr ls fd;k tk ldsxk] tks fofgr dh tk;sA

¼3½ jkT; ljdkj] okMksZa dh lhekvksa dk vo/kkj.k vkSj vuqlwfpr tkfr;ksa] vuqlwfpr tutkfr;ksa] fiNMs+ oxksZa vkSj efgykvksa ds fy, vkjf{kr LFkkuksa dk okMksZa esa vkcaVu /kkjk 6 ds mica/kkas vkSj fuEufyf[kr mica/kksa dks Hkh /;ku esa j[krs gq, djsxh] vFkkZr~%&

¼d½ lHkh okMZ] ;Fkklk/;] HkkSxksfyd :i ls lagr {ks= gksaxs(

¼[k½ ,sls okMksZa dks] tks vuqlwfpr tkfr;ksa ;k vuqlwfpr tutkfr;ksa ds fy, vkjf{kr gSa] mu uxjikfyd {ks=ksa ds ,sls fHkUu&fHkUUk Hkkxksa esa forfjr fd;k tk;sxk tgk¡ ,slh tkfr;ksa ;k] ;FkkfLFkfr] tutkfr;ksa dh tula[;k dk vuqikr rqyukRed :i ls vf/kd gS(vkSj

¼x½ okMksZsa dk la[;kadu fdlh uxjikfydk ds LFkkuh; {ks= ds mRrjh&if'peh dks.k ls 'kq: gksxkA

¼4½ mi&/kkjk ¼1½ ds v/khu vkns'k dk izk:i] mlds laca/k esa] ,slh dkykof/k ds Hkhrj] tks lkr fnol ls de u gks] vk{ksi nkf[ky 29

djus ds fy, izdkf'kr fd;k tk;sxk vkSj mldh izfrfyfi lacaf/kr uxjikfydk dks fVIi.kh gsrq Hksth tk;sxhA

¼5½ jkT; ljdkj mi&/kkjk ¼4½ ds v/khu izkIr fdlh vk{ksi rFkk fVIi.kh ij fopkj djsxh vkSj ;fn vko';d gks rks vkns'k ds izk:i dks rnuqlkj la'kksf/kr] ifjofrZr ;k mikUrfjr fd;k tk;sxk vkSj rnqijkUr og vfUre gks tk;sxkA

11- uxjikfydk ds fy, fuokZpu-& ¼1½ uxjikfydk ds fy, djk;s tkus okys lHkh fuokZpuksa ds fy, fuokZpd ukekoyh rS;kj djus dk vkSj mu lHkh fuokZpuksa ds lapkyu dk v/kh{k.k] funs'ku vkSj fu;a=.k jkT; fuokZpu vk;ksx esa fufgr gksxkA

¼2½ fdlh uxjikfydk dk xBu djus ds fy, fuokZpu&

¼i½ /kkjk 7 esa fofufnZ"V bldh vof/k dh lekfIr ds iwoZ(

¼ii½ mlds fo?kVu dh rkjh[k ls Ng ekl dh vof/k dh lekfIr ds iwoZ] iwjk fd;k tk;sxk%

ijUrq tgak 'ks"k vof/k] ftlds fy, dksbZ fo?kfVr uxjikfydk cuh jgrh] Ng ekl ls de gS ogka ,slh vof/k ds fy, uxjikfydk dk xBu djus ds fy, bl [k.M ds v/khu dksbZ fuokZpu djokuk vko';d ughas gksxkA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼31½ ¼3½ mi;qZDr iz;kstu ds fy, jkT; ljdkj] jkT; fuokZpu vk;ksx dh flQkfj'k ij] lHkh okMksZa ls] bl vf/kfu;e ds mica/kksa vkSj blds v/khu cuk;s x;s fu;eksa vkSj vkns'kksa ds vuqlkj ,slh rkjh[k ;k rkjh[kksa ij] tks vf/klwpuk esa fofufnZ"V dh tk;sa] lnL;ksa dk fuokZpu djus dh vis{kk djsxhA

¼4½ tc dksbZ u;h uxjikfydk LFkkfir gksrh gS] rc og ;FkklEHko uxjikfydk ds lk/kkj.k fuokZpu ls lacaf/kr bl vf/kfu;e ds mica/kksa ds vuqlkj xfBr dh tk;sxhA

¼5½ jkT; ljdkj] tc jkT; fuokZpu vk;ksx }kjk ,slk vuqjks/k fd;k tk;s] vk;ksx dks ,slk deZpkfjoa`n miyC/k djk;sxh tks jkT; fuokZpu vk;ksx dks mi&/kkjk ¼1½ }kjk lkaSis x;s d`R;ksa dk fuoZgu djus ds fy, vko';d gksA

12- jkT; fuokZpu vk;ksx ds d`R;ksa dk izR;k;kstu-& bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa ;k tkjh fd;s x;s vkns'kksa ds v/khu jkT; fuokZpu vk;ksx ds d`R;ksa dk ikyu ,sls lkekU; ;k fo'ks"k funs'kksa ds] ;fn dksbZ gksa] v/;/khu jgrs gq,] tks jkT; fuokZpu vk;ksx }kjk bl fufeRr fn;s tk;sa] fdlh mi fuokZpu vk;qDr] ;fn dksbZ gks] }kjk ;k jkT; fuokZpu vk;ksx ds lfpo }kjk Hkh fd;k tk ldsxkA

13- izR;sd okMZ ds fy, fuokZpd ukekoyh-& ¼1½ izR;sd okMZ ds fy,] fuokZpd jftLVªhdj.k vf/kdkjh }kjk] tks jkT; ljdkj ;k fdlh LFkkuh; izkf/kdkjh dk ,slk vf/kdkjh gksxk tks jkT; ljdkj ds ijke'kZ ls jkT; fuokZpu vk;ksx }kjk bl fufeRr inkfHkfgr ;k ukefufnZ"V

9 ¼32½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ fd;k tk;s] fofgr jhfr ls rS;kj] iqujhf{kr] mikarfjr] v|ru vkSj izdkf'kr dh x;h fuokZpd ukekoyh gksxhA

¼2½ izR;sd okMZ ds fy, fuokZpd ukekoyh dh rS;kjh vkSj iqujh{k.k ds fy, fuokZpd jftLVªhdj.k vf/kdkjh] fdUgha fofgr fucZa/kuksa ds v/;/khu jgrs gq,] ,sls O;fDr;ksa dks fu;ksftr dj ldsxk ftUgsa og Bhd le>sA

¼3½ jkT; fuokZpu vk;ksx fdlh fuokZpd jftLVªhdj.k vf/kdkjh dh] mlds d`R;ksa ds ikyu esa lgk;rk djus ds fy,] ,d ;k ,d ls vf/kd O;fDr;ksa dks lgk;d fuokZpd jftLVªhdj.k vf/kdkjh ds :Ik esa fu;qDr dj ldsxkA

¼4½ izR;sd lgk;d fuokZpd jftLVªhdj.k vf/kdkjh] fuokZpd jftLVªhdj.k vf/kdkjh ds fu;a=.k ds v/;/khu jgrs gq,] fuokZpd jftLVªhdj.k vf/kdkjh ds leLr ;k fdUgha Hkh d`R;ksa dk ikyu djus ds fy, l{ke gksxkA

¼5½ /kkjk 14 ds mica/kksa ds v/;/khu jgrs gq,] izR;sd O;fDr tks&

¼d½ vgZrk dh rkjh[k dks vBkjg o"kZ ls de vk;q dk ugha gS] vkSj

¼[k½ uxjikfydk ds fdlh okMZ dk ekewyh rkSj ij fuoklh gS]

ml okMZ dh fuokZpd ukekoyh esa jftLVªhd`r gksus dk gdnkj gksxkA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼33½ Li"Vhdj.k-&

¼i½ fdlh O;fDr dh ckcr dsoy bl dkj.k ls] fd og fdlh okMZ esa fdlh fuokl&x`g ij LokfeRo ;k dCtk j[krk gS] ;g u le>k tk;sxk fd og ml okMZ dk ekewyh rkSj ls fuoklh gSA

¼ii½ vius ekewyh fuokl&LFkku ls vius vkidks vLFkk;h :i ls vuqifLFkr djus okys O;fDr dh ckcr dsoy blh dkj.k ls ;g u le>k tk;sxk fd og ogka dk ekewyh rkSj ls fuoklh ugha jg x;k gSA

¼iii½ tks dksbZ O;fDr] tks ekufld jksx ;k euksoSdY; ;k yEcs mipkj okyh fdlh vU; :X.krk ls ihfM+r O;fDr;ksa ds j[kus vkSj fpfdRlk ds fy, iw.kZr% ;k eq[;r% iksf"kr fdlh LFkkiu esa fpfdRlk/khu gS ;k tks fdlh LFkku esa dkjkxkj ;k vU; fof/kd vfHkj{kk esa fu#) gS ;k v/;;u ds fy, fdlh Nk=kokl esa jg jgk gS ;k fdlh gksVy vkfn esa vkdfLed vfrfFk ds :Ik esa jg jgk gS] mlds ckjs esa dsoy blh dkj.k ;g u le>k tk;sxk fd og ogka dk ekewyh rkSj ls fuoklh gSA

¼iv½ ;fn fdlh ekeys esa ;g iz'u mRiUu gksrk gS fd dksbZ O;fDr fdlh lqlaxr le; ij dgka dk ekewyh rkSj ls fuoklh gS rks ,slk iz'u ekeys ds lHkh lqlaxr rF;ksa ds izfr funsZ'k ls vkSj ,sls fu;eksa ds vuqlkj] tks jkT;

9 ¼34½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ljdkj }kjk bl fufeRr cuk;s tk;sa] vo/kkfjr fd;k tk;sxkA

¼v½ laln~ dk ;k jkT; ds fo/kku&eaMy dk tks lnL; ,sls lnL; ds :Ik esa vius fuokZpu ds le; ftl okMZ dh fuokZpd ukekoyh esa fuokZpd ds :Ik esa jftLVªhd`r gS] mldh ckcr bl dkj.k ls fd og ,sls lnL; ds :Ik esa vius drZO;ksa ds laca/k esa ml okMZ ls vuqifLFkr jgk gS] ;g u le>k tk;sxk fd og viuh inkof/k ds nkSjku ml okMZ dk ekewyh rkSj ls fuoklh ugha jg x;k gSA

¼vi½ bl /kkjk ds iz;kstuksa ds fy, ^^vgZrk dh rkjh[k^^ ls ml o"kZ dh tuojh dk igyk fnol vfHkiszr gS]ftlesa fuokZpd ukekoyh ,sls rS;kj dh tkrh gS ;k iqujhf{kr dh tkrh gSA

¼6½ dksbZ Hkh O;fDr ,d ls vf/kd okMksZa dh fuokZpd ukekoyh esa jftLVªhd`r fd;s tkus dk gdnkj ugha gksxkA

¼7½ dksbZ Hkh O;fDr fdlh fuokZpd ukekoyh esa ,d ls vf/kd ckj jftLVªhd`r fd;s tkus dk gdnkj ugha gksxkA

14- fuokZpd ukekoyh esa jftLVªhdj.k ds fy, fujgZrk,a& ¼1½ dksbZ Hkh O;fDr okMZ dh fuokZpd ukekoyh esa jftLVªhdj.k ds fy, fujfgZr gksxk] ;fn og&

¼d½ Hkkjr dk ukxfjd ugha gS(;k

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼35½ ¼[k½ fod`rfpRr gS ;k l{ke U;k;ky; }kjk ,slk ?kksf"kr gS(;k

¼x½ fuokZpuksa ds laca/k esa Hkz"V vkpj.kksa vkSj vU; vijk/kksa ls lacaf/kr fdlh fof/k ds mica/kksa ds v/khu ernku djus ds fy, rRle; fujfgZr gSA

¼2½ jftLVªhdj.k ds i'pkr~] tks dksbZ O;fDr ,sls fujfgZr gks tkrk gS mldk uke bl vf/kfu;e ds v/khu rS;kj dh x;h fuokZpd ukekoyh esa ls rRdky dkV fn;k tk;sxk%

ijUrq fdlh okMZ dh fuokZpd ukekoyh esa ls ftl O;fDr dk uke mi&/kkjk ¼1½ ds [k.M ¼x½ ds v/khu fujgZrk ds dkj.k dkVk x;k gS] ;fn ,slh fujgZrk] ml dkykof/k ds nkSjku ftlesa ,slh ukekoyh izo`Rr jgrh gS] fdlh ,slh fof/k ds v/khu gVk nh tkrh gS] tks ,slk gVkuk izkf/kd`r djrh gS rks ml O;fDr dk uke rRdky mlesa iqu% izfo"V dj fn;k tk;sxkA

15- feF;k ?kks"k.kk djuk-& ;fn dksbZ O;fDr&

¼d½ fdlh fuokZpd ukekoyh dh rS;kjh] iqujh{k.k ;k 'kqf)] ;k

¼[k½ fdlh izfof"V ds fdlh fuokZpd ukeokyh esa lfEefyr ;k ls vioftZr fd;s tkus&

ds laca/k esa ,slk dFku ;k ,slh ?kks"k.kk fyf[kr :Ik esa djrk gS] tks feF;k gS vkSj ftlds feF;k gksus dk ;k rks mls Kku gS ;k fo'okl gS ;k ftlds lR; gksus dk mls fo'okl ugha gS rks og ,sls dkjkokl ls] 35

9 ¼36½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ftldh vof/k ,d o"kZ rd dh gks ldsxh] ;k ,sls tqekZus ls] tks nks gtkj #i;s ls de ugha gksxk] fdUrq tks ikap gtkj #i;s rd dk gks ldsxk] ;k nksuksa ls] n.Muh; gksxkA

16- eq[; fuokZpu vf/kdkjh-& ¼1½ ,d eq[; fuokZpu vf/kdkjh gksxk tks jkT; ljdkj dk ,slk vf/kdkjh gksxk ftls jkT; fuokZpu vk;ksx] jkT; ljdkj ds ijke'kZ ls bl fufeRr inkfHkfgr ;k ukefufnZ"V djsA

¼2½ jkT; fuokZpu vk;ksx ds v/kh{k.k] funs'ku vkSj fu;a=.k ds v/;/khu jgrs gq,&

¼d½ eq[; fuokZpu vf/kdkjh] jkT; esa bl vf/kfu;e ds v/khu leLr fuokZpd ukekofy;ksa dh rS;kjh] iqujh{k.k vkSj 'kqf) dk Ik;Zos{k.k djsxk(

¼[k½ jkT; esa bl vf/kfu;e ds v/khu ds lHkh fuokZpuksa ds lapkyu dk Ik;Zos{k.k djsxk(vkSj

¼x½ ,slh vU; 'kfDr;ksa vkSj d`R;ksa dk iz;ksx djsxk ftudk jkT; fuokZpu vk;ksx funs'k nsA

17- ftyk fuokZpu vf/kdkjh-& ¼1½ jkT; esa izR;sd ftys ds fy,] jkT; fuokZpu vk;ksx jkT; ljdkj ds ijke'kZ ls ,d ftyk fuokZpu vf/kdkjh inkfHkfgr ;k ukefufnZ"V djsxk] tks jkT; ljdkj dk dksbZ vf/kdkjh gksxk%

ijUrq jkT; fuokZpu vk;ksx fdlh ftys ds fy, ,d ls vf/kd ,sls vf/kdkjh inkfHkfgr ;k ukefufnZ"V dj ldsxk] ;fn vk;ksx dk ;g

 ¼37½ lek/kku gks tkrk gS fd in ds d`R;ksa dk ,d vf/kdkjh }kjk lek/kkuizn :i esa ikyu ugha fd;k tk ldrkA

¼2½ tgka fdlh ftys ds fy, mi&/kkjk ¼1½ ds ijUrqd ds v/khu ,d ls vf/kd ftyk fuokZpu vf/kdkjh inkfHkfgr ;k ukefufnZ"V fd;s tk;sa] ogka jkT; fuokZpu vk;ksx ml vkns'k esa] ftlls ftyk fuokZpu vf/kdkjh inkfHkfgr ;k ukefufnZ"V fd;s tk;sa] og {ks= Hkh fofufnZ"V djsxk ftlds ckjs esa ,slk izR;sd vf/kdkjh vf/kdkfjrk dk iz;ksx djsxkA

¼3½ eq[; fuokZpu vf/kdkjh ds v/kh{k.k] funs'ku vkSj fu;a=.k ds v/;/khu jgrs gq,] ftyk fuokZpu vf/kdkjh] viuh vf/kdkfjrk ds Hkhrj ftys dh uxjikfydkvksa esa fuokZpuksa ds lapkyu ds laca/k esa lHkh dk;ksZa dk leUo; vkSj i;Zos{k.k djsxkA

¼4½ ftyk fuokZpu vf/kdkjh ,sls vU; d`R;ksa dk Hkh ikyu djsxk] tks jkT; fuokZpu vk;ksx vkSj eq[; fuokZpu vf/kdkjh }kjk mls lkSais tk;saA

18- LFkkuh; izkf/kdkfj;ksas vkfn ds deZpkfjo`Un dk miyC/k djk;k tkuk-& ¼1½ jkT; esa dk izR;sd LFkkuh; izkf/kdkjh] eq[; fuokZpu vf/kdkjh }kjk ,slk visf{kr fd;s tkus ij] fdlh Hkh fuokZpd jftLVªhdj.k vf/kdkjh dks ,slk deZpkfjo`an miyC/k djk;saxs tks fuokZpd ukekofy;ksa dh rS;kjh vkSj iqujh{k.k ls lalDr fdUgha drZO;ksa ds ikyu ds fy, vko';d gksA

¼2½ mi&/kkjk ¼3½ esa fofufnZ"V izkf/kdkjh] eq[; fuokZpu vf/kdkjh }kjk ,slk visf{kr fd;s tkus ij] fdlh Hkh fjVfuZax vkfQlj dks ,slk

 miyC/k djk;sxk tks fuokZpu ls lalDr fdUgha Hkh drZO;ksa ds ikyu ds fy, vko';d gksA

¼3½ mi&/kkjk ¼2½ ds iz;kstuksa ds fy, fuEufyf[kr izkf/kdkjh gksaxs] vFkkZr~%&

¼i½ izR;sd LFkkuh; izkf/kdkjh(

¼ii½ dksbZ Hkh vU; laLFkk] leqRFkku ;k miØe tks fdlh jkT; vf/kfu;e ds }kjk ;k mlds v/khu LFkkfir gks ;k tks jkT; ljdkj }kjk fu;af=r ;k izR;{kr% ;k vizR;{kr% miyC/k djk;h x;h fuf/k;ksa }kjk iw.kZr% ;k lkjr% foRriksf"kr gksA

19- vf/kdkfj;ksa vkSj deZpkfjo`Un dks jkT; fuokZpu vk;ksx esa izfrfu;qfDr ij le>k tkuk-& bl vf/kfu;e ds v/khu fuokZpd ukekofy;ksa dh rS;kjh] iqujh{k.k vkSj 'kqf) vkSj lHkh fuokZpuksa ds lapkyu ds laca/k esa vfHkfu;ksftr vf/kdkjh vkSj deZpkfjo`Un] ml vof/k esa ftlds nkSjku mUgsa bl izdkj vfHkfu;ksftr fd;k tkrk gS] jkT; fuokZpu vk;ksx esa izfrfu;qfDr ij le>s tk;saxs vkSj ,sls vf/kdkjh vkSj deZpkfjo`Un] ml dkykof/k ds nkSjku] jkT; fuokZpu vk;ksx ds fu;a=.k vkSj v/kh{k.k ds v/;/khu gksaxsA

20- fuokZpd ukekofy;ksa dh rS;kjh djus vkfn ls lalDr inh; drZO;ksa dk Hkax-& ¼1½ ;fn dksbZ fuokZpd jftLVªhdj.k vf/kdkjh ;k vU; O;fDr tks fdlh fuokZpd ukekoyh dh rS;kjh] iqujh{k.k ;k 'kqf) ls lalDr ;k fdlh izfof"V dks ml fuokZpd ukekoyh esa lfEefyr djus ;k mlls vioftZr djus ls lalDr fdlh inh; drZO; ds ikyu ds

 fy, bl vf/kfu;e ds }kjk ;k v/khu visf{kr gS] ,sls inh; drZO; ds Hkax esa fdlh dk;Z ;k dk;Zyksi dk nks"kh ;qfDr;qDr gsrqd ds fcuk gksxk] rks og nks"kflf) ij dkjkokl ls] ftldh vof/k rhu ekl ls de ugha gksxh] fdUrq tks nks o"kZ rd dh gks ldsxh] ;k tqekZus ls] tks ,d gtkj #Ik;s ls de ugha gksxk fdUrq tks nks gtkj #Ik;s rd dk gks ldsxk] ;k nksuksa ls] n.Muh; gksxkA

¼2½ ;FkkiwoksZDr fdlh dk;Z ;k yksi dh ckcr uqdlkuh ds fy, dksbZ Hkh okn ;k vU; fof/kd dk;Zokgh ,sls fdlh vf/kdkjh ;k vU; O;fDr ds fo#) ugha gksxhA

¼3½ tc rd fd jkT; fuokZpu vk;ksx ;k eq[; fuokZpu vf/kdkjh ;k lEcfU/kr ftyk fuokZpu vf/kdkjh ds vkns'k }kjk ;k mlds izkf/kdkj ds v/khu dksbZ f'kdk;r u gks] dksbZ Hkh U;k;ky; mi&/kkjk ¼1½ ds v/khu n.Muh; fdlh Hkh vijk/k dk laKku ugha djsxkA

21- lnL; gksus ds fy, vfgZr O;fDr-& /kkjk 6 vkSj 24 esa varfoZ"V mica/kkas ds v/;/khu jgrs gq,] uxjikfydk esa fdlh LFkku dks Hkjus ds fy, pqus tkus ds fy, dskbZ O;fDr rc rd vfgZr ugha gksxk tc rd fd&

¼d½ vuqlwfpr tkfr;ksa ;k vuqlwfpr tutkfr;ksa ;k fiNMs+ oxksZa ds fy, vkjf{kr fdlh LFkku dh n'kk esa] ,slk O;fDr bu tkfr;ksa rFkk tutkfr;ksa ;k] ;FkkfLFkfr] oxksZa esa ls fdlh dk lnL; u gks] vkSj uxjikfydk ds fdlh okMZ ds fy, fuokZpd u gks(

¼[k½ fdlh efgyk ds fy, vkjf{kr LFkku ds ekeys esa] ,slk O;fDr efgyk u gks vkSj uxjikfydk ds fdlh okMZ ds fy, fuokZpd u gks(

¼x½ vuqlwfpr tkfr;ksa] vuqlwfpr tutkfr;ksa ;k fiNMs+ oxksZa dh efgykvksa ds fy, vkjf{kr fdlh LFkku dh n'kk esas] ,slk O;fDr bu tkfr;ksa ;k tutkfr;ksa ;k] ;FkkfLFkfr] fiNMs+ oxksZa esa ls fdlh dk lnL; u gks vkSj uxjikfydk ds fdlh okMZ ds fy, fuokZpd u gks vkSj efgyk u gks(

¼?k½ fdlh vU; LFkku dh n'kk esa] og O;fDr uxjikfydk ds fdlh okMZ ds fy, dksbZ fuokZpd u gks(vkSj

¼3½ pkgs LFkku vkjf{kr gS ;k ugha] nksuksa gh ekeyksa esa mlus bDdhl o"kZ dh vk;q izkIr u dj yh gksA

21d- dfri; LFkkuksa ij fuokZpu ds fy, fo'ks"k vgZrk-& bl vf/kfu;e ;k rRle; izo`Rr fdlh Hkh vU; fof/k ds fdlh micU/k esa fdlh izfrdwy ckr ds gksrs gq, Hkh] fdlh uxjikfydk esa ,sls LFkkuksa ij] tks jkT; ljdkj }kjk fofgr jhfr ls vo/kkfjr fd;s tk;sa] dksbZ O;fDr fuokZpu ds fy, rc rd ik= ugh gksxk tc rd fd og 21 o"kZ ls 35 o"kZ ds vk;q oxZ esa u gks vkSj ,sls LFkkuksa ij fuokZpu ds fy, vU;Fkk ik= u gks%

ijUrq&

¼i½ fdlh uxjikfydk esa vuqlwfpr tkfr;ksa] vuqlwfpr tutkfr;ksa] fiNM+s oxksZa ;k efgykvksa ds fy, vkjf{kr LFkkuksa esa ls izR;sd ls nks ls vf/kd LFkku bl /kkjk ds v/khu vo/kkfjr ugha fd;s tk;saxs(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼41½ ¼ii½ tgka fdlh uxjikfydk esa vuqlwfpr tkfr;ksa] vuqlwfpr tutkfr;ksa] fiNM+s oxksaZ ;k efgykvksa esa ls fdlh ds fy, vkjf{kr LFkkuksa dh la[;k rhu ;k rhu ls de gks] ogka ,slh tkfr;ksa] tutkfr;ksa] oxksaZa ;k] ;FkkfLFkrh] efgykvksa esa ls dsoy ,d bl LFkku bl /kkjk ds v/khu vo/kkfjr fd;k tk;sxk(

¼iii½ tgka fdlh uxjikfydk esa vukjf{kr LFkkuksa dh la[;k ikap ;k ikap ls de gks] ogka ,sls LFkkuksa esa ls dsoy ,d LFkku bl /kkjk ds v/khu vo/kkfjr fd;k tk;sxk(vkSj

¼iv½ tgka fdlh uxjikfydk esa vukjf{kr LFkkuksa dh la[;k ikap ls vf/kd gks ogka ,sls ikap LFkkukas ds izR;sd [k.M esa ls ,d LFkku bl /kkjk ds v/khu vo/kkfjr fd;k tk;sxk vkSj ikap ls de LFkkuksa ds fdlh Hkkx dks NksM fn;k tk;sxkA

22- ,d ls vf/kd okMZ ds fy, fuokZpu yM+us ij fucZU/ku-& /kkjk 21 esa varfoZ"V fdlh ckr ds gksrs gq, Hkh] dksbZ O;fDr ,sls ekeyksa esa] tgka fdlh LFkku ds fy, fuokZpu yM+k tk;s] ,d ls vf/kd okMZ ds fy, fuokZpu yM+us dk

gdnkj ugha gksxk vkSj ,slk izR;sd O;fDr ftlus uxjikfydk ds LFkkuksa ds fy, ,d ls vf/kd okMksZa ds fy, viuk ukekadu nkf[ky fd;k gks] fyf[kr uksfVl }kjk] ftlesa ,slh fof'kf"V;ka vUrfoZ"V gksaxh tks fofgr dh tk;sa] ,d LFkku dks NksM+dj lHkh LFkkuksa ls viuh mEehnokjh okil ys ysxk vkSj ,slk uksfVl

9 ¼42½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ mEehnokjh okil ysus ds fy, fu;r vfUre rkjh[k dks vijkà 3 cts ds iwoZ nsxk%

ijUrq ;fn dksbZ O;fDr Åij fofufnZ"V jhfr ls ,d LFkku dks NksM+dj vU; lHkh LFkkuksa ls viuh mEehnokjh okil ysus esa foQy jgrk gS rks mlds ckjs esa ;g le>k tk;sxk fd mlus lHkh LFkkuksa ls viuh mEehnokjh okil ys yh gSA

23- ;kuksa] /ofu foLrkjdksa vkfn ds mi;ksx ij fucZa/ku-& ¼1½ jkT; fuokZpu vk;ksx uxjikfydk ds fuokZpu ds fy, vf/klwpuk ds izdk'ku dh rkjh[k ls izkjaHk gksus okyh vkSj ml rkjh[k dks] ftldks fuokZpu dh laiw.kZ izfØ;k iw.kZ gksrh gS] lekIr gksus okyh fuokZpu dh dkykof/k ds nkSjku fdlh Hkh mEehnokj ;k mlds lE;d~ :i ls izkf/kd`r vfHkdrkZ }kjk ;kuksa ;k /ofu foLrkjdksa ds mi;ksx ;k dVvkmVksa] gksfMZaxksa] iksLVjksa vkSj cSujksa ds izn'kZu ij ;qfDr;qDr fucZa/ku vf/kjksfir dj ldsxkA

¼2½ ;fn dksbZ Hkh mEehnokj ;k mldk lE;d~ :i ls izkf/kd`r fuokZpu vfHkdrkZ] mi&/kkjk ¼1½ ds v/khu jkT; fuokZpu vk;ksx }kjk vf/kjksfir fucZa/kuksa esa ls fdlh dk Hkh mYya?ku djrk gS rks og] nks"kflf) ij] ,sls tqekZus ls] tks nks gtkj #i;s rd dk gks ldsxk] n.Muh; gksxkA

¼3½ mi&/kkjk ¼2½ ds v/khu nafMr izR;sd O;fDr] jkT; fuokZpu vk;ksx ds vkns'k ls] fdlh uxjikfydk dk lnL; pqus tkus ;k gksus ds fy, ,slh dkykof/k ds fy,] tks ,sls vkns'k dh rkjh[k ls Ng o"kZ rd dh gks ldsxh] fujfgZr fd;s tkus dk Hkkxh gksxk%

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼43½ ijUrq jkT; fuokZpu vk;ksx fdlh i'pkr~orhZ vkns'k }kjk] ys[kc) dkj.kksa ls] bl /kkjk ds v/khu fdlh Hkh fujgZrk dks gVk ldsxk ;k ,slh fdlh Hkh fujgZrk dh dkykof/k dks de dj ldsxkA

¼4½ dksbZ Hkh U;k;ky; mi&/kkjk ¼2½ esa fufnZ"V fdlh Hkh vijk/k dk laKku] jkT; fuokZpu vk;ksx }kjk fdlh lk/kkj.k ;k fo'ks"k vkns'k }kjk ml fufeRr izkf/kd`r fdlh vf/kdkjh }kjk fd;s x;s ifjokn ds flok; ugha djsxkA

24- lnL;ksa ds fy, lk/kkj.k fujgZrk,a-& dksbZ O;fDr] vU;Fkk vfgZr gksrs gq, Hkh] uxjikfydk dk lnL; pqus tkus ds fy, ;k gksus ds fy, fujfgZr gksxk&

¼i½ ;fn og fdlh l{ke U;k;ky; }kjk uSfrd v/kerk ls varoZfyr fdlh vijk/k ds fy, ;k fdlh Hkh vU; vijk/k ds fy, fl)nks"k Bgjk;k x;k gks vkSj Ng ekl ;k vf/kd ds dkjkokl ls n.Mkfn"V fd;k x;k gks] ;k

¼ii½ ;fn og bl vf/kfu;e dh /kkjk 245 ds v/khu fdlh vijk/k ds fy, fl)nks"k Bgjk;k x;k gks] ;k

¼iii½ ;fn og ,sls l{ke U;k;ky; ds] ftlus vijk/k dk laKku fd;k gks vkSj mlds fo#) ikap o"kZ ;k vf/kd ds dkjkokl ls n.Muh; fdlh vijk/k ds

9 ¼44½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ fy, vkjksi fojfpr dj fn;s gksa] fopkj.kk/khu gks] ;k

¼iv½ ;fn og [kk| vifeJ.k fuokj.k vf/kfu;e] 1954 ¼1954dk dsUnzh; vf/kfu;e la- 37½ ds v/khu fdlh vijk/k ds fy, fl)nks"k Bgjk;k x;k gks] ;k

¼v½ ftlds fo#) n.M izfØ;k lafgrk] 1973 ¼1974 dk dsUnzh; vf/kfu;e la- 2½ dh /kkjk 110 ds v/khu lafLFkr dk;Zokfg;ksa esa ml lafgrk dh /kkjk 117 ds v/khu dksbZ vkns'k ikfjr dj fn;k x;k gks vkSj ,slk vkns'k rRi'pkr~ myVk ugha x;k gks] ;k

¼vi½ ;fn og dsUnzh; ;k jkT; ljdkj ;k fdlh LFkkuh; izkf/kdkjh ;k [k.M ¼xi½ ds v/khu fofufnZ"V fdlh vU; izkf/kdkjh dh lsok ls vopkj ds dkj.k inP;qr dj fn;k x;k gks] ;k gVk fn;k x;k gks] ;k

¼vii½ ;fn og ,slk o`fRr&O;olk;h jg pqdk gks] ftls fdlh l{ke izkf/kdkjh ds vkns'k }kjk bl :i esa O;olk; djus ls fooftZr dj fn;k x;k gks] ;k

¼viii½ ;fn og uxjikfydk dh iznku&'kfDr ;k O;oLFkk ds vUrxZr dksbZ ykHk dk in /kkj.k djrk gks] ;k

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼45½ ¼ix½ ;fn og /kkjk 35 ;k /kkjk 41 ds v/khu fujfgZr gks] ;k

¼x½ ;fn og jktLFkku fo/kku lHkk ds fuokZpuksa ds iz;kstuksa ds fy,] rRle; izo`Rr fdlh Hkh fof/k ds }kjk ;k v/khu bl izdkj fujfgZr gks%

ijUrq dksbZ O;fDr ftlus 21 o"kZ dh vk;q izkIr dj yh gS] bl [k.M ds v/khu bl vk/kkj ij fujfgZr ugha gksxk fd og 25 o"kZ ls de vk;q dk gS] ;k

¼xi½ ;fn og dsUnzh; ;k fdlh jkT; ljdkj ;k fdlh LFkkuh; izkf/kdkjh ds v/khu dksbZ oSRkfud ;k va'kdkfyd fu;qfDr /kkj.k djrk gks] ;k

¼xii½ ;fn og fdlh fo'ofo|ky; ;k fdlh fuxe] fudk;] m|e ;k lgdkjh lkslkbVh] tks jkT; ljdkj }kjk fu;af=r ;k iw.kZr% ;k va'kr% foRr iksf"kr gks] ds v/khu dksbZ oSrfud ;k va'kdkfyd fu;qfDr /kkj.k djrk gks] ;k

¼xiii½ ;fn og vuqUeksfpr fnokfy;k gks] ;k

¼xiv½ ;fn mls fdlh l{ke U;k;ky; }kjk fod`r fpRr U;k;fu.khZr dj fn;k x;k gks] ;k

9 ¼46½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼xv½ ;fn og] blesa blds i'pkr~ ;Fkk&micaf/kr dks NksM+dj] ,slh

uxjikfydk ds vkns'k ls fd;s x;s fdlh dk;Z esa] dh x;h vkiwfrZ esa] ;k ,slh uxjikfydk ds lkFk ;k mlds v/khu ;k }kjk ;k mldh vksj ls fdlh Hkh lafonk ;k fu;kstu esa] Lo;a dk ;k mlds ifjokj ds fdlh lnL; ;k mlds Hkkxhnkj] fu;kstd ;k deZpkjh ds ek/;e ls izR;{kr% ;k vizR;{kr% dksbZ fgLlk ;k fgr j[krk gks] ;k

¼xvi½ ;fn og uxjikfydk ds fy, mEehnokj ds :Ik esa ukekadu Hkjrs le; ,slh uxjikfydk dh vksj ls oSrfud fof/k O;olk;h ds :Ik esa fu;qä gks ;k fdlh U;k;ky; esa ,slh uxjikfydk ds fo#) odhy ds :Ik esa iSjoh dj jgk gks ;k ml vof/k ds nkSjku ftlds fy, og fuokZfpr gqvk gS ,slh uxjikfydk ds fo#) fof/k O;olk;h ds :Ik esa fu;kstu Lohdkj djrk gks(;k

¼xvii½ ;fn mlds nks ls vf/kd lUrkusa gaS] ;k

¼xviii½ ;fn mlds fo#) nks ls vf/kd o"kksZa ls dksbZ Hkh uxjikfyd 'kks/; dh cdk;k gks vkSj mlds fo#) bl vf/kfu;e ds v/khu olwyh ds fy, dk;Zokfg;ka izkjEHk dj nh x;h gksa] ;k

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼47½ ¼xix½ ;fn mls l{ke U;k;ky; }kjk ,sls fdlh vijk/k ds fy, fl)nks"k Bgjk;k x;k gS ftlesa uxjikfydk dh lEifRr ;k fuf/k dk nqfoZfu;ksx ;k xcu vUroZfyr gks%

ijUrq&

¼d½ [k.M ¼i½ esa of.kZr fujgZrk] fujfgZr O;fDr ds dkjkokl ls eqDr gksus dh rkjh[k ls Ng o"kZ dh lekfIr ds i'pkr~ izo`Ùk ugha jgsxh(

¼[k½ [k.M ¼v½ esa of.kZr fujgZrk] ml dkykof/k dh lekfIr ds i'pkr~ ftlds fy, ml O;fDr dks izfrHkwfr nsus dk vkns'k fn;k x;k gS] izo`Ùk ugha jgsxh(

¼x½ [k.M ¼ix½ esa of.kZr fujgZrk] ;fn og jkT; fuokZpu vk;ksx ds fdlh vkns'k }kjk igys gh ugha gVk nh x;h gks] ml dkykof/k dh lekfIr ds Ik'pkr~ ftlds fy, og O;fDr bl izdkj fujfgZr dj fn;k x;k gS] izo`Ùk ugha jgsxh(

¼?k½ fdlh O;fä dh ckcr bl dkj.k ls [k.M ¼xv½ ds v/khu fujgZrk mixr dh gqbZ ugha le>h tk;sxh fd og&

9 ¼48½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼i½ fdlh Hkh ,slh la;qä LVkd dEiuh esa] tks uxjikfydk ds lkFk lafonk djs ;k ftls uxjikfydk }kjk ;k mldh vksj ls fu;ksftr fd;k tk;s] izcU/k funs'kd ;k vfHkdrkZ ls fHkUu fdlh :i esa dksbZ fgLlk ;k fgr j[krk gS] ;k

¼ii½ fdlh Hkh LFkkoj lEifRr ds fdlh Hkh iV~Vs] foØ; ;k Ø; ;k muds fy, fdlh djkj esa dskbZ fgLlk ;k fgr j[krk gS] ;k

¼iii½ fdUgha Hkh ,sls lekpkj i=ksa esa dksbZ fgLlk ;k fgr j[krk gS] ftuesa uxjikfydk ds dk;Zdykiksa ls lacaf/kr dksbZ foKkiu lfEefyr fd;s tkrs gksa] ;k

¼iv½ uxjikfydk }kjk ;k mldh vksj ls fy, x;s m/kkj esa dksbZ fMcsapj /kkj.k djrk gS] ;k vU;Fkk fgrc) gS(;k

¼v½ fdlh ,slh oLrq ds] ftldk og fu;fer :i ls O;kikj djrk gS] uxjikfydk dks ;nk&dnk fd;s tkus okys brus ls vuf/kd ewY; ds foØ; esa] tks uxjikfydk jkT; ljdkj dh eatwjh

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼49½ ls bl fufeRr fu;r djs] dksbZ fgLlk ;k fgr j[krk gS] ;k

¼vi½ fdlh Hkh 'kkldh; o"kZ esa nks gtkj #Ik;s ls vuf/kd dh jde] ;k ikap gtkj #Ik;s ls vuf/kd ,slh mPprj jde] tks jkT; ljdkj dh eatwjh ls uxjikfydk }kjk bl fufEer fu;r dh tk;s] dh fdlh Hkh oLrq dks ;nk&dnk uxjikfydk dks HkkMs+ ij nsus ;k uxjikfydk ls HkkMs+ ij ysus esa fgLLkk ;k fgr j[krk gS(

¼3½ dksbZ O;fDr] ftlds nks ls vf/kd lUrkusa gSa] [k.M ¼xvii½ ds v/khu rc rd fujfgZr ugha gksxk tc rd fd 27 uoEcj] 1995 dks jgh mldh larkuksa dh la[;k esa o`f) ugha gksrhA

Li"Vhsdj.k-& [k.M ¼xvii½ ds iz;kstukas ds fy, fdlh ,dy izlo ls tUeha gqbZ lUrkuksas dh fdlh Hkh la[;k dks ,d gh ekuk tk;sxk vkSj nRrd esa nh x;h fdlh larku dks larkuksa dh la[;k dh x.kuk djrs le; vioftZr ugha fd;k tk;sxkA

25- ernku dk vf/kdkj-& ¼1½ bl vf/kfu;e }kjk vfHkO;Dr :Ik ls ;Fkk&micaf/kr ds flok;] izR;sd O;fDr dks] tks rRle; fdlh okMZ dh fuokZpd ukekoyh esa jftLVªhd`r gS] ml okMZ esa er nsus dk gdnkj gksxkA

9 ¼50½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼2½ dksbZ Hkh O;fDr fuokZpu esa fdlh Hkh okMZ esa er ugha nsxk] ;fn og /kkjk 14 esa fufnZ"V fujgZrkvksa esa ls fdlh ds v/;/khu gSA

¼3½ dksbZ Hkh O;fDr] fdlh fuokZpu esa ,d ls vf/kd okMksZa esa er ugha nsxk vkSj ;fn dksbZ O;fDr ,d ls vf/kd okMksZa esa er nsrk gS rks leLr okMksZa esa ds mlds er 'kwU; gksaxsA

¼4½ dksbZ Hkh O;fDRk ,d gh okMZ esa ,d ls vf/kd ckj bl ckr ds gksrs gq, Hkh er ughsa nsxk fd mldk uke mldh fuokZpd ukekoyh esa ,d ls vf/kd ckj jftLVªhd`r gS vkSj ;fn og ,sls er ns nsrk gS rks mlds lHkh er 'kwU; gks tk;saxsA

¼5½ dksbZ Hkh O;fDr bl vf/kfu;e ds v/khu fdlh Hkh fuokZpu esa er ugha nsxk] ;fn og n.Mkns'k ds v/khu ;k vU;Fkk fdlh dkjkxkj esa ifj#) gS ;k iqfyl dh fof/kiw.kZ vfHkj{kk esa gS%

ijUrq bl mi&/kkjk dh dksbZ Hkh ckr rRle; izo`Rr fdlh Hkh fof/k ds v/khu fuokjd fujks/k ds v/;/khu fdlh O;fDr ij ykxw ugha gksxhA

26- fuokZpu esa er nsus dh jhfr-& ¼1½ ,sls izR;sd fuokZpu esa] ftlesa ernku gksrk gS] eri= }kjk ,slh jhfr ls er fn;s tk;saxs tSlh fofgr dh tk;s vkSj dksbZ Hkh er ijks{kh ds ek/;e ls ugha fy, tk;saxsA

¼2½ izR;sd fuokZpu dk ,d er gksxkA ;fn dksbZ fuokZpd ,d ls vf/kd mEehnokjksa dks er nsrk gS rks erkas dh x.kuk ds le; mlds }kjk fn;s x;s lHkh er 'kwU; ekudj ukeatwj dj fn;s tk;saxsA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼51½ ¼3½ bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa esa fdlh ckr ds gksrs gq, Hkh] ernku e'khuksa ls] ,slh jhfr ls] tks fofgr dh tk;s] er nsuk vkSj vfHkfyf[kr djuk fdlh uxjikfydk ds ,sls okMZ ;k okMksZa esa vaxhd`r fd;k tk ldsxk] ftUgsa jkT; fuokZpu vk;ksx izR;sd ekeys dh ifjfLFkfr;ksa dks /;ku esa j[krs gq, fofufnZ"V djsA

Li"Vhdj.k-& mi&/kkjk ¼3½ ds iz;kstu ds fy, ^ernku e'khu^ ls vfHkizsr gS er nsus ;k vfHkfyf[kr djus ds fy, iz;qä dksbZ e'khu ;k lkf/k=] pkgs og bySDVªksfudh }kjk ;k vU;Fkk izpkfyr gks vkSj bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa esa erisVh ;k eri= ds izfr fdlh funsZ'k dk vFkZ] vU;Fkk ;Fkk micfU/kr ds flok;] bl izdkj yxk;k tk;sxk ekuks mlds vUrxZr tgka dgha ,slh ernku e'khu dk fdlh fuokZpu esa iz;ksx gksrk gS] ,slh ernku e'khu ds izfr funsZ'k gSA

27- vkdfLEkd fjfDr;ka fdl izdkj Hkjh tk;saxh-& ¼1½ fdlh lnL; ds in ij le; O;rhr gks tkus ls vU;Fkk gksus okyh dksbZ vkdfLed fjfDr] mi&/kkjk ¼4½ ds mica/kksa ds v/;/khu jgrs gq,] mi&fuokZpu ls Hkjh tk;sxh] tks fdlh lk/kkj.k fuokZpu ds fy, fofgr jhfr esa ;Fkk'kD; 'kh?kz djok;s tkus ds fy, fu;r fd;k tk;sxkA

¼2½ mi&fuokZpu esa fuokZfpr dksbZ lnL; dsoy rc rd in /kkj.k djsxk] tc rd fd og lnL;] ftlds LFkku ij og fuokZfpr gqvk gS] rc in /kkj.k djus dk gdnkj gksrk tcfd fjfDr ugha gqbZ gksrhA

¼3½ tc fdlh fuokZfpr lnL; dh e`R;q] inR;kx ;k gVk;s tkus ls dksbZ fjfDr]&

9 ¼52½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼d½ fdlh Hkh okMZ esa vuqlwfpr tkfr ;k] ;FkkfLFkfr] vuqlwfpr tutkfr ;k fiNM+s oxZ ds fdlh lnL; ds fy, vkjf{kr fdlh LFkku esa gks rks ,slh fjfDr] ,slh tkfr ;k tutkfr ;k oxkZsa ds fdlh lnL; }kjk Hkjh tk;sxh(vkSj

¼[k½ fdlh Hkh okMZ esa fdlh efgyk ds fy, vkjf{kr LFkku eas gks rks ,slh fjfDr fdlh efgyk }kjk Hkjh tk;sxhA

¼4½ tgka dksbZ fjfDr fdlh fuokZfpr lnL; dh e`R;q gks tkus] mlds R;kxi= ns nsus] mls gVk fn;s tkus ;k mlds fuokZpu ds ifjgkj ds dkj.k gksrh gS vkSj ml lnL; dh inkof/k] ?kVukvksa ds lk/kkj.k vuqØe esa] fjfDr gksus ds Ng ekl ds Hkhrj&Hkhrj i;Zoflr gks x;h gksrh] ogka jkT; ljdkj funs'k ns ldsxh fd fjfDr dks vxys lkekU; fuokZpu rd u Hkjk tk;sA

28- fuokZpu vijk/k-& yksd izfrfuf/kRo vf/kfu;e] 1951 ¼1951 dk dsUnzh; vf/kfu;e la- 43½ dh /kkjk 125] 126] 127] 127d] 128] 129] 130] 131] 132] 132d] 133] 134] 134d] 134[k] 135] 135d] 135[k] 135x vkSj 136 ds mica/k bl izdkj izHkkoh gksaxs ekuks &

¼d½ muesa fuokZpu ds izfr funZs'k bl vf/kfu;e ds v/khu fuokZpu ds izfr funZs'k gkas]

¼[k½ muesa fdlh fuokZpu {ks= ds izfr funZs'k okMZ ds izfr funZs'k gkas]

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼53½ ¼x½ /kkjk 125 vkSj 127 esas vfHkO;fDr ^^bl vf/kfu;e ds v/khu** ds LFkku ij vfHkO;fDr ^^jktLFkku uxjikfydk vf/kfu;e] 2009 ds v/khu**vkSj /kkjk 134 rFkk 136 esa vfHkO;fDr **bl vf/kfu;e ds }kjk ;k v/khu** ds LFkku ij vfHkO;fä ^^jktLFkku uxjikfydk vf/kfu;e] 2009 ds }kjk ;k v/khu^^ izfrLFkkfir dj nh x;h gksA

¼?k½ /kkjk 135[k dh mi&/kkjk ¼1½ esa 'kCnksa ^^yksdlHkk ;k fdlh jkT; dh fo/kku lHkk^^ ds LFkku ij 'kCn ^^uxjikfydk dk okMZ^^ izfrLFkkfir dj fn;s x;s gksaA

29- Hkz"V vkpj.k-& bl vf/kfu;e ds v/khu fdlh fuokZpu ds iz;kstu ds fy, fuEufyf[kr dks Hkz"V vkpj.k le>k tk;sxk] vFkkZr~%&

¼i½ fj'or] vFkkZr~ fdlh mEehnokj ;k mlds vfHkdrkZ ;k fdlh vU; O;fDr }kjk fdlh Hkh O;fä dks] og pkgs dksbZ Hkh gks] fdlh Ikfjrks"k.k dk ,slk nku] izLFkkiuk ;k opu] ftldk izR;{kr% ;k ijks{kr% ;g mn~ns'; gks fd &

¼d½ fdlh O;fDRk dks] fdlh fuokZpu esa mEehnokj ds :Ik esa [kMs+ gksus ;k u gksus ;k viuh mEehnokjh okil ysus ;k dksbZ fuokZpu yM+us ls gV tkus ds fy,(;k

¼[k½ fdlh fuokZpd dks fdlh fuokZpu esa er nsus ;k er nsus ls fojr jgus ds fy,]

9 ¼54½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ mRizsfjr fd;k tk;s] ;k tks&

¼i½ fdlh O;fDr dks bl izdkj [kM+k gksus ;k u gksus ;k mEehnokjh okil ysus ;k fuokZpu ls gV tkus ds fy,(;k

¼ii½ fdlh fuokZpd dks er nsus ;k er nsus ls fojr jgus ds fy,& bZuke ds :Ik esa gksA

Li"Vhdj.k-& bl [k.M ds iz;kstukFkZ 'kCn ^^ifjrks"k.k^^ /kuh; ifjrks"k.k ;k /ku ds :Ik esa izkDdyuh; ifjrks"k.kksa rd gh fucZaf/kr ugha gS vkSj blesa lc :Ikksa ds euksjatu rFkk bZuke ds fy, lHkh :Ikksa ds fu;kstu lfEefyr gSa fdUrq blesa fdlh Hkh fuokZpu esa ;k mlds iz;kstu ds fy, ln~HkkoiwoZd mixr fdUgha O;;ksa dk lank; lfEefyr ugha gS(

¼ii½ vlE;d~ vlj Mkyuk] vFkkZr~ fdlh fuokZpu vf/kdkj ds LOkrU= iz;ksx esa mEehnokj ;k mlds vfHkdrkZ ;k fdlh vU; O;fDr dh vksj ls fd;k x;k dksbZ izR;{k ;k vizR;{k gLr{ksi dk iz;Ru%

ijUrq&

¼d½ bl [k.M ds micU/kksa dh O;kidrk ij izfrdwy izHkko Mkys fcuk mlesa ;Fkkfufn"V ,sls fdlh O;fDRk dh ckcr tks&

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼55½ (i)fdlh mEehnokj ;k fdlh fuokZpd ;k ,sls fdlh O;fDr dks] ftlls mEehnokj ;k fuokZpd fgrc) gS] fdlh izdkj dh {kfr] ftlds vUrxZr lkekftd cfg"dkj vkSj fdlh tkfr ;k leqnk; ls ckgj djuk ;k fu"dklu vkrk gS] igaqpkus dh /kedh nsrk gS(;k

(ii)fdlh mEehnokj ;k fuokZpd dks ;g fo’okl djus ds fy, mRizsfjr djrk gS ;k mRizsfjr djus dk iz;Ru djrk gS fd og ;k ,slk dksbZ O;fDr] ftlls og fgrc) gS] nSoh vizlkn ;k vk/;kfRed ifjfuUnk dk Hkktu gks tk;sxk ;k cuk fn;k tk;sxk(

;g le>k tk;sxk fd og ,sls mEehnokj ;k fuokZpd ds fuokZpu vf/kdkj ds Lora= iz;ksx esas bl [k.M ds vFkkZUrxZr gLr{ksi djrk gSA

¼[k½ yksd uhfr dh ?kks"k.kk ;k yksd dk;Zokgh dk opu ;k] fdlh oS/k vf/kdkj dk iz;ksx ek=] tks fdlh fuokZpu vf/kdkj esa gLr{ksi djus ds vk’k; ds fcuk gS] bl [k.M ds vFkkZUrXkZr gLr{ksi djuk ugha le>k tk;sxk(

¼iii½ fdlh O;fä ds /keZ] ewyoa’k] tkfr] leqnk; ;k Hkk"kk ds vk/kkj ij fdlh Hkh O;fä ds fy, er nsus ;k er nsus ls

9 ¼56½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ fojr jgus dh mEehnokj ;k mlds vfHkdrkZ }kjk ;k mEehnokj ;k mlds fuokZpu vfHkdrkZ dh lEefr ls fdlh Hkh vU; O;fDr }kjk vihy ;k ml mEehnokj ds fuokZpu dh laHkkO;rkvksa dks vxzlj djus ds fy, ;k fdlh Hkh mEehnokj ds fuokZpu ij izfrdwy izHkko Mkyus ds fy, /kkfeZd izrhdksa dk mi;ksx ;k mudh nqgkbZ ;k jk"Vªh; izrhdksa tSls jk"Vªh; /ot ;k jk"Vªh; laizrhd dk mi;ksx ;k mudh nqgkbZ%

ijUrq bl vf/kfu;e ds v/khu fdlh Hkh mEehnokj dks vkcafVr dksbZ Hkh izrhd bl [kaM ds iz;kstu ds fy, dksbZ /kkfeZd izrhd ;k jk"Vªh; izrhd ugha le>k tk;sxk(

¼iv½ fdlh Hkh mEehnokj ;k mlds vfHkdrkZ ;k fdlh Hkh mEehnokj ;k mlds fuokZpu vfHkdrkZ dh lEefr ls fdlh Hkh vU; O;fDr }kjk ml mEehnokj ds fuokZpu dh laHkkO;rkvksa dks vxzlj djus ds fy, ;k fdlh mEehnokj ds fuokZpu ij izfrdwy izHkko Mkyus ds fy, Hkkjr ds ukxfjdksa ds fofHkUu

oxksZa esa /keZ] ewyoa'k] tkfr]leqnk; vkSj Hkk"kk ds vk/kkj ij 'k=qrk ;k ?k`.kk dh Hkkouk dk laizorZu djuk ;k laizorZu dk iz;Ru djuk(

¼v½ fdlh Hkh mEehnokj ;k mlds vfHkdrkZ ;k mEehnokj ;k mlds fuokZpu vfHkdrkZ dh lEefr ls fdlh Hkh vU; O;fDr }kjk ml mEehnokj ds fuokZpu dh laHkkO;rkvksa dks vxzlj djus ds fy, ;k fdlh Hkh mEehnokj ds fuokZpu ij izfrdwy izHkko Mkyus ds fy, lrh dh izFkk ;k mlds deZ dk izpkj ;k mldk xkSjokUo;uA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼57½

Li"Vhdj.k-& bl [k.M ds iz;kstuksa ds fy, lrh ds laca/k esa ^^lrh^^ vkSj ^^xkSjokUo;u^^ dk vFkZ Øe'k% ogh gksxk tks lrh ¼fuokj.k½ vf/kfu;e] 1987 ¼1988 dk dsUnzh; vf/kfu;e la- 3½ esa gS(

¼vi½ fdlh mEehnokj ;k mlds vfHkdrkZ ;k fdlh Hkh vU; O;fDr }kjk fdlh mEehnokj dh mEehnokjh ;k fuokZpu ls uke okil ysus';k fuokZpu yM+us ls gV tkus ds lEcU/k esa ,sls rF; dk izdk'ku] tks feF;k gS vkSj ;k rks ftlds feF;k gksus dk mldks fo'okl gS ;k ftlds lR; gksus dk og fo'okl ugha djrk gS vkSj tks ml mEehnokj ds fuokZpu dh laHkkO;rkvksa ij izfrdwy izHkko Mkyus ds fy, ;qfDr;qDr :i ls izdfYir gS(

¼vii½ fdlh ernku dsUnz ;k ernku ds fy, fu;r LFkku dks ;k ls fdlh fuokZpd ¼Lo;a mEehnokj] mlds dqVqEc ds fdlh lnL; ;k mlds vfHkdrkZ ls fHkUUk½ ds izog.k ds fy, fdlh ;ku ;k ty;ku dks] mEehnokj ;k mlds vfHkdrkZ ;k fdlh vU; O;fDr }kjk lank; djds ;k vU;Fkk] HkkMs+ ij ysuk ;k mikIr djuk%

ijUrq fuokZpd ;k dbZ fuokZpdksa }kjk vius la;qDr [kPkZs ij Lo;a dks fdlh ,sls ernku dsUnz ;k ernku ds fy, fu;r LFkku dks ;k ls izofgr fd, tkus ds iz;kstukFkZ ;ku ;k ty;ku dks HkkM+s ij ysuk bl [k.M ds v/khu Hkz"V vkpj.k ugha le>k tk;sxk ;fn bl izdkj HkkM+s ij fy;k x;k ;ku ;k ty;ku dksbZ ,slk ;ku ;k ty;ku gS tks ;kaf=d 'kfDr }kjk pkfyr ugha gS%

9 ¼58½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ijUrq ;g vkSj fd fdlh ,sls ernku dsUnz ;k ernku ds fy, fu;r LFkku dks tkus ;k ogka ls vkus ds iz;kstu ds fy, vius gh [kpsZ ij fdlh fuokZpd }kjk fdlh yksd ifjogu ;ku ;k ty;ku ;k fdlh Vªke ;k jsyxkM+h dk mi;ksx bl [k.M ds v/khu Hkz"V vkpj.k ugha le>k tk;sxk(

Li"Vhdj.k-& bl [k.M esa vfHkO;fä ^^;ku** ls ,slk dksbZ Hkh ;ku vfHkizsr gS] tks lM+d ifjogu ds fy, mi;ksx esa yk;k tkrk gS ;k mi;ksx es yk;s tkus ds ;ksX; gS] pkgs og ;kaf=d 'kfDr ls ;k vU;Fkk pkfyr gks] vkSj pkgs vU; ;kuksa dks [khapus ds fy, ;k vU;Fkk mi;ksx eas yk;k tkrk gks(

¼viii½ fdlh mEehnokj ;k mlds vfHkdrkZ ;k fdlh vU; O;fä }kjk bl vf/kfu;e ds v/khu cuk;s x;s fuokZpu ls lacaf/kr fdlh fu;e ;k vkns'k ds micU/k ds mYya?ku esa O;; mixr djuk ;k izkf/kd`r djuk(

¼ix½ mEehnokj ds fuokZpu dh laHkkO;rkvksas dks vxzlj djus ds fy, fdlh mEehnokj ;k mlds vfHkdrkZ ;k fdlh Hkh vU; O;fDr }kjk ljdkj dh lsok esa ds vkSj fuEufyf[kr oxksZa eas ls fdlh oxZ ds fdlh Hkh O;fDr ls] dksbZ Hkh lgk;rk ¼er nsus ls vU;Fkk½ vfHkizkIr ;k mikIr djuk ;k vfHkizkIr ;k mikIr djus dk nq"iszj.k ;k iz;Ru djuk] vFkkZr~%&

¼d½ jktif=r vf/kdkjh(

¼[k½ la?k ds l'kL= cyksa ds lnL;(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼59½ ¼x½ iqfyl cy ds lnL;(

¼?k½ vkcdkjh vf/kdkjh(

¼3½ jktLo vf/kdkjh ftlesa iVokjh vkSj blh izdkj ds vf/kdkjh lfEefyr gSa(vkSj

¼p½ ljdkj dh lsok esa ds O;fDr;ksa dk ,slk vU; oxZ tks fofgr fd;k tk,A

Li"Vhdj.k-& ¼i½ [k.M ¼ix½ ds iz;kstuksa ds fy, dksbZ O;fDr] fdlh mEehnokj ds fuokZpu dh laHkkO;rkvksa dks vxzlj djus esa lgk;d le>k tk;sxk] ;fn og ml mEehnokj ds fuokZpu vfHkdrkZ ;k ernku vfHkdrkZ ;k x.ku vfHkdrkZ ds :i es dke djrk gS(

¼ii½ fuokZpu vfHkdrkZ] ernku vfHkdrkZ vkSj ,slk dksbZ Hkh O;fDr] ftldh ckcr ;g Bgjk;k tk;s fd mlus mEehnokj dh lEefr ls fuokZpu ds lEcU/k esa vfHkdrkZ ds :i esa dke fd;k gS] bl /kkjk esa dh vfHkO;fä ^^vfHkdrkZ^^ esa lfEefyr gSA

30- fuokZpu laca/kh ekeyksa esa flfoy U;k;ky;ksa dh vf/kdkfjrk&¼1½ fdlh flfoy U;k;ky; dks okMksZa ds ifjlheu] ,sls okMksZa dks LFkkuksa ds vkcaVu] fuokZpd ukekofy;ksa dh rS;kjh ;k fuokZpu

9 ¼60½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ds lapkyu ls lacaf/kr fdlh Hkh iz'u dks xzg.k djus vkSj ml ij U;k;fu.kZ;u djus dh vf/kdkfjrk ughsa gksxhA

¼2½ fdlh Hkh uxjikfydk ds fdlh fuokZpu dks bl vf/kfu;e ds mica/kksa ds vuqlkj izLrqr dh x;h fdlh fuokZpu ;kfpdk ls vU;Fkk iz'uxr ugha fd;k tk;sxkA

31- fuokZpu ;kfpdk-& ¼1½ uxjikfydk ds lnL; ds :Ik esa fdlh Hkh O;fDRk ds fuokZpu dks uxjikfyd {ks= ij {ks=h; vf/kdkfjrk j[kus okys ftyk U;k;k/kh'k ds le{k] fuokZpu dh rkjh[k ls ,d ekl ds Hkhrj&Hkhrj dksbZ fuokZpu ;kfpdk izLrqr dj fuEufyf[kr esa ls fdlh ,d ;k vf/kd vk/kkjksa ij iz'uxr fd;k tk ldsxk] vFkkZr~%&

¼d½ fd fuokZpu dh rkjh[k dks fuokZfpr mEehnokj bl vf/kfu;e ds v/khu LFkku Hkjus ds fy, pqus tkus gsrq vfgZr ugha Fkk] ;k fujfgZr Fkk] ;k

¼[k½ fd fuokZfpr mEehnokj ;k mlds fuokZpu vfHkdrkZ }kjk ;k fuokZfpr mEehnokj ;k mlds fuokZpu vfHkdrkZ dh lEefr ls fdlh vU; O;fDr }kjk] /kkjk 29 esa fofufnZ"V dksbZ Hkz"V vkpj.k fd;k x;k gS] ;k

¼x½ fd dksbZ ukekadu vuqfpr rkSj ij [kkfjt dj fn;k x;k gS] ;k

¼?k½ fd fuokZpu dk ifj.kke] tgka rd mldk lEcU/k fuokZfpr mEehnokj ls gS] fuEufyf[kr }kjk rkfRod :Ik ls izHkkfor fd;k x;k gS&

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼61½ ¼i½ fdlh ukekadu dh vuqfpr Lohd`fr }kjk] ;k

¼ii½ fuokZfpr mEehnokj ;k mlds fuokZpu vfHkdrkZ ;k ,sls mEehnokj ;k fuokZpu vfHkdrkZ dh lEefr ls dke dj jgs fdlh O;fDr ls fHkUu fdlh vU; O;fDr }kjk fuokZfpr mEehnokj ds fgr esa fd;s x;s fdlh Hkz"V vkpj.k }kjk] ;k

¼iii½ fdlh er dks vuqfpr :Ik ls xzg.k] ukeatwj ;k [kkfjt djds ;k ,sls fdlh er dks] tks 'kwU; gS] xzg.k djds] ;k

¼iv½ bl vf/kfu;e ;k rn/khu cuk;s x;s fdUgha fu;eksa ;k fd;s x;s vkns'kksa ds micU/kksa dh fdlh vuuqikyuk }kjk] ;k

¼3½ fd oLrqr% ;kfpdkdrkZ ;k fdlh vU; mEehnokj dks fof/kekU; erksa dk cgqer izkIr gqvk Fkk] ;k

¼p½ fd ;fn fuokZfpr mEehnokj }kjk Hkz"V vkpj.k ls er izkIr u fd;s tkrs rks ;kfpdkdrkZ ;k fdlh vU; mEehnokj dks fof/kekU; erksa dk cgqer izkIr gksrkA

¼2½ fuokZpu ;kfpdk dh lquokbZ esa ftyk U;k;k/kh'k ,slh izfØ;k dk vuqlj.k djsxk vkSj ,slh 'kfDr;ksa dk iz;ksx djsxk] tks fofgr dh tk;saA

9 ¼62½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 32- ftyk U;k;k/kh'k ds vkns'kksa ls vihysa-& ¼1½ /kkjk 31 ds v/khu nk;j ;kfpdk ij ftyk U;k;k/kh'k }kjk fd;s x;s izR;sd vkns'k ls vihy mPp U;k;ky; dks gksxhA

¼2½ mPp U;k;ky; dks] bl vf/kfu;e vkSj rn/khu cuk;s x;s fu;eksa ds micU/kksa ds v/;/khu jgrs gq,] bl /kkjk ds v/khu vihy ds lEcU/k esa ogh 'kfDr;ka] vf/kdkfjrk RkFkk izkf/kdkj gksxk vkSj og mlh izfØ;k dk vuqlj.k djsxk tSlk og viuh flfoy vihy vf/kdkfjrk dh LFkkuh; lhekvksa ds Hkhrj fLFkr fdlh flfoy U;k;ky; }kjk ikfjr ewy fMØh ls vihy dh n'kk esa djrk gSA

¼3½ bl /kkjk ds v/khu izR;sd vihy ml vkns'k dh] ftlls vihy dh x;h gS] rkjh[k ls rhl fnol dh dkykof/k ds Hkhrj&Hkhrj dh tk;sxh%

ijUrq mPp U;k;ky;] rhl fnol dh mDr dkykof/k dh lekfIr ds i'pkr~ Hkh dksbZ vihy xzg.k dj ldsxk] ;fn mldk ;g lek/kku gks tk;s fd vihykFkhZ ds ikl ,slh dkykof/k ds Hkhrj&Hkhrj vihy u djus ds fy, Ik;kZIr dkj.k FkkA

¼4½ tgka vihy lHkh ;k fdUgha Hkh fuokZfpr mEehnokjksa ds fuokZpu dks 'kwU; ?kksf"kr djrs gq, fn;s x;s fdlh vkns'k ds fo#) dh x;h gS ogka mPp U;k;ky;] Ik;kZIr dkj.k n'kkZ;s tkus ij] ml vkns'k] ftlls vihy dh x;h gS] ds izoZru ij

jksd yxk ldsxk vkSj ,slh n'kk esa ml vkns'k dh ckcr ;g le>k tk;sxk fd og izHkko esa ugha vk;k gSA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼63½ ¼5½ izR;sd vihy ;FkklEHko 'kh?kzrk ls fofuf'pr dh tk;sxh vkSj ml rkjh[k ls] ftldks vihy dk Kkiu mPPk U;k;ky; esa izLrqr fd;k x;k gks] rhu ekl ds Hkhrj&Hkhrj mls vfUre :Ik ls vo/kkfjr djus dk iz;kl fd;k tk;sxkA

33- leLr mEehnokjksa dk fuokZpu vikLr gksus dh n'kk esa izfØ;k-& tc dHkh fdlh uxjikfydk ds lHkh lnL;ksa dk ;k mlds lnL;kas dh dqy la[;k ds nks frgkbZ ls vf/kd lnL;kas dk fuokZpu /kkjk 31 ds v/khu] ;k /kkjk 32 ds v/khu vihy fd;s tkus ij] 'kwU; ?kksf"kr dj fn;k tk;s] rc jkT; ljdkj uxjikfydk dks fo?kfVr djsxh vkSj rnqijkUr /kkjk 322 ds mica/k] mldh mi&/kkjk ¼1½ ds mica/kksa dks NksM+dj] ykxw gksaxsA

34- vkns'kksa vkSj fofu'p; dh vfUrerk-&/kkjk 32 ds v/khu dh x;h fdlh vihy ij mPp U;k;ky; dk fofu'p; vkSj dsoy ,sls fofu'p; ds v/;/khu jgrs gq,] /kkjk 31 ds v/;/khu ftyk U;k;k/kh'k dk vkns'k vfUre rFkk fu'pk;d gksxkA

35- fujgZrk,a-& ¼1½ fuEufyf[kr ls fdlh uxjikfydk dh lnL;rk ds fy, fujgZrk,a gks tk;saxh] vFkkZr~%&

¼d½ /kkjk 28 esa fufnZ"V fuokZpu laca/kh vijk/kksa ls]

¼[k½ /kkjk 29 esa fofufnZ"V Hkz"V vkpj.kksa lsA

¼2½ ,slh fujgZrk dh dkykof/k] ,sls Hkz"V vkpj.k ds lEcU/k esa ftyk U;k;k/kh'k ds fu"d"kZ dh rkjh[k ls ;k] ;FkkfLFkfr] ,sls vijk/k ds fy, fl)nks"k Bgjk;s tkus dh rkjh[k ls] Ng o"kZ dh gksxhA

9 ¼64½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 36- fujgZrk dk gVk;k tkuk ;k mldh dkykof/k esas deh djuk-& jkT; fuokZpu vk;ksx] /kkjk 35 dh mi&/kkjk ¼1½ ds [k.M ¼d½ ds v/khu dh fdlh fujgZrk dks] ys[kc) dkj.kksa ls] gVk ldsxk ;k ,slh fdlh Hkh fujgZrk dh dkykof/k dks de dj ldsxkA

37- in dh 'kiFk-&¼1½ izR;sd lnL;] bl :Ik esas viuk dRkZO; xzg.k djus ds iwoZ] dyDVj ;k bl iz;kstu ds fy, mlds ukefunsZf'krh ds le{k] fofgr iz:Ik esa 'kiFk ysxk ;k izfrKku djsxkA

¼2½ fdlh Hkh ,sls lnL; dh ckcr] tks uxjikfydk dh izFke cSBd dh rkjh[k ls] ;k mi&fuokZpu esa fuokZfpr lnL; ;k ukefufnZ"V lnL; ds ekeys esa] mlds fuokZpu dh rkjh[k ls ;k] ;FkkfLFkfr] mlds ukefunsZ'k dh rkjh[k ls] ,d ekl dh dkykof/k ds Hkhrj&Hkhrj mi&/kkjk ¼1½ ds micU/kksa dk ikyu djus esa foQy jgrk gS] ;g le>k tk;sxk fd mlus viuk LFkku fjä dj fn;k gS%

ijUrq ,slh dkykof/k dks fopkj esa ugha fy;k tk;sxk ftlds nkSjku ,slk lnL; fopkjk/khu dSnh ;k fu#) O;fDr ;k jktuSfrd dSnh ds :i esa tsy esa FkkA

38- R;kxi=-& dksbZ lnL;] dk;Zikyd eftLVªsV }kjk lE;d~ :i ls vuqizekf.kr ml vk'k; dk fyf[kr uksfVl v/;{k dks nsdj viuh lnL;rk ls R;kxi= ns ldsxk vkSj ,slk

R;kxi= uksfVl dh rkjh[k ls iUnzg fnol dh lekfIr ds i'pkr~ ;k v/;{k }kjk R;kxi= Lohdkj djus dh rkjh[k] tks Hkh igys gks] ls izHkkoh gksxkA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼65½

39- lnL; dk gVk;k tkuk-&¼1½ jkT; ljdkj] mi&/kkjk ¼3½

vkSj ¼4½ ds micU/kkas ds v/;/khu jgrs gq,] uxjikfydk ds fdlh lnL;

dks fuEufyf[kr esa ls fdlh Hkh vk/kkj ij gVk ldsxh] vFkkZr~%&

¼d½ fd og uxjikfydk dh btktr ds fcuk rhu ls vf/kd ØeorhZ lk/kkj.k cSBdksa esa vuqifLFkr jgk gS%

ijUrq ,slh dkykof/k dks fopkj esa ugha fy;k tk;sxk ftlds nkSjku ,slk lnL; fopkjk/khu dSnh ;k fu#) O;fDr ;k jktuSfrd dSnh ds :i es tsy esa Fkk(

¼[k½ fd og /kkjk 37 ds mica/kksa dk ikyu djus esa foQy jgk gS]

¼x½ fd mlus vius fuokZpu ds i'pkr~] /kkjk 14 ;k /kkjk 24 esa of.kZr dksbZ fujgZrk mixr dj yh gS ;k og /kkjk 21 dh vis{kkvksa dks iwjk ugha djrk gS]

¼?k½ fd&

(i) mlus lnL; ds :i esa vius drZO;ksa ds ikyu esa tkucw>dj mis{kk dh gS ;k ifjotZu fd;k gS] ;k

(ii) og vius drZO;ksa ds fuoZgu esa vopkj dk nks"kh jgk gS] ;k

(iii) og fdlh fud`"V vkpj.k dk nks"kh jgk gS] ;k (iv) og lnL; ds :Ik esa vius dRkZO;kas dk ikyu djus esa vleFkZ gks x;k gS] ;k

(v) og bl vf/kfu;e ds v/khu lnL; ds :Ik esa pqus tkus ds fy, fujfgZr gks x;k gS] ;k

(vi) mlus ,sls lnL; ds :i esa viuh fLFkfr dk fdlh jhfr ls vU;Fkk nq#i;ksx fd;k gS%

ijUrq gVk;s tkus dk dksbZ vkns'k] jkT; ljdkj }kjk] ,slh tkap

ds Ik'pkr~ tks og vko';d le>s vkSj ftls og ;k rks Lo;a djs ;k

fdlh ,sls fo|eku ;k lsokfuo`Ùk vf/kdkjh ls] tks jkT; Lrjh; lsok dh

9 ¼66½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ jSasd ls uhps dk u gks] ;k ,sls izkf/kdkjh ls] ftldk og funs'k ns] djok;s] vkSj lacaf/kr lnL; dks Li"Vhdj.k dk volj ns fn;s tkus ds i'pkr~] ikfjr fd;k tk;sxkA

¼2½ mi&/kkjk ¼1½ }kjk iznRRk 'kfDr dk iz;ksx] jkT; ljdkj }kjk Loizsj.kk ls ;k ml fufeRr uxjikfydk ls dksbZ fjiksVZ izkIr gksus ij ;k vU;Fkk jkT; ljdkj dh tkudkjh esa vk;s rF;ksa ds vk/kkj ij fd;k tk ldsxk%

IkjUrq bl /kkjk ds v/khu jkT; ljdkj ds fdlh vkns'k }kjk fdlh lnL; dks tc rd gVk ugha fn;k tk;s rc rd og viuk in fjDr ugha djsxk vkSj mi&/kkjk ¼6½ esas vUrfoZ"V mica/kksa ds v/;/khu jgrs gq, lnL; ds :i es dk;Z djrk jgsxk rFkk lnL; dh leLr 'kfDr;ksa dk iz;ksx vkSj drZO;ksa dk ikyu djrk jgsxk vkSj ,slh gSfl;r esa bl vf/kfu;e ds v/khu lnL; ds leLr vf/kdkjksa dk gdnkj RkFkk leLr nkf;Roksa ds v/;/khu gksxkA

¼3½ mi&/kkjk ¼1½ eas vrafoZ"V fdlh ckr ds gksrs gq, Hkh] tgka fdlh lnL; dks] mDr mi&/kkjk ds ijUrqd easa fufnZ"V tkap ds ifj.kkeLo:i vkSj lEcfU/kr lnL; ds Li"Vhdj.k dks lquus ds i'pkr~] mi&/kkjk ¼1½ ds [k.M ¼x½ ;k [k.M ¼?k½ esa fofufnZ"V vk/kkjksa esa ls fdlh Hkh vk/kkj ij gVkus dk izLrko fd;k tk;s rc jkT; ljdkj] ,sls lnL; ds fo#) lqLi"V vkjksi miof.kZr djrs gq, ,d fooj.k rS;kj djsxh vkSj mls jkT; ljdkj }kjk bl iz;kstu ds fy, fu;qDr fd;s tkus okys ftyk U;k;k/kh'k dh jSad ds fdlh U;kf;d vf/kdkjh }kjk tkap vkSj fu"d"kks± ds fy, Hkst nsxhA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼67½ ¼4½ bl izdkj fu;qDr fd;k x;k U;kf;d vf/kdkjh vkjksi dh tkap djsxk] lacaf/kr lnL; dks] ;fn og mifLFkr gksrk gS] lqusxk vkSj fooj.k esa miof.kZr izR;sd ekeys ij vkSj lkFk gh izR;sd ,sls vU; ekeys ij ftls og vkjksi ds fy, lqlaxr le>rk gS] vius fu"d"kZ vfHkfyf[kr djsxk] vkSj ,sls fu"d"kZ ds lkFk vfHkys[k jkT; ljdkj dks Hkstsxk] tks rnqijkUr ys[kc) dkj.kksa ls ;k rks iqu% tkap dk vkns'k djsxh ;k vafre vkns'k ikfjr djsxhA

¼5½ mi&/kkjk ¼4½ ds v/khu tkap dh lquokbZ djrs le;] U;kf;d vf/kdkjh izfØ;k ds ,sls fu;eksa dk ikyu djsxk tks jkT; ljdkj }kjk fofgr fd;s tk;sa vkSj mls ogh 'kfDr;ka gksaxh tks flfoy izfØ;k lafgrk] 1908 ¼1908 dk dsUnzh; vf/kfu;e la- 5½ ds v/khu fdlh flfoy U;k;ky; esa fuEufyf[kr fo"k;ksa ds lEcU/k esa okn dk fopkj.k djrs le; fufgr gksrh gaS] vFkkZr~(&

¼d½ fdlh O;fDr dks leu djuk vkSj gkftj djkuk vkSj 'kiFk ij mldh ijh{kk djuk(

¼[k½ dksbZ ,slk nLrkost ;k dksbZ vU; lkexzh tks lk{; esa iks"k.kh; gks] ds izdVhdj.k vkSj mls is'k fd;s tkus dh vis{kk djuk(vkSj

¼x½ fdlh yksd vfHkys[k dh v/;is{kk djuk(vkSj

¼?k½ dksbZ Hkh vU; fo"k; tks fofgr fd;k tk;sA

¼6½ bl /kkjk ds iwoZxkeh micU/kkas ds gksrs gq, Hkh] jkT; ljdkj fdlh ,sls lnL; dks] ftlds fo#) bl /kkjk ds v/khu tkap dh

9 ¼68½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ dk;Zokgh izkjEHk dj nh x;h gS] tkap dh lekfIr RkFkk vfUre vkns'k ikfjr gksus rd ds fy, fuyfEcr dj ldsxh vkSj bl izdkj fuyfEcr lnL; uxjikfydk dh fdlh dk;Zokgh esa Hkkx ysus ;k vU;Fkk mlds lnL; ds drZO;ksa dk ikyu djus dk gdnkj ugha gksxkA

¼7½ bl /kkjk ds v/khu ikfjr jkT; ljdkj dk izR;sd vafre vkns'k jkti= esa izdkf'kr fd;k tk;sxk vkSj og vfUre gksxk vkSj ,sls fdlh Hkh vkns'k dks fdlh U;k;ky; esa Ikz'uxr ugha fd;k tk ldsxkA

40- inkof/k dh lekfIr ds i'pkr~ dfri; vfHkdFkuksa dh tkap-&¼1½ fdlh uxjikfydk ds fdlh Hkh lnL; ;k v/;{k ;k mik/;{k ds fo#) /kkjk 39 dh mi&/kkjk ¼1½ ds [k.M ¼?k½ esa fofufnZ"V izd`fr ds fdUgha vfHkdFkuksa ds laca/k esa ,slh uxjikfydk ds lnL;] v/;{k ;k mik/;{k ds fo#) mDr mi&/kkjk ds ijUrqd rFkk ml /kkjk dh mi&/kkjk ¼3½ ;k ¼4½ esa fufnZ"V tkap] ml uxjikfydk ds dk;Zdky dh lekfIr ds ckn ;k mlds ,slk lnL;] v/;{k ;k mik/;{k u jgus ds ckn Hkh izkjEHk dh tk ldsxh] vkSj ;fn tkap ,slh lekfaIr ;k mlds ,slk lnL;] v/;{k ;k mik/;{k u jgus ds iwoZ gh vkjEHk dh tk pqdh gks rks og mlds ckn Hkh pkyw j[kh tk ldsxh vkSj mi&/kkjk ¼3½ ds vUrxZr vkus okys ekeyksa dks NksM+dj] ,sls izR;sd ekeys esa jkT; ljdkj fyf[kr vkns'k }kjk] dsoy /kkjk 39 dh mi&/kkjk ¼4½ ds v/khu U;kf;d vf/kdkjh }kjk vfHkfyf[kr fu"d"kkZsa ds vuq:i vius fu"d"kZ vfHkfyf[kr djsxhA

¼2½ jkT; ljdkj ds bl izdkj vfHkfyf[kr fu"d"kks± ij /kkjk 39 dh mi&/kkjk ¼6½ ds micU/k ykxw gksaxsA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼69½ ¼3½ ,sls lnL;] v/;{k ;k mik/;{k ds ekeysa esa] ftls uxjikfydk dh u;h vof/k ds fy, iqufuZokZfpr fd;k tkrk gS vkSj ftlds fo#) uxjikfydk esa mldh iwoZ vof/k ds lEcU/k esa mi&/kkjk ¼1½ esa fufnZ"V dksbZ tkap izkjEHk dh tkrh gS] ;k ;fn og igys ls gh izkjEHk dj nh x;h gS vkSj tkjh j[kh tkrh gS] /kkjk 39 ds mica/k] ;Fkko';d ifjorZuksa lfgr] ykxw gksaxsA

41- /kkjk 39 ds v/khu gVk;s x;s lnL;kas dh fu;kZsX;rk-& dksbZ lnL;] ftls /kkjk 39 dh mi&/kkjk ¼1½ ds [k.M ¼?k½ ds v/khu gVk fn;k x;k gks ;k ftlds fo#) /kkjk 40 ds v/khu izfrdwy fu"d"kZ vfHkfyf[kr dj fn;s x;s gksa] mlds gVk;s tkus ;k] ;FkkfLFkfr] izfrdwy fu"d"kZ vfHkfyf[kr fd;s tkus dh rkjh[k ls Ng o"kZ dh dkykof/k rd iqufuZokZpu ds fy, ik= ugha gksxkA

42- fdlh uxjikfydk esa lnL; dk in vkSj laln~ ;k jkT; fo/kku lHkk ;k fdlh iapk;rh jkt laLFkk dh lnL;rk ,d lkFk /kkj.k djus ij fucZU/ku-& dksbZ Hkh O;fDr fdlh uxjikfydk dk fuokZfpr ;k ukefufnZ"V lnL; vkSj laln~ ;k jkT; fo/kku&e.My ;k fdlh iapk;rh jkt laLFkk dk lnL;] nksuksa ugha jgsxk vkSj ;fn dksbZ ,slk O;fDr] tks igys ls gh laln~ ;k jkT; fo/kku lHkk ;k fdlh iapk;rh jkt laLFkk dk lnL; gS] fdlh uxjikfydk ds lnL; ds :Ik esa fuokZfpr gks tkrk gS rc ,sls lnL; ds :i esa fuokZfpr gksus ;k ukefunsZ'ku dh rkjh[k ls pkSng fnol dh lekfIr ij og ,slk lnL; ugha jgsxk tc rd fd og laln~ ;k jkT; fo/kku lHkk ;k] ;FkkfLFkfr] iapk;rh jkt laLFkk eas ds vius LFkku ls] igys gh R;kxi= ugha ns nsrk gS%

9 ¼70½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ijUrq ;fn dksbZ O;fDr] tks igys ls gh fdlh uxjikfydk dk fuokZfpr ;k ukefufnZ"V lnL; gS] laln~ ;k jkT; fo/kku lHkk ;k fdlh iapk;rh jkt laLFkk dk lnL; fuokZfpr dj fy;k tkrk

gS] rc laln~ ;k jkT; fo/kku lHkk ;k] ;FkkfLFkfr] fdlh iapk;rh jkt laLFkk dk lnL; fuokZfpr gksus dh rkjh[k ls] pkSng fnol dh lekfIr ij og ,slk lnL; ugha jgsxk tc rd fd og laln~ ;k jkT; fo/kku lHkk ;k] ;FkkfLFkfr] iapk;rh jkt laLFkk esa ds vius LFkku ls] igys gh R;kxi= ugha ns nsrk gSA

43- izR;sd uxjikfydk esa ,d v/;{k vkSj ,d mik/;{k gksxk-& ¼1½ izR;sd uxj fuxe ds fy, ,d egkikSj] izR;sd uxj ifj"kn~ ds fy, ,d lHkkifr vkSj izR;sd uxjikfyd cksMZ ds fy, ,d v/;{k gksxk tks fofgr jhfr ls fuokZfpr fd;k tk;sxkA

¼2½ izR;sd uxj fuxe ds fy, ,d mi&egkikSj] vkSj uxj ifj"kn~ ds fy, ,d mi&lHkkifr vkSj izR;sd uxjikfyd cksMZ ds fy, ,d mik/;{k gksxk] tks fofgr jhfr ls fuokZfpr fd;k tk;sxkA

¼3½ uxjikfydkvksa ds v/;{kksa ds in vuqlwfpr tkfr;kas] vuqlwfpr tutkfr;ksa vkSj fiNMs+ oXkkZsa ds fy, RkFkk efgykvkas ds fy, ,slh jhfr ls vkjf{kr jgsaxs] tks fofgr dh tk;sA

¼4½ jkT; ljdkj mi&/kkjk ¼3½ ds v/khu vkjf{kr v/;{kksa ds inkas dk jkT; dh fofHkUu uxjikfydkvksa dks vkcaVu djsxh vkSj ,sls inkas dk vkcaVu djus eas fuEufyf[kr mica/kkas dks /;ku esa j[kk tk;sxk] vFkkZr~%&

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼71½

(i) ,slh uxjikfydkvksa dk] ftuesa vuqlwfpr tkfr;ksa ;k vuqlwfpr tutkfr;ksa ds fy, in dk vkj{k.k fd;k tk;s] QSyko lEiw.kZ jkT; esa gksxk vkSj os ;Fkklk/; mu {ks=ksa esa fLFkr gksaxh ftuesa mu tkfr;ksa dh tula[;k dk vuqikr jkT; dh dqy tula+[;k ds lkFk rqyukRed :i ls vf/kd gS(

(ii) ,slh uxjikfydkvksa dk] ftuesa efgykvksa ds fy, in dk vkj{k.k fd;k tk;s] QSyko lEiw.kZ jkT; esa gksxkA

¼5½ bl /kkjk ds v/khu vuqlwfpr tkfr;ksa ;k vuqlwfpr tutkfr;ksa ;k fiNMs+ oxks± ds lnL;ksa ds fy, v/;{kkas ds in dk vkj{k.k Hkkjr ds lafo/kku ds vuqPNsn 334 esa fofufnZ"V dkykof/k dh lekfIr ij izHkkoh ugha jgsxkA

¼6½ ,slk izR;sd v/;{k ;k mik/;{k] tks uxjikfydk ls ,d ekl ls vf/kd dh dkykof/k rd ,sls vuqifLFkr jgrk gS] fd og ,sls v/;{k ;k mik/;{k ds :i esa vius dRkZO;ksa dk ikyu djus esa vleFkZ gks tk;s] rks og v/;{k ;k mik/;{k ugha jgsxk tc rd fd mls uxjikfydk }kjk bl izdkj vuqifLFkr jgus dh NqV~Vh eatwj ugha dj nh x;h gksA

¼7½ mi&/kkjk ¼6½ ds v/khu Ng ekl ls vf/kd dh dkykof/k ds fy, NqV~Vh eatwj ugha dh tk;sxhA tc dHkh fdlh v/;{k dks NqV~Vh eatwj dj nh tk;s vkSj mik/;{k dk in fjDRk gks] rc ,slh fjfDr ,slh dkykof/k ds Hkhrj&Hkhrj rFkk ,slh jhfr ls] tks fofgr dh tk;s] lnL;ksa esa ls fuokZpu ds }kjk Hkjh tk;sxhA tc fdlh mik/;{k dh NqV~Vh eatwj dj nh tk;s ;k tc mik/;{k] v/;{k dk dk;Z dj jgk gks] rc mik/;{k

9 ¼72½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ds in dh fjfDr ml ij fdlh vU; lnL; dk fuokZpu djds Hkjh tk ldsxhA

¼8½ ;fn fdlh uxjikfydk dk mik/;{k] uxjikfydk ds v/;{k ds :i esa fuokZfpr gks tkrk gS rks mldh ckcr ;g le>k tk;sxk fd mlus mik/;{k ds :Ik esa viuk in fjDr dj fn;k gSA

¼9½ fdlh uxjikfydk ds izR;sd v/;{k vkSj izR;sd mik/;{k dh ckcr rRdky ;g le>k tk;sxk fd mlus viuk in fjDr dj fn;k gS] ;fn fofgr izfØ;k ds vuqlkj mlesa vfo'okl vfHkO;Dr djrs gq, dksbZ ladYi ikfjr dj fn;k x;k gSA

¼10½ izR;sd v/;{k rFkk izR;sd mik/;{k dks] ,sls v/;{k rFkk mik/;{k ds :i esa vius in ls] /kkjk 39 dh mi&/kkjk ¼1½ ds [k.M ¼?k½ esa fofufnZ"V vk/kkjksa esa ls fdlh Hkh vk/kkj ij gVk;k tk ldsxk vkSj ml /kkjk dh mi&/kkjk ¼2½ ls ¼6½ rd ds micU/k ykxw gksaxsA

¼11½ izR;sd v/;{k rFkk izR;sd mik/;{k dh inkof/k] bl vf/kfu;e esa vU;Fkk micaf/kr ds flok;] uxjikfydk dh inkof/k ds vuq:Ik gksxhA

¼12½ mik/;{k] v/;{k dks fyf[kr uksfVl nsdj vius in ls R;kxi= ns ldsxk vkSj v/;{k ,sls vf/kdkjh dks] tks jkT; ljdkj }kjk bl fufeRRk fu;qDr ;k izkf/kd`r fd;k tk;s] oSlk gh uksfVl O;fDr'k% nsdj R;kxi= ns ldsxkA ,slk izR;sd R;kxi= mlds eatwj fd;s tkus ij ;k] ;FkkfLFkfr] v/;{k ;k] ;FkkfLFkfr] ,sls vf/kdkjh dks uksfVl fn;s tkus ls rhl fnol dh lekfIr ij] tks Hkh igys gks] izHkkoh gksxkA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼73½ ¼13½ ¼i½ v/;{k ds in ij inkof/k lekIr gks tkus ls vU;Fkk gqbZ dksbZ fjfDr] ,slh fjfDr gksus ls Ng ekl dh dkykof/k ds Hkhrj&Hkhrj Hkjh tk;sxh vkSj ,slh fjfDr Hkjus ds fy, fuokZfpr O;fDr] ,slh 'ks"k vof/k ds fy, in /kkj.k djsxk] ftlds fy, og v/;{k] ftlds LFkku ij mldk bl izdkj fuokZpu fd;k x;k gS] in /kkj.k djrk] ;fn ,slh fjfDr ugha gqbZ gksrh%

ijUrq jkT; ljdkj vifjgk;Z ifjfLFkfr;ksa ds ekeys esa ,sls fuokZpu dh rkjh[k dks iwoksZDr dkykof/k ls vkxs vf/kdre rhu ekl dh dkykof/k ds fy, vkSj c<+k ldsxhA

¼ii½ mik/;{k ds in ij inkof/k lekIr gks tkus ls vU;Fkk gqbZ dksbZ fjfDr iwoZorhZ mi&/kkjkvksa ds micU/kksa ds vuqlkj Hkjh tk;sxh vkSj fjfDr dks Hkjus ds fy, fuokZfpr O;fDr] ,slh 'ks"k vof/k ds fy, in /kkj.k djsxk] ftlds fy, og mik/;{k] ftlds LFkku ij mldk bl izdkj fuokZpu fd;k x;k gS] in /kkj.k djrk] ;fn ,slh fjfDr ugha gqbZ gksrhA

¼14½ bl /kkjk ds mica/kksa ds vuqlkj fuokZfpr v/;{k ;k mik/;{k ds uke ;Fkk'kD; 'kh?kz jkti= esa izdkf'kr fd;s tk;asxsA

¼15½ uxjikfydk dk v/;{k uxjikfyd fuf/k ls ,sls ekfld HkRrs vkSj izlqfo/kk,a izkIr dj ldsxk] tks fofgr dh tk;saA

44- v/;{k ;k mik/;{k ds fuokZpu dh fof/kekU;rk dk vo/kkj.k-&¼1½ /kkjk 43 ds v/khu v/;{k ;k mik/;{k dk fuokZpu] uxjikfyd {ks= ij {ks=h; vf/kdkfjrk j[kus okys ftyk U;k;k/kh'k dks izLrqr fuokZpu ;kfpdk ds flok; iz'uxr ugha fd;k tk;sxk%

9 ¼74½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ijUrq tc fdlh ftyk U;k;k/kh'k dks ;Fkkiwok ZsDr :Ik ls dksbZ fuokZpu ;kfpdk izLrqr dh tk;s] rc og mls ys[kc) dkj.kkas ls vius v/khuLFk fdlh U;k;k/kh'k dks lquokbZ rFkk fuiVkjs ds fy, vUrfjr dj ldsxkA

Li"Vhdj.k-& ftyk U;k;k/kh'k ;k fdlh Hkh vU; U;k;k/kh'k dks] ftls dksbZ fuokZpu ;kfpdk izLRkqr ;k vUrfjr dh x;h gS vkSj ftlds }kjk bl /kkjk ds micU/kkas ds vuqlkj mldh lquokbZ dh x;h gS] blesa blds i'pkr~ U;k;k/kh'k ds :Ik esa fufnZ"V fd;k x;k gSA

¼2½ ,slh dksbZ ;kfpdk ,sls fdlh mEehnokj }kjk] tks ijkftr gks x;k gS] ;k ftldk ukekadu jn~n dj fn;k x;k gS] ,slh jhfr ls] ,sls vk/kkjksa ij vkSj ,slh dkykof/k ds Hkhrj&Hkhrj] tks fofgr dh tk;s] ,d gtkj #i;s ds fu{ksi ds lkFk izLrqr dh tk ldsxhA

¼3½ ;kfpdk dh lquokbZ djus esa U;k;k/kh'k ,slh izfØ;k dk vuqlj.k vkSj ,slh 'kfDr;kas dk iz;ksx djsxk] tks fofgr dh tk;saA

¼4½ mi&/kkjk ¼3½ esa vUrfoZ"V micU/k dh O;kidrk ij izfrdwy izHkko Mkys fcuk] U;k;k/kh'k] ;fn ;kfpdk lkjghu ik;h tk;s] rks ;g funs'k ns ldsxk fd mi&/kkjk ¼2½ esa mfYyf[kr fu{ksi jkT; ljdkj ds i{k esa leiâr fd;k tk;sxkA

45- eq[; uxjikfyd d`R;-& ¼1½ izR;sd uxjikfydk dk drZO; gksxk fd og vius uxjikfyd {ks= ds Hkhrj fuEufyf[kr ekeyksa ds fy, ;qfDr;qDr mica/k vkSj leqfpr O;oLFkk djs] vFkkZr~%&

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼75½ ¼d½ yksd LokLF;] LoPNrk] laj{k.k] Bksl vif'k"V izcU/k] ty&fudkl vkSj ey&ogu] lkoZtfud ekxksZa] LFkkuksa rFkk eyukfy;kas vkSj ,sls LFkkuksa] tks futh laifRr ughas gksa vkSj tks turk ds mi;ksx ds fy, [kqys gkas] pkgs ,sls LFkku uxjikfydk esa fufgr gksa ;k ugha] dh lQkbZ] gkfuiw.kZ ouLifr dks gVkuk vkSj lHkh yksd U;wlsalksa dks lekIr djuk(

¼[k½ xanxh] dwM+kdjdV] fo"Bk] nqxZU/k ;k fdlh Hkou ;k Hkouksa esas ;k muls lacaf/kr 'kkSpky;ksa] rgkjrksa] ew=ky;ksa] eydwiksa ;k ,sls inkFkks± dks Mkyus ds fy, vU; lkekU; ik=ksa ls fdlh vU; gkfudkjd ;k ?k`.kksRiknd inkFkZ dks gVkuk(

¼x½ lkoZtfud ekxksZa] LFkkuksa vkSj ,ouksa esa jks'kuh dh O;oLFkk djuk(

¼?k½ vkx cq>kuk vkSj vkx yxus ij thou rFkk lEifRr dh laj{kk djuk(

¼3½ ?k`.kksRiknd ;k [krjukd O;kikjksa ;k O;olk;ksa dks fofu;fer djuk(

¼p½ lkoZtfud ekxks± ;k LFkkuksa rFkk mu txgksa esa] tks futh lEifRr ugha gSa vkSj tks turk ds mi;ksx ds fy, [kqyh gaS] pkgs ,slh txgsa uxjikfydk esa fufgr gksa ;k u gks] ck/kkvksa rFkk cfgxZr Hkkxksa dks gVkuk(

9 ¼76½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼N½ [krjukd Hkouksa ;k LFkkuksa dks lqjf{kr djuk ;k gVkuk rFkk vLokLF;dj ifj{ks=ksa dk iqu:)kj djuk (

¼t½ e`rdkas rFkk e`r tkuojksa ds 'koksa ds fuoZrZu ds fy, LFkkuksa dk vtZu] vuqj{k.k] ifjorZu rFkk fofu;eu djuk(

¼>½ lkoZtfud ekxkasZ] iqfy;kvksa] uxjikfyd lhek fpg~uksa] cktkjkas] o/k'kkykvksa] ukfy;ks]a eyukfy;ksa] tyfudkl ladekasZ] eyukyh ladeksZa] Lukukxkjksa] /kksus ds LFkkuksa] is;&ty Lkzksrksa] rkykcksa] daqvksa] cka/kksa vkSj rRleku vU; ladeksZa dk fuekZ.k djuk] muesa ifjoZru djuk rFkk mudk vuqj{k.k djuk(

¼¥½ lkoZtfud rgkjrksa] 'kkSpky;kas] vkSj ew=ky;ksa dk fuekZ.k djuk(

¼V½ ekxksaZ dk ukedj.k vkSj ?kjksa dk la[;kadu djuk(

¼B½ tUe vkSj e`R;q dk iathdj.k djuk(

¼M½ uxjikfydk ds Hkhrj ,sls dqRrksa ds ifjjks/k vkSj ifjj{k.k ds fy, O;oLFkk djuk] ftuds laca/k esa bl vf/kfu;e dh /kkjk 249 ds v/khu dkjZokbZ dh tkuh gS(

¼<½ bl vf/kfu;e ds iz;kstuksa ds fy, ;k fdlh uxjh; lEifRr dh lqj{kk ds fy, uxjikfydk }kjk ;Fkk&visf{kr iqfyl vf/kdkfj;kas ds e)s osru dk vkSj muds vkdfZLed O;; dk Hkqxrku djuk vkSj ,slk LFkku miyC/k djkuk tks

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼77½ iqfyl ls lacaf/kr izo`Rr fof/k ds v/khu jkT; ljdkj }kjk visf{kr fd;k tk;s(

¼.k½ O;fDr;ksa dh laj{kk] lEifRr dh lqj{kk vkSj yksd lqj{kk ds laca/k esa ,sls d`R; vkSj drZO;] tks fofgr fd;s tk;sa] djus ds fy, Lo;alsoh cy dk xBu djuk(

¼r½ fo"Bk vkSj dwM+kdjdV ls dEiksLV [kkn RkS;kj djus ds fy, O;oLFkk,a djuk(

¼Fk½ dkath gkml LFkkfir djuk vkSj mudk j[k&j[kko djuk(

¼n½ tula[;k fu;U=.k] ifjokj dY;k.k vkSj NksVs ifjokj ds ekudkas dks c<+kok nsuk(

¼/k½ vkfFkZd fodkl vkSj lkekftd U;k; ds fy, ;kstuk,a rS;kj djuk(

¼u½ lM+dksa] QqVikFkksa] iSny jkLrksa] ;kf=;ksa vkSj eky] nksukas ds fy, ifjogu VfeZuyksa] iqyksa] vksoj&fcztksa] lc&os] Qsjht ds fuekZ.k vkSj j[k&j[kko lfgr lapkj iz.kkyh vkSj vkUrfjd ty ifjogu iz.kkyh LFkkfir djuk(

¼i½ ;krk;kr vfHk;kaf=dh ;kstukvksa] ekxZ&QuhZpj] ikfdZax {ks=ksa vkSj cl LVkWi lfgr ifjogu iz.kkyh mikax rS;kj djuk(

¼Q½ ekuo cLrh ds fy, u;s {ks=ksa ds ;kstukc) fodkl ds fy, O;oLFkk djuk(

9 ¼78½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼c½ m|ku ,oa >jus LFkkfir djds] euksjatu {ks=ksa dh O;oLFkk djds] unh ds fdukjksa dks laokj dj vkSj Hkw&n`'; fp=.k }kjk uxjh; {ks= ds lkSUn;Zdj.k ds fy, mik; djuk(

¼Hk½ leqnk; ds fy, egRoiw.kZ vkadMksa+ vkSj MkVk dk laxzg djuk(

¼e½ ftyk ;k {ks=h; fodkl ;kstuk] ;fn dksbZ gks] ds lkFk uxjh; {ks= dh fodkl ;kstukvksa vkSj Ldheksa dks lesfdr djuk(

¼;½ 'kS{kf.kd] [ksy laca/kh vkSj lakLd`frd xfrfof/k;ksa dks c<+kok nsuk(

¼;d½ uxjikfydk ds foRr vkSj mlds }kjk gkFk esa fy, x;s fodkl dk;Z vkSj vU; xfrfof/k;ksa ds ckjs esa rkfRod vkSj egRoiw.kZ lwpuk,a fgr/kkjdksa vkSj vke turk dks izdV djuk(

¼;[k½ Ik'kqvksa ds izfr Øwjrk dk fuokj.k lqfuf'pr djus ds fy, dne mBkuk(vkSj

¼;x½ bl vf/kfu;e ds }kjk ;k v/khu ;k rRle; izo`Rr fdlh vU; fof/k ds v/khu ;Fkk&micaf/kr vU; dkuwuh ;k fu;ked d`R;ksa dk ikyu djukA

¼2½ uxjikfydk viuh izcU/kdh;] rduhdh] foRrh; vkSj laxBukRed {kerk vkSj uxjh; {ks= esa fo|eku okLrfod n'kkvksa dks

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼79½ /;ku esa j[krs gq, iwoksZDr esa ls fdUgha d`R;ksa dks ugha djus] ;k mudh ikyuk dks LFkfxr djus dk fofu'p; dj ldsxhA

¼3½ jkT; ljdkj uxjikfydk dks ;FkkiwoksZDr esa ls fdUgha d`R;ksa dk] ;fn ,sls dk;Z dk ftEek uxjikfydk }kjk ugha fy;k x;k gS ;k mlds }kjk LFkfxr dj fn;k x;k gS] ikyu djus dk funs'k ns ldsxhA

¼4½ uxjikfydk ;FkkiwoksZDr d`R;ksa esa ls fdlh ds Hkh fuoZgu ds fy, visf{kr voljapuk dh] ;k rks Lo;a ;k /kkjk 154 esas fufnZ"V djkj ds v/khu fdlh Hkh vfHkdj.k ds ek/;e ls] ;kstuk cuk ldsxh] mldk lfUuekZ.k] izoZru] j[k&j[kko ;k izca/k dj ldsxhA

46- vU; uxjikfyd d`R;-& uxjikfydk vius eq[; d`R;ksa] tks uxjikfyd fuf/k ij izFke izHkkj gksaxs] ds larks"kizn fu"iknu dks /;ku esa j[krs gq, vkSj viuh izca/kdh;] rduhdh vkSj foRrh; {kerkvksas ds v/;/khu jgrs gq,] fuEufyf[kr esa ls fdUgha Hkh d`R;ksa dk ftEek ys ldsxh] mudk fu"iknu dj ldsxh ;k muds fu"iknu dks izksRlkfgr dj ldsxh] vFkkZr~%&

¼i½ i;kZoj.k laj{k.k ds {ks= esa&

¼d½ catj Hkwfe;ksa dks mitkÅ cukuk] lkekftd okfudh dks izksUur djuk vkSj [kqys LFkkuksa dk j[k&j[kko djuk(

¼[k½ ikS/kksa] lfCt;ksa vkSj o`{kksa ds fy, ikS/k'kkykvksa dh LFkkiuk vkSj j[k&j[kko vkSj tu lgHkkfxrk ds ek/;e ls gfj;kyh dh o`f)(

¼x½ iq"i&izn'kZfu;ksa dk vk;kstu vkSj ukxfjd laLd`fr ds :i esasa Qwy mxkus dks c<+kok nsuk(vkSj

9 ¼80½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼?k½ iznw"k.k ds lHkh Lo:iksa ds fuokj.k ds fy, mik;ksa dks izksRlkfgr djukA

¼ii½ yksd LokLF; vkSj LoPNrk ds {ks= esa&

¼d½ laØked chekfj;ksa ds mUewyu ds fy, tu Vhdkdj.k vfHk;ku(

¼[k½ vLokLF;dj ifj{ks=ksa dk m)kj(

¼x½ lHkh lkoZtfud rkykcksa dk j[k&j[kko vkSj lHkh futh rkykcksa] dqvksa vkSj tykiwfrZ ds vU; lzksrksa ds iqumZR[kuu] ejEer vkSj j[k&j[kko dk ,slh 'krksZa vkSj fuca/kuksa ij] ftUgsa uxjikfydk Bhd le>s] fofu;eu(vkSj

¼?k½ izopuksa] lsehukjksa vkSj lEesyuksa ds ek/;e ls yksd LokLF; vkSj lkekU; dY;k.k dh ukxfjd psruk dh izksUufr(

¼iii½ f'k{kk vkSj laLd`fr ds {ks= esa&

¼d½ ukxfjd f'k{kk] izkS<+ f'k{kk] lkekftd f'k{kk vkSj vukSipkfjd f'k{kk dh izksUufr(

¼[k½ laxhr] 'kkjhfjd f'k{kk] [ksydwn vkSj fFk;sVj lfgr lakLd`frd fØ;kdykiksa dh vkSj muds fy, volajpuk dh izksUufr(

¼x½ uxjh; thou esa foKku vkSj izkS|ksfxdh dh vfHko`f)(

¼?k½ uxjikfyd if=dkvksa] fu;rdkfyd if=dkvksa vkSj Lekfjdkvksa dk izdk'ku] iqLrdksa dk Ø; vkSj if=dkvksa] esxthuksa vkSj lekpkj i=ksa dk xzkgd cuuk(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼81½ ¼^{3}½ leqfpr jhfr ls ewfrZ;ka] fp= vkSj rLohj LFkkfir djuk(

¼p½ dyk&nh?kkZvksa vkSj okuLifrd ;k izk.kh laxzgksa dh O;oLFkk] LFkkiuk vkSj j[k&j[kko(

¼N½ ,sfrgkfld] dykRed vkSj vU; egRo ds LFkkuksa vkSj laLekjdksa dk ifjj{k.k vkSj j[k&j[kko(vkSj ¼t½ lkoZtfud iqLrdky;ksa] laxzgky;ksa] okpuky;ksa] ikxy[kkuksa] lHkk&Hkkouksa] dk;kZy;ksa dk lafuekZ.k] LFkkiuk] j[k&j[kko djuk ;k j[k&j[kko esa ;ksxnku djuk(

(iv) yksd dY;k.k ds {ks= esa&

¼d½ lw[kk] ck<+] HkwdEi ;k vU; izkd`frd ;k izkS|ksfxdh vkinkvksa ds le; vkJ;ksa dh LFkkiuk vkSj j[k&j[kko vkSj uxjikfyd {ks= dh lhekvksa ds Hkhrj fujkfJr O;fDr;ksa ds fy, jkgr dk;Z( ¼[k½ vLirkykas] vkS"k/kky;ksa] vkJ;ksa] m)kj x`gksa] izlwfr x`gksa vkSj cky dY;k.k dsUnzksa dk lafuekZ.k ;k j[k&j[kko ;k mudh lgk;rk ds fy, izko/kku(

¼x½ cs?kjksa ds fy, vkJ;ksa dk izko/kku(

¼?k½ gFk&lQkbZ dfeZ;ksa vkSj muds ifjokjksa dh eqfDr vkSj iquokZl ds fy, dk;ZØeksa dk fØ;kUo;u(¼3½ lkeqnkf;d dY;k.k ds fy, LoSfPNd Je dh O;oLFkk vkSj LoSfPNd laxBuksa ds fØ;kdykiksa dk leUo;(vkSj

9 ¼82½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼p½ ,slh lwpuk ds izlkj ds fy, vfHk;ku] tks yksd dY;k.k ds fy, egRoiw.kZ gks(vkSj

¼v½ lkeqnkf;d laca/kksa ds {ks= esa&

¼d½ fof'k"V O;fDr;ksa dk ukxfjd lEeku vkSj [;kfrizkIr O;fDr;ksa dh e`R;q ij J)katfy nsuk(¼[k½ esyksa vkSj izn'kZfu;ksa dh O;oLFkk vkSj izca/k djuk(vkSj

¼x½ yksdfgr dh lwpuk dk izlkjA

47- ljdkj }kjk leuqnsf'kr d`R;-& jkT; ljdkj] lk/kkj.k ;k fo'ks"k vkns'k }kjk fdlh uxjikfydk ls ,sls vU; uxjikfyd d`R;ksa dk ikyu djus dh vis{kk dj ldsxh ftudk jkT; ljdkj] ml uxjikfydk dh vko';drk vkSj lalk/kuksa dk /;ku j[krs gq, ml uxjikfydk }kjk ikyu fd;k tkuk mfpr le>sA

48- v/;{k vkSj mik/;{k ds d`R;-& ¼1½ uxjikfydk ds v/;{k ds fuEufyf[kr drZO; gksaxs%&

¼d½ /kkjk 58 esa ;Fkk&micaf/kr :i esa uxjikfydk dh fu;fer cSBdsa vk;ksftr djuk(

¼[k½ tc rd fd ;qfDr;qDr dkj.k ls fuokfjr ugha fd;k x;k gks] uxjikfydk dh leLRk cSBdksa dh v/;{krk djuk vkSj /kkjk 337 dh mi&/kkjk ¼2½ ds [k.M ¼xiii½ ds v/khu rRle; izo`Rr fu;eksa ds micU/kksa ds v/;/khu jgrs gq, ,slh cSBdksa eas dk;Z lapkyu dks fofu;fer djuk(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼83½ ¼x½ uxjikfydk ds foRrh; vkSj dk;Zikyd iz'kklu ij fuxjkuh j[kuk(

¼?k½ bl vf/kfu;e ds v/khu vkSj mlds vuqlkj fofufnZ"V :i ls ml ij vf/kjksfir ;k mls iznRr lHkh drZO;ksa dk ikyu vkSj lHkh 'kfDr;kas dk iz;ksx djuk(vkSj

¼3½ ,sls vU; dk;Zikyd d`R;ksa dk ikyu djuk tks fofgr fd;s tk;saA

¼2½ uxjikfydk dk mik/;{k] v/;{k dh ,slh 'kfDr;ksa dk iz;ksx rFkk ,sls drZO;ksa dk ikyu djsxk] tks v/;{k mls le;≤ ij izR;k;ksftr djsA mik/;{k ds fuEufyf[kr drZO; Hkh gksaxs%&

¼d½ v/;{k dh vuqifLFkfr esa vkSj tc rd ;qfDr;qDr dkj.k ls fuokfjr ugha fd;k x;k gks] uxjikfydk dh cSBdksa dh v/;{krk djuk vkSj tc bl izdkj v/;{krk dj jgk gks] mlh izkf/kdkj dk iz;ksx djuk tks mi&/kkjk ¼1½ ds [k.M ¼d½ vkSj ¼[k½ ds v/khu v/;{k esa fufgr gS(vkSj

¼[k½ v/;{k ds NqV~Vh ij vuqifLFkr jgus ds nkSjku]
v/;{k dh 'kfDRk;ksa dk iz;ksx vkSj drZO;ksa dk ikyu djukA

49- vfHkys[kksa dh vfHkj{kk dks lfEefyr djrs gq, eq[; uxjikfyd vf/kdkjh dh 'kfDr;ka vkSj drZO;-& ¼1½ eq[; uxjikfyd

9 ¼84½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ vf/kdkjh] uxjikfydk ds lHkh vfHkys[kksa dh vfHkj{kk vkSj j[k&j[kko ds fy, mRrjnk;h gksxkA

¼2½ tgka fdlh uxjikfydk ;k mldh fdlh Hkh lfefr dh dksbZ dk;Zokfg;ka ;k ladYi ;k v/;{k dk vkns'k bl vf/kfu;e vkSj rn/khu cuk;s x;s fu;eksa ds micU/kksa ls vlaxr gks] ogka eq[; uxjikfyd vf/kdkjh dk ;g drZO; gksxk fd og bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa ds mica/kksa dk dk;kZUo;u djus ds fy, fof/k ds lqlaxr mica/kksa dks of.kZr djrs gq, uxjikfydk] ;k lfefr ;k v/;{k dks lykg ns vkSj uxjikfydk ;k lfefr dh cSBd dh dk;Zokfg;ksa esa ;k v/;{k ds vkns'k ij ;g rF; vfHkfyf[kr djs fd mlus ,slh lykg ns nh Fkh vkSj rnqijkar ,slh dk;Zokfg;ksa] ladYi ;k] ;FkkfLFkfr] vkns'k ij folEefr dk fVIi.k izLrqr djs vkSj ;g lqfuf'pr djs fd ,slk ladYi ;k vkns'k ikfjr gksus ;k] ;FkkfLFkfr] ,slh dk;Zokfg;ka gkFk esa ysus ds lkr fnol ds Hkhrj&Hkhrj ml ekeys dks jkT; ljdkj ;k mlds }kjk bl fufeRr izkf/kd`r fdlh vf/kdkjh dks lalwfpr djsA ¼3½ ;fn eq[; uxjikfyd vf/kdkjh] mi&/kkjk ¼2½ ds v/khu mlds drZO;ksa esa tkucw>dj mis{kk djrk gS rks og ml mi&/kkjk esa fofufnZ"V izd`fr dh dk;Zokfg;ksa] ladYi ;k vkns'k ds ifj.kkeLo:i uxjikfydk }kjk mixr fdlh Hkh gkfu ds fy, O;fDr'k% nk;h gksxk vkSj ,slh gkfu mlls mlh jhfr ls olwy dh tk;sxh ftlls uxjikfyd cdk;k,a olwy dh tkrh gSaA

¼4½ mi&/kkjk ¼2½ ds v/khu fjiksVZ fd;s x;s folEefr ds fVIi.k dk ijh{k.k djus ds i'pkr~] jkT; ljdkj ;k mlds }kjk bl fufeRr izkf/kd`r vf/kdkjh ,slk varfje ;k vafre vkns'k ns ldsxk tks og Bhd le>s vkSj og uxjikfydk ij vkc)dj gksxk% Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼85½ ijUrq ;fn folEefr dk fVIi.k izkIr gksus dh rkjh[k ls rhl fnol dh dkykof/k ds Hkhrj&Hkhrj ,slk dksbZ varfje ;k vafre vkns'k ikfjr ugha fd;k tkrk gS rks uxjikfydk] dk;Zokfg;ksa ;k ladYi] ;k] ;FkkfLFkfr] vkns'k ij ,sls dk;Zokgh dj ldsxh ekuks foLkEefr dk fVIi.k izLrqr ugha fd;k x;k FkkA

¼5½ eq[; uxjikfyd vf/kdkjh ;k jkT; ljdkj }kjk bl fufeRr izkf/kd`r fdlh Hkh vU; vf/kdkjh dks] bl vf/kfu;e vkSj rn/khu cuk;s x;s fu;eksa ds v/;/khu jgrs gq,] leLRk ladYiksa] leLr vuqKfIr;ksa] vuqKkvksa dks] tks bl vf/kfu;e ds v/khu uxjikfydk] lfefr ;k v/;{k ds vkns'k }kjk eatwj fd;s tk;sa ;k fn;s tk;sa] vius gLRkk{kjkas ls vf/kizekf.kr djus dh 'kfDr gksxh vkSj dksbZ Hkh vuqKfIr ;k vuqKk ;k vkns'k rc rd oS/k rFkk fof/kekU; ugh gksxk tc rd fd mls eq[; uxjikfyd vf/kdkjh ;k] ;FkkfLFkfr] ,sls vU; vf/kdkjh }kjk bl izdkj vf/kizekf.kr u dj fn;k x;k gksA

¼6½ eq[; uxjikfyd vf/kdkjh] uxjikfydk dh ,slh vU; 'kfDr;ksa dk iz;ksx djsxk] tks jkT; ljdkj mls fofufnZ"V iz'kklfud vR;ko';drk esa fdlh lkekU; ;k fo'ks"k vkns'k }kjk lkSaisA

¼7½ uxjikfydk dks lacksf/kr ;k mlds fy, rkRif;Zr leLr i=kpkj lk/kkj.kr;k eq[; uxjikfyd vf/kdkjh ds uke ls Hkstk tk;sxk fdUrq v/;{k dks Hkh Hkstk tk ldsxk vkSj uxjikfydk dh rjQ ls tkjh ;k fd;k x;k leLr i=kpkj lk/kkj.kr;k eq[; uxjikfyd vf/kdkjh dh eqgj vkSj gLrk{kj ls tkjh fd;k tk;sxk vkSj v/;{k dh eqgj vkSj gLrk{kj ls Hkh tkjh fd;k tk ldsxkA

¼8½ eq[; uxjikfyd vf/kdkjh uxjikfydk ;k mldh fdlh Hkh lfefr dh dk;Zokfg;ksa ds dk;Zo`Rrkas ;k vU; nLrkost ;k oLrq ls ,slk 9 ¼86½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ dksbZ Hkh m)j.k izLrqr djsxk] tks bl fufeRr jkT; ljdkj }kjk fu;qDr ;k izkf/kd`r vf/kdkjh le;≤ ij ekaxsA

¼9½ eq[; uxjikfyd vf/kdkjh]&

¼i½ uxjikfydk ds ys[kkvksasa dh laijh{kk ds nkSjku mlds /;ku esa yk;h x;h ;k laijh{kk fjiksVZ esa bafxr dh x;h fdlh Hkh =qfV ;k vfu;ferk dks gVkus ds fy, rqjUr dne mBk;sxk(

¼ii½ uxjikfydk ds /ku ;k lEifr ds laca/k esa diV] xcu] pksjh ;k gkfu ds lHkh ekeyksa dh fjiksVZ uxjikfydk dks djsxk(

¼iii½ uxjikfydk }kjk v/;isf{kr dksbZ Hkh fooj.kh] fooj.k] ys[kk ;k fjiksVZ ;k vius izHkkj esa dk dksbZ Hkh nLrkost ;k mudh izfr nsxk(

¼iv½ mldh cSBd esa fopkjk/khu fdlh fo"k; ds lEcU/k esa Li"Vhdj.k nsxk] fdUrq ml ij ernku ugha djsxk ;k mlesa dksbZ izLFkkiuk ughsa djsxk(

¼v½ uxjikfydk dh uhfr;ksa] fofu’p;ksa vkSj funs’kksa dks] ;fn bl vf/kfu;e vkSj rn/khu cuk;s x;s fu;eksa ds mica/kksa ls vlaxr u gkas] dks fØ;kfUor djsxk vkSj uxjikfydk ds lHkh dk;ksZa vkSj fodkl ;kstukvksa ds Rofjr fu"iknu ds fy, vko’;d mik; djsxk(

¼vi½ ,sls vU; drZO;ksa dk fuoZgu djsxk] tks bl vf/kfu;e ;k rn/khu cuk;s x;s fu;ekas vkSj Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼87½

mi&fof/k;ksa ds v/khu ;k }kjk mls leuqnsf’kr fd;s tk;sa(vkSj

¼vii½ v/;{k ds lkekU; v/kh{k.k vkSj fu;a=.k ds v/;/khu jgrs gq,] vius v/khuLFk uxjikfydk ds vf/kdkfj;ksa vkSj lsodksa dk v/kh{k.k vkSj fu;a=.k djsxkA

50- dk;ZHkkj lkSaiuk-& ¼1½ tc dHkh&

¼i½ dksbZ v/;{k R;kxi= ns ns ;k v/;{k u jgs ;k mls v/;{k ds in ls gVk fn;k tk;s ;k og v/;{k dk in fjDr dj ns ;k mls fuyfEcr dj fn;k tk;s ;k lnL; ;k v/;{k ds :Ik esa mldk

fuokZpu 'kwU; ?kksf"kr dj fn;k tk;s(

¼ii½ dksbZ mik/;{k R;kxi= ns ns ;k mik/;{k u jgs ;k mik/;{k ds in ls gVk fn;k tk;s ;k og mik/;{k dk in fjDr dj ns ;k mls fuyfEcr dj fn;k tk;s ;k lnL; ;k mik/;{k ds :Ik esa mldk fuokZpu 'kwU; ?kksf"kr dj fn;k tk;s(

¼iii½ dksbZ lnL; R;kxi= ns ns ;k gVk fn;k tk;s ;k mls fuyfEcr dj fn;k tk;s ;k mldk fuokZpu 'kwU; ?kksf"kr dj fn;k tk;s(

¼iv½ fdlh uxjikfydk dks fo?kfVr dj fn;k tk;s ;k og vU;Fkk fuf"Ø; gks tk;s]

rks ,slk v/;{k] mik/;{k ;k lnL; ;k ,slh uxjikfydk dk v/;{k] mik/;{k ;k ;FkkfLFkfr] lnL;] ,sls in ls lacaf/kr leLr

9 ¼88½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ dkxt&i= vkSj lEifRr;ksa lfgr] tks mlds ;k muds okLrfod dCts ;k vf/kHkksx esa gksa] vius in dk dk;ZHkkj fofgr jhfr ls fuEufyf[kr dks rqjUr lkSai nsxk%&

¼d½ v/;{k ds ekeys esa] mik/;{k dks vkSj ;fn dksbZ mik/;{k u gks rks ,sls lnL; dks ftlds fy, jkT; ljdkj funs'k ns%

ijUrq ,sls fdlh v/;{k ds in dk dk;ZHkkj] tks vuqlwfpr tkfr;ksa] vuqlwfpr tutkfr;kasa] fiNMs+ oxksZas ls lacaf/kr O;fDr;ksa ;k efgykvksa ds fy, vkjf{kr in ij fuokZfpr gqvk Fkk] ;fn og mlh izoxZ dk gS rks mik/;{k dks vkSj ;fn ,slk dksbZ mik/;{k ugha gks rks jkT; ljdkj ds funs'kksa ds vuqlkj] mDr tkfr;ksa] tutkfr;ksa] ;k oxksZa ds lnL; ;k] ;FkkfLFkfr] efgyk lnL; dks] ;fn dksbZ gks] ,slh jhfr ls] tks fofgr dh tk;s] lkSaik tk;sxk vkSj tgka mDr tkfr;ksa] tutkfr;ksa] oxksZa ls lacaf/kr ,slk dksbZ lnL; ;k efgyk lnL; ugha gks] ftls iwoksZDrkuqlkj dk;ZHkkj fn;k tk ldrk gks] rks dk;ZHkkj fdlh ,sls vU; lnL; dks] tks iwokZsDr izoxksZa ls lacaf/kr ugha gks] ,sls jhfr ls tks fofgr dh tk;s] lkSaik tk;sxk(

¼[k½ mik/;{k dh n'kk esas] v/;{k dks vkSj ;fn dksbZ v/;{k u gks rks ,sls lnL; dks ftlds fy, jkT; ljdkj funs'k ns]

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼89½ ¼x½ lnL; dh n'kk esa] v/;{k dks vkSj mldh vuqifLFkfr esa mik/;{k dks(

¼?k½ fo?kfVr ;k vU;Fkk fuf"Ø; gqbZ uxjikfydk dh n'kk esa] uoxfBr uxjikfydk dks ;k] ;FkkfLFkfr] /kkjk 322 ds v/khu fu;qDRk vf/kdkjh dks%

ijUrq lnL; ftls [k.M ¼d½ vkSj ¼[k½ ds v/khu dk;ZHkkj lkSaik x;k gS] lkB fnol ls vuf/kd dh dkykof/k ;k v/;{k ;k] ;FkkfLFkfr] mik/;{k ds dk;ZHkkj xzg.k djus rd] tks Hkh igys gks] dk;ZHkkj /kkj.k djsxkA

¼2½ ;fn dksbZ O;fDRk mi&/kkjk ¼1½ ds v/khu visf{kr :Ik ls in dk dk;ZHkkj lkSaius esa foQy jgrk gS ;k lkaSius ls budkj djrk gS ;k lkSaius ds fy, miyC/k ugha gS rks dk;ZHkkj xzg.k djus dk gdnkj O;fDr in dk dk;ZHkkj xzg.k dj

ysxk vkSj rRi'pkr~ mldh ckcr ;g le>k tk;sxk fd mlus bl vf/kfu;e ds mica/kkas ds vuqlkj ,sls in dk dk;ZHkkj xzg.k dj fy;k gSA

v/;k; 3

dk;Z lapkyu vkSj okMZ lfefr

51- uxjikfydk dh cSBdksa ds ckjs esa micU/k-& ¼1½ uxjikfydk dh lkekU; lk/kkj.k cSBd] lkB fnolksa ds Hkhrj&Hkhrj ,d ckj gksxh vkSj ,d dys.Mj o"kZ esa U;wure Ng cSBdas gkasxh vkSj cSBd ds dk;Z dk lapkyu ,slh izfØ;k ds vuqlkj fd;k tk;sxk] tks fofgr dh tk;sA ¼2½ v/;{k ml rkjh[k ls] ftldks uxjikfydk ds de ls de ,d&frgkbZ lnL;ksa }kjk] ml ladYi dks fofufnZ"V djrs gq, tks 9 ¼90½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ izLrkfor fd;k tk;sxk] gLrk{kfjr vuqjks/k izkIr gksrk gS] vf/kdre lkr fnol ds Hkhrj dh fdlh rkjh[k dks fo'ks"k cSBd cqyk;sxkA

¼3½ ;fn v/;{k mi&/kkjk ¼2½ ds v/khu fofufnZ"V le; ds Hkhrj&Hkhrj fo'ks"k cSBd cqykus esa foQy jgrk gS rks eq[; uxjikfyd vf/kdkjh ml rkjh[k ls ftldks mi&/kkjk ¼2½ esa fofufnZ"V le; lekIr gksrk gS] nl fnol ds Hkhrj&Hkhrj ,slh cSBd cqyk;sxkA

52- O;f"V lnL;ksa ds vf/kdkj vkSj fo'ks"kkf/kdkj-& ¼1½ dksbZ Hkh lnL;] fdlh uxjikfyd dk;Z ds fu"iknu esa dh x;h fdlh mis{kk] uxjikfyd lEifRr dh fdlh cjcknh ;k fdlh ifj{ks= dh ukxfjd leL;kvksa dh vksj leqfpr izkf/kdkjh dk /;ku vkdf"kZr dj ldsxk vkSj ,sls fdlh Hkh lq/kkj dk lq>ko Hkh ns ldsxk] ftls og okaNuh; le>sA ¼2½ izR;sd lnL; dks fofgr fu;eksa ds v/;/khu jgrs gq,] v/;{k ls iz'u iwNus vkSj uxjikfydk ds iz'kklu ls lalDr ekeyksa ij ladYi izLrkfor djus dk vf/kdkj gksxkA

¼3½ izR;sd lnL; dks eq[; uxjikfyd vf/kdkjh dks lE;d~ uksfVl nsus ds Ik'pkr~] uxjikfyd dk;kZy; esa] fcuk fdlh Qhl dk Hkqxrku fd;s] uxjikfydk ds vfHkys[k dk fujh{k.k djus dk vf/kdkj gksxkA

53- v/;{k ds fo#) vfo'okl dk izLrko-& ¼1½ v/;{k ;k mik/;{k esa vfo'okl vfHkO;Dr djus okyk izLrko izLrqr fd;k tk;sxk vkSj ml ij fopkj fd;k tk;sxkA

¼2½ bl /kkjk ds v/khu izLrko dk dksbZ Hkh uksfVl fdlh v/;{k ;k fdlh mik/;{k ds inxzg.k djus ds ,d o"kZ ds Hkhrj&Hkhrj ugha fn;k tk;sxkA

¼3½ ;fn mi&/kkjk ¼1½ ds v/khu dksbZ izLrko ugha yk;k tkrk gS rks mlh v/;{k ;k mik/;{k esa vfo'okl vfHkO;Dr djus ds fy, fdlh Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼91½ i'pkr~orhZ izLrko dk dksbZ Hkh uksfVl ml cSBd] ftlesa ,sls izLrko ij fopkj fd;k x;k Fkk] dh rkjh[k ls nks o"kZ dh lekfIr rd ugha fn;k tk;sxkA

54- okMZ lfefr dk xBu-& ¼1½ rhu yk[k ;k vf/kd dh tula[;k okyh uxjikfydkvksa ds izknsf'kd {ks=ksa ds Hkhrj okMZ lfefr;ka xfBr dh tk;saxh ftlesa ,d ;k vf/kd okMZ gksasxsA

¼2½

izR;sd okMZ lfefr esa fuEufyf[kr gksaxs & ¼d½ okMZ lfefr ds izknsf'kd {ks=ksa ds Hkhrj okMksZa dk izfrfuf/kRo djus

okys uxjikfydk ds lnL;(vkSj ¼[k½ ikap ls vuf/kd ,sls vU; lnL; tks 25 o"kZ dh vk;q ls de ds u gksa vkSj tks uxjikfyd iz'kklu esa fo'ks"k Kku ;k vuqHko j[krs gksa] uxjikfydk }kjk] ukefufnZ"V fd;s tk;saxs%

ijUrq dksbZ O;fDr ukefufnZ"V fd;s tkus ds fy, vkSj okMZ lfefr ds lnL; gksus ds fy, fujfgZr gksxk] ;fn og bl vf/kfu;e ;k rRle; izo`Rr fdlh vU; fof/k ds mica/k ds v/khu lnL; ds :i esa fuokZfpr fd;s tkus vkSj lnL; gksus ds fy, fujfgZr gksA

¼3½ tgka fdlh okMZ lfefr esa ,d gh okMZ gS] uxjikfydk esa ml okMZ dk izfrfuf/kRo djus okyk lnL; ml lfefr dk v/;{k gksxkA

¼4½ ¼d½ okMZ lfefr] mi&/kkjk ¼1½ ds v/khu mlds xBu ds i'pkr~ mldh izFke CkSBd esa vkSj izR;sd mRrjorhZ o"kZ esa mlh ekl esa mldh izFke cSBd esa] tgka okMZ lfefr esa nks ;k vf/kd okMZ gksa] ogka

 Hkkx 4 ¼d½ ml lfefr ds v/;{k ds :i esa uxjikfydk esa ,sls okMZ dk izfrfuf/kRo djus okys lnL;ksa esa ls ,d dk fuokZpu djsxhA

¼[k½ v/;{k] mldk mRrjkf/kdkjh fuokZfpr gksus rd in /kkj.k djsxk vkSj iqufuZokZpu ds fy, ik= gksxkA

¼5½ v/;{k] tSls gh og lnL; u jgs] viuk in fjDr dj nsxkA ¼6½ v/;{k dk in] mldh vof/k dh lekfIr ds iwoZ fjDr gksus dh n'kk eas] okMZ lfefr] fjfDr gksus ds i'pkr~ lqfo/kkuqlkj ;Fkk'kh?kz] mi&/kkjk ¼4½ ds vuqlkj u;s v/;{k dk fuokZpu djsxh%

ijUrq bl izdkj fuokZfpr v/;{k ml in dks dsoy rc rd /kkfjr djsxk tc rd og O;fDr ftlds LFkku ij og fuokZfpr gqvk gS] ;fn ,slh fjfDr u gqbZ gksrh rks ml in dks /kkj.k djrkA

¼7½ okMZ lfefr dh vof/k uxjikfydk dh vof/k dh lg& foLrkjh gksxhA

¼8½ uxjikfydk vkns'k }kjk okMZ lfefr ds d`R;ksa vkSj drZO;ksa] ,slh lfefr ds izknsf'kd {ks=ksa vkSj mlds dkjckj ds laO;ogkj ds fy, ,slh lfefr }kjk viukbZ tkus okyh izfØ;k dks ifjHkkf"kr djsxhA ¼9½ okMZ lfefr ds v/;{k lfgr rhu lnL;ksa ls x.kiwfrZ gksxh vkSj okMZ lfefr mlds dkjckj ds laO;ogkj esa izfØ;k ds ,sls fu;eksa dk ikyu djsxh tks uxjikfydk }kjk cuk;s tk;saA

55- lfefr;ka-& ¼1½ izR;sd uxjikfydk esa ,d dk;Zikyd lfefr gksxh] tks fuEufyf[kr ls xfBr gksxh vkSj mlesa fuEufyf[kr gksaxs&

¼i½ uxjikfydk dk v/;{k(

¼ii½ uxjikfydk dk mik/;{k(

¼iii½ foi{k dk usrk(

 ¼iv½ uxj fuxe ;k uxj ifj"kn~ ds ekeys esa] uxj fuxe ;k] ;FkkfLFkfr] uxj ifj"kn~ }kjk fuokZfpr] efgyk lnL;ksa esa ls nks lnL;ksa lfgr] lkr lnL;(¼v½ uxjikfyd

cksMZ ds ekeys esa] uxjikfyd cksMZ }kjk fuokZfpr ikap ls vuf/kd ,slh la[;k esa lnL;] tks uxjikfyd cksMZ }kjk vo/kkfjr fd;s tk;sa(vkSj ¼vi½ uxjikfydk }kjk mi&/kkjk ¼3½ ds v/khu xfBr lfefr;ksa ds v/;{kA

¼2½ uxjikfydk dk eq[; uxjikfyd vf/kdkjh dk;Zikyd lfefr dk insu lfpo gksxkA

¼3½ dk;Zikyd lfefr ds vfrfjDr] izR;sd uxjikfydk nl ls vuf/kd lnL;ksa ls feydj cuh fuEufyf[kr lfefr;ka Hkh xfBr djsxh] vFkkZr~%&

¼i½ foRr lfefr(

¼ii½ LokLF; vkSj LoPNrk lfefr(

¼iii½ Hkou vuqKk vkSj ladeZ lfefr(

¼iv½ xUnh cLrh lq/kkj lfefr(

¼v½ fu;e vkSj mi&fof/k;ka lfefr(

¼vi½ vijk/kksa dk 'keu vkSj le>kSrk lfefr(vkSj

¼vii½ uxjikfydk ds d`R;ksa dks n`f"Vxr j[krs gq, og uxj fuxe ds ekeys esa vkB ls vuf/kd] uxj ifj"kn~ ds ekeysa esa Ng ls vuf/kd] vkSj uxjikfyd cksMZ ds ekeys esa pkj ls vuf/kd ,slh vU; lfefr;ka Hkh xfBr dj ldsxh tks og vko';d le>s%

9 ¼94½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

ijUrq jkT; ljdkj uxjikfydk ds d`R;ksa dks n`f"Vxr j[krs gq,] bl [k.M esa fofufnZ"V lfefr;ksa dh vf/kdre lhek esa o`f) dj ldsxh A

¼4½ dk;Zikyd lfefr vkSj mi&/kkjk ¼3½ esa of.kZr lfefr;ka ,slh 'kfDr;ksa dk iz;ksx] drZO;ksa dk ikyu vkSj d`R;ksa dk fuoZgu dj ldsaxh] tks fofgr fd;s tk;saA

¼5½ Åij fufnZ"V lfefr;ka uxjikfydk ds xBu ds uCcs fnol ds Hkhrj&Hkhrj] uxj ikfydk }kjk xfBr dh tk;saxh] ftlesa foQy jgus ij jkT; ljdkj] ,slh lfefr;ka xfBr dj ldsxhA

Li"Vhdj.k-& 'kadkvksa ds fujkdj.k ds fy, ;g Li"V fd;k tkrk gS fd dksbZ ukefufnZ"V lnL; Hkh bl /kkjk ds v/khu xfBr fdlh lfefr ds lnL; ds :i esa fu;qDr fd;k tk ldsxkA

56- lnL;ksa ls fHkUu O;fDr lfefr;ksa esa dc dk;Z dj ldasxs-& ¼1½ bl vf/kfu;e esa varfoZ"V fdlh ckr ds gksrs gq, Hkh] uxjikfydk ds fy,] le;≤ ij lnL;ksa dh dqy la[;k ds de ls de vk/ks lnL;ksa }kjk lefFkZr ladYi ls] ,sls fdUgha O;fDr;ksa dks tks lnL; ugha gSa] fdUrq tks ,slh uxjikfydk dh jk; esas ,slh lfefr;ksa esa dk;Z djus ds fy, fo'ks"k vgZrk,a j[krs gSa] dk;Zikyd lfefr dks NksM dj /kkjk 55 ds v/khu fdlh lfefr ds lnL;ksa ds :Ik esa fu;qDr djuk fof/kiw.kZ gksxk%

ijUrq fdlh lfefr esa bl izdkj fu;qDr O;fDr;ksa dh la[;k] ,slh lfefr ds lnL;ksa dh dqy la[;k dh ,d&frgkbZ ls vf/kd ugha gksxhA

¼2½ lnL;ksa ds drZO;ksa] 'kfDRk;ksa] nkf;Roksa] fujgZrkvksa vkSj

fu;ksZX;rkvksa ls lacaf/kr bl vf/kfu;e ds leLr micU/k] ;Fkk'kD;] ,sls O;fDr;ksa ij ykxw gksaxsA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼95½ 57- lfefr dk v/;{k-& ¼1½ uxjikfydk dk v/;{k ;fn fdlh lfefr dk lnL; gS rks og ml lfefr dk insu v/;{k gksxkA

¼2½ uxjikfydk dk mik/;{k ;fn fdlh ,slh lfefr dk lnL; fu;qDr fd;k x;k gks ftldk lnL; v/;{k ugha gS] rks og ml lfefr dk insu v/;{k gksxkA

¼3½ uxjikfydk fdlh lnL; dks ,slh fdlh Hkh lfefr ds v/;{k ds :Ik esa fu;qDr dj ldsxh] ftldk dksbZ insu v/;{k ugha gSA ¼4½ izR;sd lfefr] ftldk dksbZ insu v/;{k ;k uxjikfydk }kjk fu;qDr v/;{k gS] izR;sd cSBd esa] ftlesa ,slk v/;{k mifLFkr u gks] vius lnL;ksa esa ls ,slh cSBd dk v/;{k fu;qDr djsxhA

¼5½ izR;sd lfefr] ftldk dksbZ insu v/;{k ;k uxjikfydk }kjk fu;qDr v/;{k ugha gks] vius lnL;ksa esa ls le;≤ ij viuk v/;{k fu;qä djsxhA

58- cSBdksa esa viuk;h tkus okyh izfØ;k-& ¼1½ uxjikfydk dh fdlh lfefr dh lk/kkj.k cSBdsa nks ekl ds Hkhrj&Hkhrj ,slh izfØ;k ds vuqlkj lapkfyr dh tk;saxh] tks fofgr dh tk;sA

¼2½ ;fn fdlh lfefr dk v/;{k iUnzg fnol ls vf/kd dh dkykof/k ds fy, uxjikfydk ls vuqifLFkr jgrk gS rks mldh vuqifLFkfr esa uxjikfydk dk v/;{k ;k mik/;{k mldh cSBd cqyk ldsxkA

¼3½ lfefr;ka] tSlk os mfpr le>sa] viuh cSBdsa dj ldsaxh vkSj mUgsa LFkfxr dj ldsaxh] ysfdu lfefr dk v/;{k] tc dHkh og Bhd le>s] vkSj uxjikfydk ds v/;{k ds ;k lfefr ds de ls de nks lnL;ksa ds fyf[kr vuqjks/k ij vkSj ,slh rkjh[k dks] tks ,sls vuqjks/k ds izLrqrhdj.k ls nks fnol ls ckn dh u gks] ,slh lfefr dh fo'ks"k cSBd cqyk;sxkA

9 ¼96½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼4½ lfefr dh fdlh cSBd esa dksbZ dk;Z rc rd ugha fd;k tk;sxk tc rd fd mlesa lfefr ds vk/ks lnL; mifLFkr u gksaA 59- lfefr;ksa dk uxjikfydk ds vuqns'kksa ds v/khuLFk gksuk rFkk uxjikfydk dh v/;is{kkvksa dk muds }kjk vuqikyu fd;k tkuk-& ¼1½ okMZ lfefr dks lfEefyr djrs gq, izR;sd lfefr ,sls vuqns'kksa ds vuq:Ik dk;Z djsxh tks uxjikfydk }kjk mls le;≤ ij fn;s tk;saA dksbZ Hkh lfefr fdlh Hkh Ldhe] ;k uxjikfyd fuf/k esa ls O;; dk vuqeksnu rc rd ugha dj ldrh gS tc rd fd og uxjikfydk }kjk ikfjr okf"kZd ctV ;k vuqiwjd ctV esa igys gh vuqeksfnr ugha dj fn;k x;k gksA uxjikfydk fdlh Hkh le;] fdlh lfefr dh fdUgha dk;Zokfg;ksa ls dksbZ Hkh m)j.k rFkk fdlh ,sls ekeys ls] ftlds ckjs esa dk;Zokgh djus ds fy, fdlh lfefr dks izkf/kd`r ;k fufnZ"V fd;k x;k gS] lacaf/kr ;k lEc) dksbZ Hkh fooj.kh] fooj.k] ys[kk ;k fjiksVZ ekax ldsxh vkSj ,slh izR;sd v/;is{kk dk] ml lfefr }kjk] ftlls bl izdkj dh v/;is{kk dh x;h gS] fcuk fdlh vuqfpr foyEc ds ikyu fd;k tk;sxkA

¼2½ /kkjk 54 vkSj /kkjk 55 ds v/khu fu;qDr fdlh lfefr }kjk ikfjr izR;sd ladYi] ,sls fu;eksa ds vuqlkj tks uxjikfydk }kjk bl fufeRRk cuk;s tk;sa] uxjikfydk ds iqujh{k.k ds v/;/khu gksxk vkSj mldh uxjikfydk dks vihy dh tk ldsxhA

60- okMZ lfefr ds lkekU; d`R;-& okMZ lfefr fuEufyf[kr d`R;ksa dk fuoZgu

dj ldsxh] vFkkZr~%&

¼d½ okMZ esa Bksl vif'k"V izca/k esa lgk;rk djuk(

¼[k½ okMZ esa LoPNrk dk;Z ds Ik;Zos{k.k esa lgk;rk djuk(

¼x½ okMZ ds fy, fodkl Ldhekas ds rS;kj fd;s tkus vkSj muds izksRlkgu esa lgk;rk djuk(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼97½ ¼?k½ okMZ esa yksxksa ds fofHkUu lewgksa esa lkeatL; vkSj ,drk dks izksRlkfgr djuk(

¼3½ lkekftd dY;k.k dk;ZØeksas ds fy, LoSfPNd Je vkSj eky ;k /ku ds :Ik esa nku tqVkuk(

¼p½ okMZ ls lacaf/kr fodkl Ldheksa ds fØ;kUo;u esa lgk;rk djuk(

¼N½ fodkl vkSj dY;k.k Ldheksa ds fØ;kUo;u ds fy, fgrkf/kdkfj;ksa dh igpku esa lgk;rk djuk(

¼t½ dyk vkSj lkaLd`frd xfrfof/k;ksa vkSj ØhM+k vkSj [ksy&dwn xfrfof/k;ksa dks izksRlkfgr djuk(

¼>½ uxjikfydk ds fodkl fØ;kdykiksa ds lQy fØ;kUo;u ds fy, vko';d LoSfPNd fØ;kdykiksa esa turk dh lgHkkfxrk dks lqfuf'pr djuk(

¼¥½ uxjikfydk dks 'kks/; djksa] Qhlksa vkSj vU; jdeksa ds le; ij laxzg.k esa lgk;rk djuk(

¼V½ okMZ esa m|kuksa ds j[k&j[kko esa lgk;rk djuk(

¼B½ okMZ esa LVªhV&ykbZVksa ds j[k&j[kko esa lgk;rk djuk(vkSj

¼M½ ,sls vU; d`R; tks mls uxjikfydk }kjk leuqnsf'kr fd;s tk;asA

61- 'kfDr;ka] drZO; vkSj d`R; tks izR;k;ksftr fd;s tk ldsaxs-& ¼1½ dksbZ Hkh ,slh 'kfDr;ka] drZO; ;k dk;Zikyd d`R;] ftudk iz;ksx] fuoZgu ;k ikyu uxjikfydk }kjk ;k mldh vksj ls fd;k tk;s] /kkjk 55] 157] ;k 158] ds v/khu fofgr 'kfDRk;ksa] drZO;ksa vkSj d`R;ksas ij dksbZ izfrdwy izHkko Mkys fcuk] ,sls fucZU/kuksa] ifjlhekvksa vkSj

9 ¼98½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 'krksZa ds v/;/khu jgrs gq,] tks fofgr dh tk;sa] bl vf/kfu;e ds v/khu lfefr;ksa dks izR;k;ksftr fd;s tk ldsaxsA

¼2½ tc v/;{k dk in fjDr gks tk;s vkSj dk;ZHkkj lEHkkyus ds fy, dksbZ mik/;{k ugha gks rks uxjikfydk izo`Rr fu;eksa ds vuqlkj fdlh v/;{k dk fuokZpu gksus rd v/;{k dh 'kfDr;ka] drZO; vkSj dk;Zikyd d`R; uxjikfydk ds ,sls lnL; dks] ftlds }kjk mudk iz;ksx fd;k tkuk og Bhd le>s] fofgr jhfr ls cqykbZ tkus okyh cSBd esa izR;k;ksftr djsxh%

ijUrq tc vuqlwfpr tkfr;ksa] vuqlwfpr tutkfr;ksa] fiNMs+ oxksZa ;k efgykvksa ds fy, vkjf{kr v/;{k dk in fjDr gks tk;s] rc v/;{k dh 'kfDr;ka] drZO;] vkSj dk;Zikyd d`R; mDr tkfr;ksa] tutkfr;ksa] oxksZa ls lacaf/kr lnL; ;k] ;FkkfLFkfr] efgyk lnL; dks izR;k;ksftr fd;s tk;asxs] vkSj mDr tkfr;ksa] tutkfr;ksas] oxksZa ls lacaf/kr ;k] ;FkkfLFkfr] dksbZ efgyk lnL; ugha gks rks ,sls vU; lnL; dks izR;k;ksftr fd;s tk;saxs] ftls og mi;qDr le>sA

62- uxjikfydk rFkk lfefr;ksa ds dk;Z vkSj dk;Zokfg;ka mlds lnL;kas dh

fujgZrk vkfn ds dkj.k nwf"kr ugha gksaxh-& ¼1½ fdlh lk/kkj.k cSBd ;k bl vf/kfu;e ds v/khu fu;qDr fdlh lfefr ds lnL; ds :i esa ;k v/;{k ;k ihBklhu izkf/kdkjh ds :Ik esa dk;Z djus okys fdlh O;fDRk dh dksbZ fujgZrk ;k mlds fuokZpu] ukefunsZ'ku ;k fu;qfDr esa gqbZ dksbZ =qfV] uxjikfydk ;k] ;FkkfLFkfr] ,slh lfefr ds fdlh dk;Z ;k dk;Zokgh dks] ftlesa ,sls O;fDr us Hkkx fy;k gS] nwf"kr djus okyh ugha le>h tk;sxhA

¼2½ tgka fdlh lnL; ;k v/;{k ;k mik/;{k dks fdlh fuokZpu ;kfpdk ds ifj.kkeLo:i lE;d~ :Ik ls fuokZfpr ugha gqvk ?kksf"kr dj fn;k tk;s ogka og ,slh rkjh[k ls ml :Ik esa dk;Z djuk cUn dj nsxk

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼99½ fdUrq mlds }kjk vius in ls lacaf/kr dk;Z ds fu"iknu esa ml le; rd fd;s x;s dk;Z ,slh ?kks"k.kk ds dkj.k vfof/kekU; ugha gksaxsA

¼3½ uxjikfydk dk] ;k bl vf/kfu;e ds v/khu fu;qDr fdlh Hkh lfefr dk] dksbZ Hkh ladYi fdlh lnL; ij uksfVl dh rkehy esa gqbZ fdlh vfu;ferrk ds dkj.k vfof/kekU; ugha le>k tk;sxk] c'krsZ fd ,slh vfu;ferrk dk uxjikfydk ;k lfefr dh dk;Zokfg;ksa ij izfrdwy izHkko u iM+k gksA

¼4½ tc rd blds izfrdwy lkfcr ugha fd;k tk;s] uxjikfydk ;k bl vf/kfu;e ds v/khu fu;qDRk fdlh lfefr dh izR;sd cSBd] ftldh dk;Zokgh ds laca/k esa dksbZ dk;Zo`Rr bl vf/kfu;e ds vuqlkj rS;kj vkSj gLrk{kfjr fd;k x;k gS] lE;d~ :Ik ls cqyk;h vkSj vk;ksftr dh x;h le>h tk;sxh vkSj ml cSBd ds lEkLr lnL; lE;d~ :Ik ls vfgZr le>s tk;asxs vkSj tgka ,slh dk;Zokfg;ka fdlh lfefr dh dk;Zokfg;ka gks ogka ,slh lfefr lE;d~ :Ik ls xfBr dh x;h vkSj dk;Zo`Rr esa fufnZ"V ekeyksa ds laca/k esa dk;Zokgh djus dh 'kfDr j[kus okyh le>h tk;sxhA

¼5½ uxjikfydk ;k lfefr esa fdlh fjfDr ds nkSjku ink:<+ lnL; bl izdkj dk;Z djrs jgsaxs ekuks dksbZ fjfDRk ugha gqbZ gksA

63- uxjikfydk }kjk mixr leLr [kpksZa rFkk O;;ksa ds fy, lk/kkj.kr% uxjikfyd fuf/k dk nk;h gksuk-& ¼1½ blesa vU;Fkk micaf/kr dks NksM+dj] dksbZ Hkh v/;{k ;k mik/;{k ;k lnL;] uxjikfydk }kjk ;k mldh vksj ls dh x;h fdlh lafonk ;k djkj ds laca/k esa ;k mixr fdlh O;; ds fy, oS;fDrd :Ik ls nk;h ugha gksxk vkSj uxjikfyd fuf/k ,slh fdlh Hkh lafonk ;k djkj ls lacaf/kr leLr ykxrksa rFkk ,sls leLr O;;ksa ds fy, nk;h vkSj muls Hkkfjr gksxhA

9 ¼100½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼2½ izR;sd v/;{k] mik/;{k ;k lnL;] uxjikfydk ds LokfeRok/khu ;k mlesa fufgr fdlh /ku ;k vU; lEifRRk ds nqfoZfu;ksx ds fy,] ftlesa og i{kdkj jgk gS] rFkk ,sls /ku ;k lEifRr dh fdlh gkfu ;k nqO;Z; ds fy,] tks mlds vopkj ds dkj.k gqvk gS ;k ftldks mlds vopkj us lqdj cuk;k gS] nk;h gksxkA v/;{k] mik/;{k] lnL;] eq[; uxjikfyd vf/kdkjh ;k vU; vf/kdkjh ;k O;fDr] ftls bl vf/kfu;e }kjk ;k mlds v/khu dk;Zikyd 'kfDRk;ka iznRr dh tk;as] ,slh gkfu] nqO;Z; ;k nqfoZfu;ksx ds fy, nk;h gksxk] ;fn og mldh mis{kk dk lh/kk ifj.kke gS ;k mlds vopkj ds dkj.k gqvk gSa ;k ftls mlds vopkj us lqdj cuk;k gSA

64- uxjikfydk ds in/kkfj;ksa dk fdlh lafonk esa fgr ugha j[kuk-& dksbZ

Hkh O;fDr] tks fdlh uxjikfydk ds lkFk] mlds }kjk ;k mldh vksj ls dh x;h fdlh lafonk esa ;k fdlh uxjikfydk ds lkFk] mlds v/khu] mlds }kjk ;k mldh vksj ls fdlh fu;kstu esa uxjikfyd vf/kdkjh ;k deZpkjh ls fHkUu gSfl;r ls] Lo;a ;k vius Hkkxhnkj }kjk izR;{k ;k vizR;{k :Ik ls dksbZ fgLlk ;k fgr j[krk gks] leqfpr fu;eksa ds v/khu vuq'kklukRed dkjZokbZ dk Hkkxh gksxkA

65- uxjikfydk ds lkFk fdlh lafonk vkfn esa fgr j[kus okys lnL;] vf/kdkjh ;k deZpkjh ds fy, 'kkfLr-& ¼1½ dksbZ Hkh lnL;] tks fdlh uxjikfydk] ftldk fd og lnL; gS] ds lkFk] mlds v/khu] mlds }kjk ;k mldh vksj ls fdlh Hkh lafonk ;k fu;kstu esa izR;{k ;k vizR;{k :Ik ls dksbZ ,slk fgLlk ;k fgr tkucw>dj vftZr djrk gS] tks ,slk fgLlk ;k fgr ugha gS] tks /kkjk 24 ds v/khu fdlh O;fDr ds fy, rn~}kjk lnL;rk ds fy, fujfgZr gq, fcuk j[kk tkuk vuqKs; gS] fdlh n.M U;k;ky; ds le{k nks"kflf) ij ,sls tqekZus ls tks ikap gtkj #i;s rd dk gks ldsxk] nk;h gksxkA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼101½ ¼2½ dksbZ Hkh uxjikfyd vf/kdkjh ;k deZpkjh tks fdlh uxjikfydk] ftldk og vf/kdkjh ;k deZpkjh gS] ds lkFk] mlds v/khu] mlds }kjk ;k mldh vksj ls fdlh lafonk esa ;k] tgka rd uxjikfyd vf/kdkjh ;k deZpkjh ds :Ik esa mlds Lo;a ds fu;kstu dk laca/k g]S mlds flok;] fdlh fu;kstu esa] izR;{k ;k vizR;{k :Ik ls dksbZ Hkh fgLlk ;k fgr tkucw>dj vftZr djrk gS] fdlh n.M U;k;ky; ds le{k nks"kflf) ij ,sls tqekZus dk nk;h gksxk] tks ik¡p gtkj #Ik;s rd dk gks ldsxk vkSj ml ij ykxw gksus okys fu;eksa ds vuqlkj vuq'kklfud dkjZokbZ ds fy, Hkh nk;h gksxkA

66- lnL; vkfn yksd lsod le>s tk;saxs-&uxjikfydk dk izR;sd lnL;] vf/kdkjh] lsod ;k uxjikfydk dk deZpkjh rFkk fdlh uxjikfyd dj ds mn~xzg.k dk izR;sd iV~Vsnkj vkSj ,sls fdlh Hkh iV~Vsnkj dk izR;sd lsod ;k vU; deZpkjh Hkkjrh; n.M lafgrk] 1860 ¼1860 dk dsUnzh; vf/kfu;e la- 45½ dh /kkjk 21 ds vFkkZUrxZr yksd lsod le>k tk;sxkA

v/;k; 4
uxjikfyd lEifÙk

67- lEifRr vftZr vkSj /kkj.k djus dh 'kfDRk-& bl vf/kfu;e ds iz;kstuksa ds fy,] uxjikfydk dks] uxjikfyd {ks= dh lhekvksa ds pkgs Hkhrj ;k ckgj] nku }kjk] Ø; }kjk ;k vU;Fkk taxe rFkk LFkkoj lEifRr;ka ;k muesa dksbZ fgr vftZr djus vkSj mUgsa /kkfjr djus dh 'kfDr gksxhA

68- lEifRr dk fufgr gksuk-& ¼1½ bl /kkjk esa blesa blds Ik'pkr~ fofufnZ"V Lo:i dh lEiw.kZ lEifRr] tks jkT; ljdkj }kjk

9 ¼102½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ fo'ks"k :Ik ls vkjf{kr ugha dh x;h gks] rRle; izo`Rr fdlh vU; fof/k ds v/;/khu jgrs gq,] uxjikfydk esa fufgr gksxh vkSj uxjikfydk dh gksxh] rFkk ,slh lEiw.kZ vU; lEifRr lfgr] pkgs og fdlh Hkh Lo:Ik ;k izdkj dh gks] tks fo'ks"k :i ls jkT; ljdkj }kjk vkjf{kr ugha dh x;h gks] tks uxjikfydk esa fufgr gks tk;s] mlds funs'k] izcU/k vkSj fu;a=.k ds v/khu gksxh rFkk bl vf/kfu;e ds micU/kksa ds v/;/khu vkSj iz;kstu ds

fy, mlds }kjk U;klh ds :Ik esa /kkfjr vkSj mi;ksftr dh tk;sxh] vFkkZr~%&

¼d½ leLr fufgr lkoZtfud Hkwfe(

¼[k½ uxj ;k dLcs ds leLr lkoZtfud ijdksVs] }kj] cktkj] o/k'kkyk,a] [kkn vkSj fo"Bk ds fMiks rFkk izR;sd izdkj ds lkoZtfud Hkou tks uxjikfyd fuf/k ls fufeZr fd;s x;s gaS ;k la/kkfjr fd;s tkrs gaS(

¼x½ leLr lkoZtfud rkykc] ty&/kkjk,a] tyk'k;] dq.M] >jus] tylsrq] ufydk,a] lqjxsa] ikbi vkSj iEi(rFkk leLr iqy] Hkou] batu] ladeZ] buesa lacaf/kr ;k muls lEc) lkexzh rFkk oLrq,a rFkk fdlh lkoZtfud rkykc ;k dq,a ls vuqyXu dksbZ ik'oZLFk Hkwfe Hkh] tks futh lEifRr u gksa(

¼?k½ fdlh ekxZ esa] mlds ik'oZLFk ;k mlds uhps dh leLr lkoZtfud eyukfy;ka vkSj ukfy;ka] tyljf.k;ka] lqjaxsa] iqfy;k,a vkSj tyekxZ(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼103½ ¼^{3}½ leLr lkoZtfud ekxZ vkSj iVfj;ka] rFkk mu ij ds iRFkj vkSj vU; lkexzh rFkk ,sls ekxksZa esa miyC/k djk;s x;s leLr o`{k] ifjfuekZ.k] lkexzh] midj.k RkFkk oLrq,a(

¼p½ lHkh lkoZtfud m|ku vkSj ckx] ftlesa pkSd vkSj lkoZtfud [kqyh txgsa lfEefyr gSa(

¼N½ ufn;ksa ;k ty&/kkjkvksa ;k rkykcksa ij lHkh lkoZtfud ?kkV(

¼t½ ,slh ljdkjh Hkwfe;ka] tks uxjikfyd {ks= ds Hkhrj fLFkr gksa ;k ckgj] ftUgsa jkT; ljdkj lkekU; ;k fo'ks"k vkns'k }kjk uxjikfydk esa fufgr djs(

¼>½ leLr lkoZtfud ySai] ySaiksas ds [kEHks] rFkk muls lacaf/kr ;k muls lEc) midj.k(

¼¥½ leLr ljdkjh Hkou rFkk leLr futh Hkwfe;ka vkSj Hkou tks mldks nku }kjk ;k vU;Fkk vUrfjr fd;s x;s gSa(

¼V½ e`r 'kjhjksa ds fuoZrZu ds fy, leLr lkoZtfud LFkku] mudks NksM+dj tks bl fufeRr fdlh fo'ks"k fof/k }kjk 'kkflr gSa(

¼B½ lkoZtfud ekxZ ;k lkoZtfud LFkku ij lax`ghr lHkh Bksl vif'k"V] ftlesa e`r i'kq vkSj i{kh lfEefyr gaS(vkSj

¼M½ lHkh HkVds gq, tkuoj] tks fdlh izkbZosV O;fDr ds ugha gSaA

9 ¼104½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼2½ jkT; ljdkj] mi&/kkjk ¼1½ ds [k.M ¼t½ ds v/khu uxjikfydk esa fufgr dh x;h fdlh Hkh ljdkjh Hkwfe dks] jkti= esa vf/klwpuk }kjk ,sls fucU/kuksa ij] tks jkT; ljdkj vo/kkfjr djs] le;≤ ij iquxZ`ghr djus ds fy, l{ke gksxh]&

¼i½ ;fn tkap djus ij ;g ik;k tk;s fd ,slh uxjifydk us ,slh Hkwfe dk dqizcU/k fd;k gS] ;k

¼ii½ ;fn ,slh Hkwfe jkT; ljdkj }kjk yksdfgr esa vU;Fkk visf{kr gksA

69- djkj] fofue;] iV~Vk] vuqnku vkfn }kjk uxjikfydk }kjk lEifRr dk vtZu-& ¼1½ uxjikfydk ,slh 'krksZa vkSj fuca/kuksa ij] tks mlds }kjk vuqeksfnr fd;s tk;sa vkSj jkT; ljdkj ds iwoZ vuqeksnu ls]&

¼i½ djkj }kjk &

¼d½ dksbZ LFkkoj lEifRr] vkSj

¼[k½ LFkkoj laifRr dks izHkkfor djus okyk dksbZ

lq[kkf/kdkj&

vftZr dj ldsxh(

¼ii½ fofue; }kjk dksbZ lEifRr vftZr dj ldsxh(vkSj

¼iii½ LFkkoj lEifÙk HkkM+s ;k iV~Vs ij ys ldsxhA

¼2½ uxjikfydk nkunkrk ls ,slk dksbZ vuqnku ;k leiZ.k] pkgs og fdlh vk; ds :i esa gks ;k dksbZ taxe ;k LFkkoj laifRr] izkIr dj ldsxhs ftlls uxjikfydk dks vius fdUgha d`R;ksa ds fuoZgu esa Qk;nk gksA

¼3½ uxjikfydk ds fy, iwrZ vkSj /kkfeZd U;kl vf/kfu;e] 1920 ¼1920 dk dsUnzh; vf/kfu;e la- 14½] ;k Hkkjrh; U;kl vf/kfu;e] 1882

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼105½ ¼1882 dk dsUnzh; vf/kfu;e la- 2½ ds v/khu l`ftr fdlh U;kl dk fgrxzkgh gksuk fof/kiw.kZ gksxkA

70- Hkwfe dk vfuok;Z vtZu-& tc dksbZ Hkwfe ;k Hkwfe esa vf/kdkj] pkgs og uxjikfydk dh lhekvksa ds Hkhrj gks ;k ckgj] bl vf/kfu;e ds iz;kstuksa ds fy, visf{kr gks rks jkT; ljdkj uxjikfydk ds vuqjks/k ij vkSj mldh vksj ls Hkwfe vtZu vf/kfu;e] 1894 ¼1894 dk dsUnzh; vf/kfu;e la- 1½ ds mica/kksa ds v/khu mls vftZr djus dh dk;Zokgh djsxh vkSj uxjikfydk }kjk jkT; ljdkj dks rn/khu vf/kfu.khZr eqvkots vkSj ,sls vtZu ds laca/k esa jkT; ljdkj }kjk mixr vU; izHkkjksa dk lank; djus ij Hkwfe ;k] ;FkkfLFkfr] vf/kdkj uxjikfydk esa fufgr gks tk;saxsA

71- dfri; Hkwfe;ksa dk vkcaVu] fu;eu vkfn-& ¼1½ ,slh leLr Hkwfe;ka] tks jktLFkku Hkw&jkTkLo vf/kfu;e] 1956 ¼1956 dk vf/kfu;e la- 15½ dh /kkjk 90&[k ds v/khu [kkrsnkjksa ds vfHk/kkj.k vf/kdkjksa vkSj fgr ds iquxzZg.k ;k] ;FkkfLFkfr] vH;iZ.k ij uxjikfydk ds O;;uk/khu j[kh x;h le>h x;h gSa] vf/kekur% ,sls O;fDr;ksa dks] tks mDr /kkjk 90&[k dh mi&/kkjk ¼1½ esa fufnZ"V nLrkostksa ds vk/kkj ij ;k] ;FkkfLFkfr] mDr /kkjk 90&[k dh mi&/kkjk ¼3½ ds v/khu ml O;fDr dks ftlus Hkwfe vH;fiZr dh gS] dCtk j[krs gSa] ,sls fuca/kuksa vkSj 'krksZa ij vkSj vkcaVu ds fy, mudh ik=rk dh ijh{kk djus ds i'pkr~ vkSj uxjikfydk dks ,sls izHkkjksa ;k izhfe;e ;k] ;FkkfLFkfr] nksuksa ds lank; ds v/;/khu vkSj ,slh njksa ij] tks jkT; ljdkj }kjk bl fufeRr fofgr dh tk;sa] vkcaVu ;k fu;ferhdj.k ds fy, miyC/k gksaxh%

ijUrq fdlh Hkh ,slh Hkwfe dk vkcaVu ;k fu;ferhdj.k ugha fd;k tk;sxk ftldks lkoZtfud mi;ksfxrkvksa ;k lsokvksa] tSls m|kuks

9 ¼106½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ikS/k'kkyk] flfoy ;k lSU; foekuu] cl vM~Ms] ifjogu VfeZuy] jsyos] lkoZtfud lM+dksa] jktekxksZa] QqVikFk] ey izokg] tyiznk;] fo|qr~ iznk;] VsyhQksu ykbuksa] vLirky] fo|ky;] 'kSf{kd laLFkk] fo'ofo|ky;] 'e'kku ?kkV] dfczLrku ds fy, vkSj vU; ,sls iz;kstuksa ds fy,] tks jkT; ljdkj jkti= esa vf/klwpuk }kjk fofufnZ"V djs] lE;d~ :Ik ls fpfàr fd;k x;k gSA

¼2½ mi&/kkjk ¼1½ ds v/khu olwy fd;s x;s izHkkj jkT; dh lafpr fuf/k vkSj uxjikfydk dh fuf/k esa] tSlk fd jkT; ljdkj }kjk vo/kkfjr fd;k tk;s] tek fd;s tk;saxsA

72- uxjikfyd ladeksaZ ds fu"iknu ds fy, ljdkj }kjk fu;qDRk vf/kdkfj;ksa }kjk lafonk vkSj ,sls ladeksZa ds fy, lank;-& /kkjk 82 esa vUrfoZ"V fdlh ckr ds gksrs gq, Hkh] uxjikfydk dh vksj ls fdlh ladEkZ ds fu"iknu ds fy, jkT; ljdkj }kjk fu;qDRk dksbZ Hkh O;fDr] ,sls fu;U=.k ds v/;/khu jgrs gq,] tks jkT; ljdkj fofgr djs] ,sls ladeZ ds fy, j[kh x;h jkf'k dh lhek rd] ,slh lafonk,a dj ldsxk tks ,sls ladeZ ds fu"iknu ds iz;kstu ds fy, vko';d gksa(vkSj uxjikfydk bl izdkj fu;qDr O;fDr dks ,slh jkf'k;ksa dk] tks mDr iz;kstu ds fy, visf{kr gksa] mi;qZDRk lhek rd lank; djsxhA

73- lEifRr ds vUrj.k vkSj lafonkvksa ds laca/k esa micU/k-& ¼1½ izR;sd uxjikfydk] fofgr fuCkZU/kuksa vkSj 'krksZa ds v/;/khu jgrs gq,] viuh fdlh taxe ;k LFkkoj lEifRr dks] ftlesa uxjikfyd Hkwfe ;k dksbZ ljdkjh Hkwfe Hkh lfEefyr gS] iV~Vs ij nsus] foØ; djus] fu;fer djus] vkcafVr djus ;k vU;Fkk vUrfjr djus vkSj tgka rd bl vf/kfu;e vkSj rn/khu cuk;s x;s fu;eksa ds micU/kksa vkSj iz;kstuksa ls vlaxr ugha gkas] ,slh leLr lafonk,a] ftUgsa mDr mica/kksa vkSj iz;kstuksa

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼107½ ds fØ;kUo;u ds fy, vko';d ;k lehphu le>s] djus ;k mudk ikyu djus ds fy, l{ke gksxh%

ijUrq&

¼i½ ,slk dksbZ Hkh iV~Vk] foØ;] fu;eu] vkcaVu ;k vUrj.k vkSj lafonk fdlh uxjikfydk ij rc rd ck/;dkjh ugha gksxh] tc rd fd og bl vf/kfu;e vkSj mlds v/khu cuk;s x;s fu;eksa ds micU/kksa ds vuq:i u gks(¼ii½ fdlh Hkh ljdkjh Hkwfe ds ckjs esa dksbZ Hkh iV~Vk] foØ;] fu;eu] vkcaVu ;k vUrj.k ;k mlds ckjs esa dksbZ vU; lafonk rc rd fof/kekU; ugha gksxh] tc rd fd mldh iqf"V fofgr izkf/kdkjh }kjk] fofgr jhfr ls vkSj fofgr 'krksZa ij u dj nh tk;sA

Li"Vhdj.k-& bl /kkjk ds iz;kstuksa ds fy, vfHkO;fDr ^^ljdkjh Hkwfe^^ ls ,slh dksbZ Hkwfe vfHkizsr gS]&

¼d½ tks /kkjk 68 dh mi&/kkjk ¼1½ ds [k.M ¼t½ ds v/khu uxjikfydk esa fufgr gks x;h gks(

;k

¼[k½ tks jktLFkku Hkw&jktLo vf/kfu;e] 1956 ¼1956 dk vf/kfu;e la- 15½ dh /kkjk 3 esa

;Fkk&ifjHkkf"kr utwy Hkwfe gS(;k

¼x½ tks jkT; ljdkj }kjk uxjikfydk ds

O;;uk/khu j[kh tk;sA

¼2½ ¼d½ jkT; ljdkj ;k mlds }kjk bl fufeRr izkf/kd`r dksbZ vf/kdkjh] fdlh uxjikfydk ;k fdlh uxjikfydk ds v/;{k ;k vf/kdkjh }kjk ;k mldh vksj ls fdlh uxjikfyd Hkwfe ;k ljdkjh Hkwfe dks iV~Vs ij nsus] foØ; djus] fu;fer djus] vkcafVr djus ;k 9 ¼108½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ vUrfjr djus ds fy, fd;s x;s fdlh izLrko dh 'kq)rk] oS/krk ;k vkSfpR; ds ckjs esa viuk lek/kku djus ds iz;kstu ds fy, lqlaxr vfHkys[k eaxok ldsxk vkSj ,slk djrs le; ;g funs'k ns ldsxk fd ekeys ds ijh{k.k gksus rd] uxjikfyd Hkwfe ;k ljdkjh Hkwfe dks iV~Vs ij nsus] foØ; djus] fu;fer djus] vkcafaVr djus ;k vUrfjr djus dk izLrko izkLFkfxr jgsxk vkSj mi&/kkjk ¼2½ ¼[k½ ds v/khu jkT; ljdkj dk ;k izkf/kd`r vf/kdkjh dk fofu'p; gksus rd ml ij vkxs dksbZ dkjZokbZ ugha dh tk;sxhA

¼[k½ ;fn vfHkys[k ds ijh{k.k ds Ik'pkr~ vkSj bl izdkj ds izLrko esa fgrc) O;fDr;ksa dks lquokbZ dk ;qfDr;qDRk volj nsus ds Ik'pkr~] jkT; ljdkj ;k ;FkkiwoksZDr izkf/kd`r vf/kdkjh dk ;g lek/kku gks tk;s fd uxjikfyd Hkwfe ;k ljdkjh Hkwfe dks iV~Vs ij nsus] foØ; djus] fu;fer djus] vkcafVr djus ;k vUrfjr djus dk izLrko bl vf/kfu;e ds micU/kksa ds vuqlkj ugha gS ;k mudk mYya?ku djrk gS] rks og jkti= esa izdkf'kr vkns'k }kjk ml uxjikfyd Hkwfe ;k ljdkjh Hkwfe dks iV~Vs ij nsus] foØ; djus] fu;fer djus] vkcafVr djus ;k vUrfjr djus ds fy, fd;s x;s izLrko dks ;k mlds vuqlj.k esa dh x;h fdlh dkjZokbZ ;k dk;Zokgh dks iw.kZr% ;k Hkkxr% mikUrfjr] jn~n ;k fo[akfMr dj ldsxk ;k ,slk dksbZ Hkh vU; funs'k ns ldsxk] tks og mfpr le>sA

¼3½ tgka fdlh uxjikfydk }kjk ;k fdlh uxjikfydk ds v/;{k ;k vf/kdkjh }kjk bl /kkjk ds micU/kksa ds mYya?ku esa fn;s x;s fdlh iV~Vs] fd;s x;s foØ;] vkcaVu] vUrj.k ;k fdlh vU; lafonk ds vuqlj.k esa fdlh O;fDr us fdlh uxjikfyd Hkwfe ;k ljdkjh Hkwfe dk dCtk ys fy;k gks ogka ,slk O;fDr jktLFkku yksd ifjlj ¼vuf/kd`r Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼109½ vf/kHkksxh dh csn[kyh½ vf/kfu;e] 1964 ¼1965 dk vf/kfu;e la- 2½ ds vFkkZUrxZr vuf/kd`r vf/kHkksxh le>k tk;sxk vkSj ,slh Hkwfe ls csn[ky fd;s tkus rFkk mlds mi;ksx vkSj vf/kHkksx ds fy, fdjk;s ;k uqdlkuh ds lank; ds ckjs esa mDr vf/kfu;e ds v/khu leLr nkf;Roksa ds fy, nk;h gksxk] tc rd fd mDr vf/kfu;e esa vUrfoZ"V fdlh ckr ds gksus ij Hkh] jkT; ljdkj ;k ;FkkiwoksZDr izkf/kd`r vf/kdkjh }kjk ,sls iV~Vs] foØ;] vkcaVu] vUrj.k ;k lafonk dh iqf"V fofgr jhfr ls u dj nh tk;s%

ijUrq tgka fdlh ,sls iV~Vs] foØ;] vkcaVu] vUrj.k ;k lafonk dh ;FkkiwoksZDr :i ls iqf"V ugha dj nh x;h gks] ogka ,sls iV~Vs] foØ;] vkcaVu] vUrj.k ;k lafonk ds fy, uxjikfydk] uxjikfydk ds v/;{k ;k vf/kdkjh }kjk izkIr izfrQy] ;fn dksbZ gks] ,slh Hkwfe ls csn[ky fd;s x;s O;fDr dks izfrnRr dj fn;k tk;sxkA

74- LFkkoj uxjikfyd lEifRr dh rkfydk vkSj ekufp=-& ¼1½ uxjikfydk mu leLr LFkkoj lEifRr;ksas dh] tks mlesa fufgr gSa ;k mlls lacaf/kr gaS ;k mlds }kjk vftZr dh x;h gaS] ,d rkfydk vkSj ekufp= la/kkfjr djsxhA vkfnukafdr rkfydk,a vkSj

ekufp= dh izfr;ka bl vf/kfu;e ds izkjEHk ls ,d o"kZ ds Hkhrj&Hkhrj izR;sd uxjikfydk }kjk funs'kd] LFkkuh; fudk; ds dk;kZy; esa tek djok;h tk;saxhA ¼2½ eq[; uxjikfyd vf/kdkjh] fdlh LFkkoj lEifRr dh rkfydk ds ekeys esa mDr rkfydk esa ifjorZuksa] ;fn dksbZ gksa] dks minf'kZr djrs gq, ,d okf"kZd fooj.k rS;kj djsxk vkSj mls uxjikfydk ds le{k j[ksxk vkSj mldh ,d izfr funs'kd] LFkkuh; fudk; dks Hkh HkstsxkA

75- uxjh; Hkwfe vkSj lEifRr;ksa ds vfHkys[kksa dk la/kkj.k-& uxjikfydk] vU; lEcfU/kr foHkkxksa] ;k ;FkkfLFkfr] izkf/kdkjh ds ijke'kZ

9 ¼110½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ls] uxjikfyd {ks= ds Hkhrj fLFkr uxjh; Hkwfe vkSj futh lEifRr;ksa dks lfEefyr djrs gq, leLr lEifRr;ksa dk ,d vfHkys[k] ,slh jhfr ls tks fofgr dh tk;s] rS;kj dj ldsxh] la/kkfjr dj ldsxh vkSj fu;fer :i ls vkfnukafdr dj ldsxhA

v/;k; 5

uxjikfyd foRr vkSj uxjikfyd fuf/k

76- jkT; foRr vk;ksx-& ¼1½ jkT; foRr vk;ksx uxjikfydkvksa dh foRrh; fLFkfr dk iqufoZyksdu djsxk vkSj &

¼d½ ¼i½ jkT; }kjk mn~xzg.kh; ,sls djksa] 'kqYdksa] iFkdjksa vkSj Qhlksa ds ,sls 'kq) vkxeksa ds] tks jkT; vkSj uxjikfydkvksa ds chp foHkkftr fd;s tk;sa] muds chp forj.k dks vkSj lHkh Lrjksa dh uxjikfydkvksa ds chp ,sls vkxeksa ds muds Hkkx ds vkcaVu dks(

¼ii½ ,sls djksa] 'kqYdksa] iFkdjksa vkSj Qhlksa ds vo/kkj.k dks] tks uxjikfydkvksa dks leuqfn"V dh tk ldsaxh ;k muds }kjk fofu;ksftr dh tk ldsaxh(¼iii½ jkT; dh lafpr fuf/k esa ls uxjikfydkvksa ds lgk;rk&vuqnku dks] 'kkflr djus okys fl)kUrksa ds ckjs esa(

¼[k½ uxjikfydkvksa dh foRrh; fLFkfr dks lq/kkjus ds fy, vko';d v/;qik;ksa ds ckjs esa(vkSj

¼x½ uxjikfydk dh lqn`<+ foRrh; fLFkfr ds fgr esa jkT; foRr vk;ksx dks fufnZ"V fd;s x;s fdlh Hkh vU; fo"k; ds ckjs esa]

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼111½ jkT;iky dks flQkfj'k djsxkA

¼2½ jkT; foRr vk;ksx }kjk dh x;h izR;sd flQkfj'k] ml ij dh x;h dkjZokbZ ds Li"Vhdkjd Kkiu lfgr jkT; fo/kku&e.My ds le{k j[kh tk;sxhA

77- jkT; foRr vk;ksx dh flQkfj'kksa dk fØ;kUo;u-&jkT; foRr vk;ksx dh flQkfj'kksa ij fopkj djus ds i'pkr~] jkT; ljdkj& ¼d½ djksa] 'kqYdksa] iFkdjksa vkSj Qhlksa ds 'kq) vkxeksa dk uxjikfydkvksas dks U;kxeu]

¼[k½ djks] 'kqYdksa] iFkdjksa vkSj Qhlksa dk uxjikfydkvksas dks

leuqns'ku]

¼x½ jkT; dh lafpr fuf/k esa ls uxjikfydkvksas dks lgk;rk&vuqnku dh eatwjh] vkSj

¼?k½ uxjikfydkvksas dh foRrh; fLFkfr dks lq/kkjus ds fy, visf{kr vU; v/;qik;ksa] dk vo/kkj.k djsxhA

78- jkT; ljdkj ls foRrh; lgk;rk-& ¼1½ jkT; ljdkj le;≤ ij uxjikfydk dks vuqnku ;k foRrh; lgk;rk] ml jhfr] ftlesa ,sls vuqnku ;k foRrh; lgk;rk dk mi;ksx fd;k tk;sxk] ds ckjs esa funs'k lfgr ;k mlds fcuk] iznku dj ldsxhA

¼2½ jkT; ljdkj ,sls vuqnku ;k lgk;rk nsus ds fy, ,d Ldhe vf/kdfFkr dj ldsxh ftlesa ,sls vuqnku ;k lgk;rk tkjh fd;s tkus dh 'krsZa lfEefyr gks ldsaxh vkSj blesa mDr iz;kstu ds fy, uxjikfydkvksa ds fofHkUu oxksZa esa foHkktu dk mica/k gks ldsxkA

¼3½ jkT; ljdkj uxjikfydk dks uxjikfydk dh okf"kZd fodkl ;kstuk esa lfEefyr fdlh Ldhe ds lEiw.kZ ;k Hkkxr% fØ;kUo;u ds fy, vuqnku ns ldsxhA

9 ¼112½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 79- uxjikfyd fuf/k-& ¼1½ uxjikfyd fuf/k ds uke ls ,d fuf/k gksxh ftls uxjikfydk }kjk bl vf/kfu;e ds iz;kstuksas ds fy, U;klr% /kkfjr fd;k tk;sxk vkSj bl vf/kfu;e ds v/khu olwy fd;k x;k ;k olwy djus ;ksX; leLr /ku vkSj uxjikfydk }kjk vU;Fkk izkIr leLr /ku mlesa tek fd;k tk;sxkA

¼2½ ,sls funs'kksa ds v/;/khu jgrs gq,] tks jkT; ljdkj bl fufeRr tkjh djs] uxjikfydk dh izkfIRk;ka vkSj O;; ,sls ys[kk 'kh"kksZa] ftuesas ty&fudkl vkSj ey&ogu] Bksl vif'k"V izca/k] lM+d fodkl vkSj j[k&j[kko] xUnh cLrh lsok,a] okf.kfT;d ifj;kstuk,a lfEefyr gSa vkSj vU; ys[kk 'kh"kksaZ] tks fofgr fd;s tk;sa] rFkk lk/kkj.k ys[kk 'kh"kZ] ds vUrxZr ,slh jhfr ls] vkSj ,sls iz:i esa] tks fofgr fd;s tk;sa] j[ks tk;saxs] rkfd bl vf/kfu;e ds v/khu mi;ksDrk izHkkjksa dk vf/kjksi.k vkSj fdlh Hkh lgk;dh izfrosnu dh rS;kjh lqdj gks ldsA

Li"Vhdj.k-& bl /kkjk ds iz;kstuksa ds fy, ^^okf.kfT;d ifj;kstukvksa^^ esa uxjikfyd cktkj] cktkj fodkl ifj;kstuk,a] lEifRr fodkl ifj;kstuk,a vkSj okf.kfT;d izd`fr dh ,slh vU; ifj;kstuk,a] tks uxjikfydk }kjk le;≤ ij fofufnZ"V dh tk;sa] lfEefyr gksaxhA

¼3½ mi&/kkjk ¼2½ ds v/khu fofufnZ"V izR;sd ys[kk 'kh"kZ jkTkLo ys[kk vkSj iwath ys[kk esa foHkkftr fd;k tk;sxk vkSj izkfIr;ksa vkSj O;;ksas dh leLr enksa dks ,sls jktLo ys[kk ;k] ;FkkfLFkfr] iawth ys[kk ds v/khu leqfpr :i ls j[kk tk;sxkA

80- uxjikfyd fuf/k dk mi;ksx-& uxjikfyd fuf/k esa le;≤ ij tek fd;s x;s /ku dk mi;ksx bl vf/kfu;e vkSj rn/khu cuk;s x;s fu;eksa vkSj mi&fof/k;ksa ds iz;kstuksa dks dk;kZfUor djus ds fy, vko';d leLr jkf'k;ksa] izHkkjksa vkSj ykxrksa ds lank; ds

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼113½ fy, vkSj rRle; izo`Rr fdlh vU; fof/k ds v/khu uxjikfyd fuf/k esa ls lans; leLr jkf'k;ksa ds lank; ds fy, fd;k tk;sxkA

81- uxjikfyd fuf/k esas ls rc rd lank; ugha fd;k tkuk] tc rd fd og ctV vuqnku esa lekfo"V ugha gks-& uxjikfyd fuf/k esa ls fdlh jkf'k dk dksbZ Hkh lank; rc rd ugha fd;k tk;sxk tc rd ,slk O;; pkyw cTkV vuqnku esa lekfo"V ugha gks vkSj ,sls ctV vuqnku dk i;kZIr vfr'ks"k] bl vf/kfu;e ds mica/kksa ds v/khu mlesa fdlh deh ;k mlds varj.k ds gksrs gq, Hkh] miyC/k ugha gks%

ijUrq ;g /kkjk fuEufyf[kr ekeyksa esa fdlh lank; ij ykxw ugha gksxh] vFkkZr~%&

¼d½ dj vkSj vU; /ku] tks bl vf/kfu;e }kjk izkf/kd`r gSa] dk izfrnk;(

¼[k½ lafonkdkjksa ;k vU; O;fDr;ksa ls lacaf/kr vkSj fu{ksi esa /kkfjr /ku vkSj uxjikfydk }kjk Hkwyo'k lax`ghr ;k uxjikfyd fuf/k esa fuf{kIr leLr /ku dk izfrlank;] ¼x½ jkT; ljdkj }kjk yksdfgr esa rRdky visf{kr ladeksZa ds fy, vLFkk;h lank;]

¼?k½ [krjukd jksxksa ds QSyus ij] izkd`frd ;k izkS|ksfxd [krjksa ds gksus ij ;k fdlh vU; vR;ko';d ekeys esa uxjikfydk }kjk fo'ks"k mik;ksa ij mixr O;;]

¼3½ bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa ;k mi&fof/k;ksa ds v/khu izfrdj ds :i esa lans; jkf'k;ka] ¼p½ ¼i½ bl vf/kfu;e ds fdlh mica/k ds v/khu jkT; ljdkj }kjk visf{kr dksbZ dkjZokbZ djus esa

uxjikfydk ds foQy gksus ij jkT; ljdkj ds vkns'kksa ds v/khu] ;k

¼ii½ rRle; izo`RRk fdlh vU; fof/k ds v/khu] ;k ¼iii½ uxjikfydk ds fo#) fdlh flfoy ;k nkf.Md U;k;ky; dh fMØh ;k vkns'k ds v/khu] ;k ¼iv½ fdlh nkos] okn ;k vU; fof/kd dk;Zokgh ds le>kSrs ds v/khu] ;k

¼v½ uxjikfydk dh lEifRr ;k ekuo thou dks gq, vpkud Hk; ;k [krjs dks Vkyus ds fy, fdlh Hkh uxjikfyd izkf/kdkjh }kjk rqjUr dkjZokbZ djus esa mixr O;; ds e)s ;k&

¼vi½ osru vkSj etnwjh ds e)s] lans; jkf'k;ka] vkSj

¼N½ ,sls vU; ekeys] ftUgas mi&fof/k;ksa }kjk vo/kkfjr fd;k tk;sA

82- yksdfgr esa rRdky visf{kr ladeksZa ds fy, uxjikfyd fuf/k esa ls vLFkk;h lank;-&¼1½ jkT; ljdkj }kjk fyf[kr v/;is{kk ij] uxjikfydk fdlh Hkh le;] eq[; uxjikfyd vf/kdkjh ls] ,sls fdlh dk;Z ds fu"iknu dh] ftls jkT; ljdkj us yksdfgr esa

rRdky visf{kr ladeZ ds :Ik esa izekf.kr fd;k gks vkSj bl iz;kstu ds fy, ,sls dk;Z ds fy, uxjikfyd fuf/k esa ls lank; dh] tgka rd fd ,slk lank; uxjikfydk ds fu;fer dk;Z esa fdlh vlE;d~ gLr{ksi ds fcuk fd;k tk ldrk gks] vis{kk dj ldsxhA

¼2½ bl izdkj fu"ikfnr leLr dk;ksZa dh ykxr vkSj ,sls dk;kZsa ds fu"iknu ds fy, vkuqikfrd LFkkiu izHkkj jkT; ljdkj }kjk lanRr Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼115½ fd;s tk;saxs vkSj uxjikfyd fuf/k esa tek fd;s tk;saxsA

83- uxjikfydk dh lhekvksa ds ckgj O;; mixr djus dh 'kfDr-&bl v/;k; esa vU;= vUrfoZ"V fdlh ckr ds gksus ij Hkh] bl vf/kfu;e ds iz;kstuksas dks dk;kZfUor djus ds fy, uxjikfydk] jkT; ljdkj ds vuqeksnu ls] uxjikfyd {ks= dh lhekvksa ds ckgj] uxjikfydk ds eq[; d`R;ksa ls lacaf/kr HkkSfrd vkfLr;ksa dk l`tu djus vkSj muds j[k&j[kko ds fy, ,sls uxjikfyd {ks= dh lhekvksa ds ckgj O;; mixr fd;k tkuk izkf/kd`r dj ldsxhA

84- fof'k"V iz;kstu ds fy, uxjikfyd fuf/k dk vUkU; mi;ksx-&¼1½ bl v/;k; esa vU;= vUrfoZ"V fdlh ckr ds gksus ij Hkh] jkT; ljdkj] vkns'k }kjk uxjikfydk ls uxjikfyd fuf/k ds fdlh fof'k"V Hkkx dks] ;k fdlh fof'k"V vuqnku ;k mlds Hkkx dks] ;k fdlh ys[kk 'kh"kZ ds v/khu izkfIr dh fdlh en ;k mlds fdlh izfr'kr dks] ;k bl vf/kfu;e ds v/khu uxjikfydk dks leuqnsf'kr djksa] 'kqYdksa vkSj tqekZuksa ls fHkUu uxjikfydk }kjk izkI; dj ds fdlh va'k ;k mlds fdlh Hkkx dks] uxjikfyd ÑR;ksa ls lacaf/kr fdlh ,sls iz;kstu ds fy,] tks jkT; ljdkj }kjk fofufnZ"V fd;k tk;s] vUkU; :Ik ls mi;ksx esa ysus ds fy, fpfàr djus dh vis{kk dj ldsxh vkSj rnuqlkj dk;Z djuk uxjikfydk dk drZO; gksxkA

¼2½ jkT; ljdkj] mi&/kkjk ¼1½ ds iz;kstuksa dks dk;kZfUor djus ds fy,] fofHkUu oxksZa dh uxjikfydkvksa ds fy, fu;e cuk ldsxhA 85- ys[kkvksa dk izpkyu-& bl vf/kfu;e ds vU; mica/kksa ds v/;/khu jgrs gq,] uxjikfyd fuf/k esa ls lank; ,slh jhfr ls fd;k tk;sxk] tks jkT; ljdkj }kjk cuk;s x;s fu;eksa esa fofgr gksA

9 ¼116½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 86- vf/k'ks"k /ku dk fofu/kku-&¼1½ uxjikfyd fuf/k ds ys[kk 'kh"kksZa esa ls fdlh esa tek vf/k'ks"k /ku] ftldh uxjikfydk }kjk bl vf/kfu;e ds iz;kstuksa ds fy, ;k rks rqjUr gh ;k 'kh?kz gh mi;ksx esa fy, tkus dh vko';drk ugha gks] uxjikfydk }kjk] jkT; ljdkj }kjk cuk;s x;s fu;eksa ds vuqlkj uxjikfyd fuf/k ds fdlh vU; ys[kk 'kh"kZ esa] ;k rks iw.kZr% ;k Hkkxr%] varfjr fd;s tk ldsaxs%

ijUrq uxjikfyd fuf/k ds okf.kfT;d ifj;kstuk ys[kk esa tek ,slk vf/k'ks"k /ku uxjikfyd fuf/k ds lkekU; ys[kk esa vUrfjr ugha fd;k tk;sxkA

¼2½ ,sls vf/k'ks"k /ku dks] ftldks mi&/kkjk ¼1½ ds v/khu varfjr ugha fd;k x;k gS] jkT; ljdkj }kjk vuqeksfnr yksd izfrHkwfr;ksa ;k y?kq cpr Ldheksa esa fofu;ksftr fd;k tk ldsxk ;k ,sls vuqlwfpr cSad esa] tks uxjikfydk }kjk vo/kkfjr fd;k tk;s] C;kt ij tek djk;k tk ldsxkA

¼3½ ;FkkiwoksZDr fofu/kku ls mn~Hkwr ykHk ;k gkfu] ;fn dksbZ gks] ml [kkrs esa] ftlls ,slk ykHk ;k gkfu lacaf/kr gS] tek ;k] ;FkkfLFkfr] fodfyr fd;k tk;sxkA

87- uxjikfydk dk ctV izkDdyu rS;kj djuk-&¼1½ eq[; uxjikfyd vf/kdkjh izR;sd o"kZ esa iUnzg tuojh ls iwoZ vkxkeh foRrh; o"kZ ds fy, ctV izkDdyu vkSj lkFk gh uxjikfydk dh LFkkiu vuqlwph rS;kj djsxk] vkSj ,slk ctV izkDdyu uxjikfydk dh okLrfod vk; vkSj O;; dk izkDdyu gksxkA rFkkfi] vuqeksnu ds fy, uxjikfydk dks izLrqr djus ls iwoZ] foRrh; izkDdyu foRr lfefr }kjk vuqeksfnr fd;k tk;sxkA

¼2½ /kkjk 4 vkSj /kkjk 79 dh mi&/kkjk ¼2½ ds mica/kksa ds v/;/khu jgrs gq,] ctV izkDdyu fofHkUu ys[kk 'kh"kksZa ds lEcU/k esa Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼117½ uxjikfydk dh izkIr dh tkus okyh vk; vkSj mixr fd;s tkus okys O;; dks i`Fkd~&i`Fkd~ of.kZr djsxk%

ijUrq jkT; ljdkj ds iwoZ vuqeksnu ds fcuk] ctV esa fuEufyf[kr ds lEcU/k esa dksbZ izLrko lfEefyr ugha fd;k tk;sxk%& ¼i½ u;s inksa dk l`tu ;k fjDr inksa dks Hkjuk(

¼ii½ u;s ;ku dk Ø;(

¼iii½ LFkkoj lEifRr dk Ø;(

¼iv½ fdlh izkbosV laLFkk ;k O;fDr dks vuqnku nsuk(;k

¼v½ fdlh vU; ekeys ds fy, tks jkT; ljdkj }kjk le;≤ ij fufn"V fd;k tk;sA

¼3½ ctV izkDdyu mu njksa dks of.kZr djsxk] ftu ij vxys o"kZ esa uxjikfydk }kjk fofHkUu dj] vf/kHkkj] midj vkSj Qhl mn~x`ghr dh tk;sxhA

¼4½ ctV izkDdyu vxys o"kZ ds nkSjku m/kkj ds :i esa yh tkus okyh /kujkf'k dks of.kZr djsxkA

¼5½ v/;{k] ,slh rkjh[k dks] tks izR;sd o"kZ dh 31 tuojh ds i'pkr~ dh u gks] ftls dk;Zikyd lfefr }kjk fu;r fd;k tk;s] uxjikfydk dks ctV izkdDyu izLrqr djsxk vkSj mls izR;sd o"kZ dh 15 Qjojh ls igys uxjikfydk }kjk ikfjr fd;k tk;sxkA

¼6½ ctV izkDdyu ,sls iz:i esa vkSj ,slh jhfr ls rS;kj] izLrqr vkSj vaxhd`r fd;k tk;sxk] vkSj ,sls ekeyksa ds fy, mica/k djsxk] tks fofgr fd;s tk;saA

¼7½ /kkjk 74 dh mi&/kkjk ¼1½ ds v/khu rS;kj dh x;h okf"kZd rkfydk vkSj /kkjk 150 dh mi&/kkjk ¼1½ ds v/khu rS;kj fd;k x;k fooj.k ctV izkDdyu ds lkFk layXu fd;k tk;sxkA

9 ¼118½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 88- uxjikfydk ds ctV izkDdyu dh eatwjh-& uxjikfydk ctV izkDdyu ij fopkj djsxh vkSj izR;sd Ok"kZ Qjojh ds iUnzgosa fnol rd] ,sls ifjoZruksa ds lkFk] ftUgsa og vko';d le>s] vkxkeh o"kZ ds fy, ctV izkDdyu vaxhdkj djsxh vkSj mldh izfr funs'kd] LFkkuh; fudk; ds ek/;e ls jkT; ljdkj dks izLrqr djsxh vkSj ;fn ctV izkDdyuksa ij fopkj djus ds i'pkr~ jkT; ljdkj dh ;g jk; gks fd uxjikfydk ds fgr esa ctV izkDdyuksa esa ifjorZu fd;k tkuk vko';d gS rks og ifjorZu djus ds fy, uxjikfydk dks fufn"V dj ldsxh vkSj ,sls funs'k uxjikfydk ij ck/;dkjh gksaxsA

89- ctV vuqnku dks ifjofrZr djus dh 'kfDRk-&uxjikfydk fdlh foRrh; o"kZ ds nkSjku le;≤ ij&

¼d½ fdlh Hkh 'kh"kZ ds v/khu ctV vuqnku dh jde c<+k ldsxh]

¼[k½ mDRk o"kZ ds nkSjku fdlh fo'ks"k ;k vizR;kf'kr vko';drk dks iw.kZ djus ds iz;kstu ds fy, vfrfjDr ctV vuqnku dj ldsxh]

¼x½ fdlh ,d 'kh"kZ ds v/khu ctV vuqnku dh jde ;k mlds Hkkx dks fdlh vU; 'kh"kZ ds v/khu ctV vuqnku dh jde esa varfjr dj ldsxh] ;k

¼?k½ fdlh 'kh"kZ ds v/khu ctV vuqnku dh jde ?kVk ldsxh% ijUrq foRr lfefr dh flQkfj'k ds fcuk [k.M ¼d½ ;k [k.M ¼[k½ ;k [k.M ¼x½ ;k [k.M ¼?k½ ds v/khu dqN Hkh ugha fd;k tk;sxkA v/;k; 6 ys[kk vkSj laijh{kk

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼119½ 90- ys[kkvksa dk la/kkj.k-&eq[; uxjikfyd vf/kdkjh] uxjikfydk dh izkfIr;ksa vkSj O;;ksa ds ys[ks ,sls iz:i esa vkSj ,slh jhfr ls tks fofgr dh tk;s] RkS;kj vkSj la/kkfjr djsxkA

91- uxjikfyd ys[kk funsZf'kdk dk rS;kj fd;k tkuk-&jkT; ljdkj uxjikfyd ys[kk funsZf'kdk ds uke ls tkuh tkus okyh ,d funsZf'kdk rS;kj vkSj la/kkfjr djsxh] ftlesa uxjikfydk ls lacaf/kr leLr foRrh; ekeyksa vkSj muls lacaf/kr izfØz;kvksa ds C;kSjs vUrfoZ"V gksaxsA

92- foRrh; fooj.k vkSj rqyui=-&¼1½ eq[; uxjikfyd vf/kdkjh fdlh foRrh; o"kZ dh lekfIr ds rhu ekl ds Hkhrj&Hkhrj] ,d foRrh; fooj.k] ftlesa iwoZorhZ foRrh; o"kZ ds fy, uxjikfydk ds ys[kkvksa ds laca/k esa vk; vkSj O;; dk ys[kk rFkk izkfIr;ka vkSj lank; dk ys[kk gks vkSj iwoZorhZ foRrh; o"kZ ds fy, uxjikfydk dh vkfLr;ksa vkSj nkf;Roksa dk ,d rqyui= rS;kj djok;sxkA

¼2½ foRrh; fooj.k vkSj rqyui= dk iz:Ik vkSj jhfr] ftlesa foRrh; fooj.k vkSj rqyui= rS;kj fd;k tk;sxk] ,sls gksaxs] tks fofgr fd;s tk;asA

93- foRrh; fooj.k vkSj rqyui= dk ys[kk laijh{kd dks izLrqr fd;k tkuk-& foRrh; fooj.k vkSj rqyui= eq[; uxjikfyd vf/kdkjh }kjk foRr lfefr ds le{k j[ks tk;saxs] tks mudh ijh{kk djus ds i'pkr~ mUgsa vaxhdkj djsxh vkSj mUgsa laijh{kd dks izsf"kr djsxhA 94- ys[kkvksa dh laijh{kk-& ¼1½ foRrh; fooj.k vkSj rqyui= esa ;Fkk&vUrfoZ"V uxjikfyd ys[kkvksa dh ijh{kk vkSj laijh{kk LFkkuh; fuf/k laijh{kk ds laijh{kdksa }kjk jktLFkku LFkkuh; fuf/k laijh{kk

9 ¼120½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ vf/kfu;e] 1954 ¼1954 dk vf/kfu;e la- 28½ ds mica/kksa ds vuqlkj dh tk;sxhA

¼2½ Hkkjr dk fu;a=d&egkys[kkijh{kd] jkT; ljdkj ds vuqjks/k ij] uxjikfydkvksa ds ys[kkvksa ds mfpr la/kkj.k ds fy, rduhdh ekxZn'kZu miyC/k djk ldsxkA

¼3½ eq[; uxjikfyd vf/kdkjh laijh{kd dks ,sls vkSj ys[ks izLrqr djsxk] ftudh mlds }kjk vis{kk dh tk;sA

¼4½ laijh{kd ;k mldk v/khuLFk vf/kdkjh ys[kkvksa dh bl vf/kfu;e ds mica/kksa ds izfrdwy fdlh en dh fjiksVZ foRr lfefr dks dj ldsxkA

¼5½ foRr lfefr ;FkklEHko 'kh?kz laijh{kd dh fjiksVZ ij fopkj djsxh vkSj] ;fn vko';d gks] rks ml ij Rofjr dkjZokbZ djsxh] vkSj] ;fn vko';d gks] rks fdlh voS/k lank; dh jde dks ,sls lank; djus okys ;k izkf/kÑr djus okys fdlh O;fDr ij vf/kHkkfjr Hkh djsxh] vkSj fdlh O;fDr dh mis{kk ;k vopkj ds dkj.k fdlh jde esa mixr fdlh deh ;k gkfu dh jde ;k ,slh dksbZ Hkh jde] tks fdlh O;fDr }kjk ys[kkvksa esa yk;h tkuh pkfg, Fkh] fdUrq ugha yk;h x;h gks] mlds fy, mÙkjnk;h O;fDr ij Hkkfjr djsxh vkSj izR;sd ,sls ekeys esa ,sls O;fDRk ls 'kks/; jde dks izekf.kr djsxh%

ijUrq izekf.kr jkf'k;ksa ds lank; ds fdlh vkns'k ls O;fFkr dksbZ Hkh O;fDr jkT; ljdkj ;k bl fufeRr mlds }kjk izkf/kÑr fdlh vf/kdkjh dks vihy dj ldsxk] ftldk ,slh vihy ij fofu'p; vafre gksxkA

95- uxjikfydk ds le{k laijhf{kr ys[kkvksa dk j[kk tkuk-& ¼1½ eq[; uxjikfyd vf/kdkjh laijhf{kr foÙkh; fooj.k] rqyui= vkSj laijh{kd dh fjiksVZ rFkk mldh fVIif.k;ka foRr lfefr ds le{k j[ksxk]

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼121½ tks mudh tkap djus ds i'pkr~ mUgsa viuh fVIif.k;ksa] ;fn dksbZ gkas] ds lkFk uxjikfydk ds le{k j[ksxhA

¼2½ eq[; uxjikfyd vf/kdkjh fdlh =qfV dks] tks laijh{kd }kjk viuh fjiksVZ esa bafxr dh x;h gks] nwj djsxk vkSj laijh{kdksa }kjk bafxr vk{ksiksa vkSj =qfV;ksa dk tokc uxjikfydk ds le{k j[ksxkA

96- laijhf{kr ys[kkvksa dks izLrqr djuk-&¼1½ eq[; uxjikfyd vf/kdkjh foRrh; fooj.k vkSj rqyui= rFkk laijh{kd dh fjiksVZ] ;fn dksbZ gks] dks uxjikfydk }kjk vaxhdkj djus ds i'pkr~] mls uxjikfydk }kjk ml ij dh x;h dkjZokbZ dh fjiksVZ ds lkFk jkT; ljdkj dks HkstsxkA

¼2½ ;fn laijh{kd vkSj uxjikfydk dh jk; esa dksbZ vUrj gks ;k ;fn uxjikfydk ;qfDr;qDr dkykof/k ds Hkhrj&Hkhrj laijh{kd dh fjiksVZ esa mfYyf[kr =qfV;ksa ;k vfu;ferkvksa dks nwj ugha djrh gS] rks laijh{kd ml ekeys dks jkT; ljdkj dks fufnZ"V djsxk ftl ij mldk fofu'p; vfUre vkSj ck/;dkjh gksxkA

97- laijh{kk fjiksVZ ij vkns'k izofrZr djus dh jkT; ljdkj dh 'kfDr-&;fn bl v/;k; ds v/khu jkT; ljdkj }kjk fd;s x;s fdlh Hkh vkns'k dk vuqikyu ugha fd;k tkrk gS] rks jkT; ljdkj ds fy, ,sls vkns'k dk vuqikyu lqfuf'pr djus ds fy, ,sls dne mBkuk] tks og Bhd le>s] vkSj ;g funs'k nsuk fd mlds leLr [kpsZ uxjikfyd fuf/k ls vnk fd;s tk;saxs] fof/kiw.kZ gksxkA

98- fo'ks"k laijh{kk-& okf"kZd ys[kkvksa dh laijh{kk ds vfrfjDr] jkT; ljdkj ;k uxjikfydk] ;fn og Bhd le>s] xgu ijh{kk dh vis{kk j[kus okyh fofufnZ"V en ;k enksa dh J`a[kyk ls lacaf/kr fo'ks"k laijh{kk djus ds fy, dksbZ laijh{kd fu;qDr dj ldsxh vkSj laijh{kk

9 ¼122½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ls lEcfU/kr izfØ;k] ;Fkko';d ifjorZuksa lfgr] ,slh fo'ks"k laijh{kk ij ykxw gksxhA

99- vkarfjd laijh{kk-& jkT; ljdkj ;k uxjikfydk] uxjikfydk ds nSfud ys[kkvksa dh vkarfjd laijh{kk ds fy, fofgr jhfr esa mica/k dj ldsxhA

100- okf"kZd iz'kklfud fjiksVZ-& ¼1½ uxjikfydk izfro"kZ vizsy ds izFke fnol ds i'pkr~ ;Fkk'kh?kz vkSj 30 twu ds vi'pkr~ rd iwoZorhZ o"kZ ds nkSjku ds iz'kklu ij] ,sls iz:i esa vkSj ,sls C;kSjksa lfgr] ftldk jkT; ljdkj funs'k ns] jkT; ljdkj dks fjiksVZ izLrqr djsxhA ¼2½ eq[; uxjikfyd vf/kdkjh] fjiksVZ rS;kj djsxk vkSj mls uxjikfydk ds le{k fopkj ds fy, j[ksxk vkSj ml ij uxjikfydk ds ladYi ds lkFk mls jkT; ljdkj dks vxzsf"kr djsxkA

¼3½ fjiksVZ ,slh jhfr ls izdkf'kr dh tk ldsxh] ftldk uxjikfydk funs'k nsA

v/;k; 7

uxjikfyd jktLo

101- uxjikfydk dk vkarfjd jkTkLo-&uxjikfydk ds vkarfjd jktLo esa fuEufyf[kr lzksrksa ls mldh izkfIr;ka lfEefyr gksaxh] vFkkZr~%&

¼d½ uxjikfydk }kjk mn~x`ghr dj]

¼[k½ ukxfjd lsokvksa dh O;oLFkk ds fy, uxjikfydk }kjk mn~x`ghr mi;ksDrk izHkkj] vkSj

¼x½ fofu;ked vkSj vU; dkuwuh d`R;ksa ds vuqikyu ds fy, mn~x`ghr Qhlsa vkSj tqekZusA

102- ck/;dkjh dj-& ¼1½ /kkjk 4 ds micU/kksa ds v/;/khu jgrs gq,] izR;sd uxjikfydk ,slh nj ij vkSj ,slh rkjh[k ls] ftlds fy, jkT; ljdkj izR;sd ekeys esa jkti= esa vf/klwpuk }kjk fufn"V

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼123½ djs] vkSj ,slh jhfr ls] tks bl vf/kfu;e esa vf/kdfFkr dh x;h gS vkSj tks jkT; ljdkj }kjk bl fufeRr cuk;s x;s fu;eksa esa micfU/kr dh tk;s] fuEufyf[kr dj mn~x`ghr dj ldsxh vkSj ;fn jkT; ljdkj }kjk ,slh vis{kk dh tk;s rks mn~x`ghr djsxh vFkkZr~%&

¼d½ bdkbZ {ks= vk/kkfjr iz.kkyh }kjk ;k fdlh vU; iz.kkyh }kjk] uxjikfyd lhekvksa ds Hkhrj fLFkr Hkwfe;ksa vkSj Hkouksa ij dj(

¼[k½ o`fÙk] O;kikj] vkthfodk vkSj fu;kstu ij dj(

¼x½ uxjikfydk ds LokfeRo okyh ;k mldh fuf/k;ksa ls fufeZr lM+dksa] iqyksa vkSj ?kkVksa ij iFkdj(

¼?k½ ,sls O;olk; vkSj m|ksx] tks uxjikfyd lhekvksa ds Hkhrj i;kZoj.k iznw"k.k ds lzksr gaS] ls iznw"k.k fu;a=.k ds fy, dj(

¼3½ lkoZtfud LFkku ij ;k futh Hkwfe ;k Hkou ij vuqKs; laizn'kZu ;k foKkiu ij dj(

¼p½ dksbZ vU; dj ftls Hkkjr ds lafo/kku ds v/khu vf/kjksfir djus dh jkT; ljdkj dks 'kfDr gks % ijUrq fdlh uxjikfydk }kjk vkSj mlds vuqjks/k ij fd;s x;s fdlh vH;kosnu ij jkT; ljdkj] ;fn mldk lek/kku gks

tk;s fd ,slh ifjfLFkfr;k fo|eku gSa fd fdlh uxjikfydk ds fy, bl /kkjk esa mfYyf[kr djksa esa ls fdlh Hkh dj dk mn~xzg.k ugha djus] ;k mldk mn~xzg.k cUn djus] ;k mldh nj de djus dk i;kZIr vkSfpR; gS rks ,slk vkns'k djus ds dkj.kksa lfgr] jkti= esa izdkf'kr fo'ks"k vkns'k }kjk ml uxjikfydk dks ,sls fdlh Hkh dj dk mn~xzg.k ugha djus ;k

9 ¼124½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ mldk mn~xzg.k cUn djus] ;k mldh nj de djus ds fy, vuqKkr dj ldsxhA

¼2½ fofHkUu uxjikfydkvksa dh ifjorZu'khy LFkkuh; n'kkvksa vkSj vko';drkvksa dks /;ku esa j[krs gq, fofHkUu njksa ij djksa ds mn~xzg.k ds fy, mi&/kkjk ¼1½ ds v/khu funs'k fn;s tk ldsaxs] vkSj mUgha rdksZa rFkk oSls gh funs'k }kjk] jkT; ljdkj mn~x`ghr djksa dh njksa dks fofHkUu uxjikfydkvksa ds lEcU/k esa le;≤ ij ,d leku :i ls ;k fHkUu&fHkUu :i ls ifjofrZr dj ldsxhA

103- vU; dj tks vf/kjksfir fd;s tk ldsaxs-&¼1½ jkT; ljdkj ds bl fufeRr lkekU; ;k fo'ks"k vkns'kksa ds v/;/khu jgrs gq,] dksbZ uxjikfydk mlds lEiw.kZ ;k fdlh Hkh Hkkx esa] ftlds fy, mldh LFkkiuk dh x;h gS] fuEufyf[kr lHkh ;k buesasa ls fdlh Hkh dj dk vf/kjksi.k vkSj mn~xzg.k dj ldsxh] vFkkZr~%&

¼i½ uxjikfydk ds Hkhrj pyk;s tkus okys ;kuksa ij dj(¼ii½ uxjikfydk ds Hkhrj yaxj Mkyus okyh ukSdkvksa ij dj(¼iii½ jks'kuh dj(¼iv½ lHkkvksa ij dj(

¼v½ rhFkZ;kf=;ksa vkSj Ik;ZVdksa ij dj(

¼vi foKkiu ds fy, gksfMZax ;k dksbZ vU; lajpuk ifjfufeZr djus ds fy, mi;ksx esa yh x;h Hkwfe ;k Hkou ij dj(¼vii½ vfXu dj(

¼viii½ fdlh xSj&vkoklh; Hkou esa ikfdZax LFkkuksa esa dh U;wurk ij dj(

¼ix½ LVkEi 'kqYd ij] LVkEi 'kqYd ds vk/ks izfr'kr ls vuf/kd dh nj ij] vf/kHkkj(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼125½ ¼x½ dksbZ Hkh vU; dj ftls vf/kjksfir djus dh 'kfDRk jkT; ljdkj dks lafo/kku ds v/khu gSA

¼2½ bl /kkjk dh dksbZ Hkh ckr fdlh ,sls dj ds vf/kjksi.k ;k mn~xzg.k dks izkf/kd`r ugha djsxh ;k izkf/kd`r djus okyh ugha le>h tk;sxh] ftldks jkT; esa vf/kjksfir ;k mn~x`ghr djus dh jkT; ljdkj dks lafo/kku ds v/khu 'kfDr ugha gSA

¼3½ bl /kkjk ds v/khu djksa dk mn~xzg.k] fu/kZj.k vkSj laxzg.k bl vf/kfu;e vkSj rn/khu cuk;s x;s fu;eksa vkSj mi&fof/k;ksa ds micU/kksa ds vuqlkj gksxkA

104- mi;ksDrk izHkkj mn~x`ghr djus dh 'kfDr-& uxjikfydk]&

¼i½ ty&fudkl vkSj ey&ogu dh O;oLFkk]

¼ii½ Bksl vif'k"V izca/k]

¼iii½ fofHkUu {ks=ksa esa vkSj fofHkUu dkykof/k;ksa ds fy, fofHkUu izdkj ds ;kuksa dh ikfdZax]

¼iv½ fdlh Hkh izdkj ds lfUuekZ.k] ifjorZu] ejEer ;k <gkus ds dk;Z ds fy, lkoZtfud ekxksZa ij lkefxz;ksa ;k eycs ds <sj] vkSj

¼v½ dksbZ vU; ukxfjd lsok]

ds fy, ,slh jhfr ls vkSj ,slh njksa ij] tks le;≤ ij mlds }kjk jkT; ljdkj ds iwoZ vuqeksnu ls vo/kkfjr dh tk;sa] mi;ksDrk izHkkj mn~x`ghr dj ldsxh%

ijUrq jkT; ljdkj uxjikfydk dks ;FkkiwoksZDr esa ls fdlh Hkh mi;ksDrk izHkkj ds mn~xzg.k dk funs'k ns ldsxh] ftls uxjikfydk us mn~x`ghr ugha fd;k gS ;k LFkfxr dj fn;k gSA

9 ¼126½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 105- Qhlsa vkSj tqekZus mn~x`ghr djus dh 'kfDr-& uxjikfydk dks bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa ;k mi&fof/k;ksa }kjk ;k muds v/khu mlesa fufgr fofu;ked 'kfDr;ksa dk iz;ksx djrs gq,]& ¼d½ Hkou ;kstuk dh eatwjh vkSj iw.kZ fd;s tkus dk izek.ki= tkjh fd;s tkus]

¼[k½ Hkwfe;ksa vkSj Hkouksa ds fofHkUu xSj&vkoklh; mi;ksxksa ds fy, uxjikfyd vuqKfIr tkjh fd;s tkus]

¼x½ ¼i½ O;kolkf;dksa ds fofHkUu izoxksZa tSls fd IyEcj vkSj losZ{k.kdrkZ]

¼ii½ fofHkUu fØ;kdykiksa tSls fd uydwi yxkus] ekal] eNfy;ka ;k dqDdqV mRiknksa dk foØ; djus] ;k oLrqvksa dk [kksepk yxkus]

¼iii½ foKkiu ds fy, mi;ksx esa fy, tkus okys LFkkuksa ;k futh cktkjksa] o/k'kkykvksa] vLirkyksa] uflaZx gkse] fDyfud] dkj[kkuksa] HkkaMkxkjksa] xksnkekas] eky ifjogu fMiks] Hkkstuky;ksa] cklksa] gksVyksas] ukV~;'kkykvksa] flusek?kjksa ds fy, iz;qDr ifjljksa vkSj yksd euksjatu ds LFkyksa vkSj vU; xSj&vkoklh; mi;ksxksa]

¼iv½ Ik'kqvksa]

¼v½ NdM+ksa ;k xkfM+;ksa] vkSj

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼127½

¼vi½ ,sls vU; fØ;kdykiksa] ftUgsa bl vf/kfu;e ds mica/kksa ds v/khu fdlh vuqKfIr ;k vuqKk dh vko';drk gks]

ds fy, vuqKfIr tkjh djus(vkSj

¼?k½ tUe vkSj e`R;q izek.ki= tkjh djus] ds fy, bl vf/kfu;e vkSj rn/khu cuk;s x;s fu;eksa ;k mi&fof/k;ksa ds mica/kksa ds vuqlkj Qhlsa vkSj tqekZus mn~x`ghr djus dh 'kfDr gksxhA

106- fodkl izHkkj mn~x`ghr djus dh 'kfDr-& ¼1½ uxjikfydk&

¼d½ pkSng ehVj ls vf/kd Å¡pkbZ ds fdlh vkoklh; Hkou ij] ;k fdlh xSj&vkoklh; Hkou ij fdlh fof'k"V izoxZ ds ekxZ ij bldh vofLFkfr] blds mi;ksx dh fo'ks"krkvksa vkSj eatwj fufeZr {ks= dks /;ku esa j[krs gq,] vkSj

¼[k½ fdlh fodkl ;kstuk ds vuqlkj] ;k ml {ks= dh fdlh mi&foHkktu ;kstuk dks vuqeksfnr djrs le;] fdlh fo|eku {ks= ds fodkl ;k iqufoZdkl ds fy,]

,slk fodkl izHkkj mn~x`ghr dj ldsxh] tks le;≤ ij mi&fof/k;ksa }kjk vo/kkfjr fd;k tk;sA

¼2½ ,slk dksbZ Hkh fodkl izHkkj vuqeksfnr ;kstuk ;k mi&foHkktu ij fdlh Hkh fØ;kdyki dk vkjEHk djus ds iwoZ fodkldrkZ }kjk vfxze :i ls lanRr fd;k tk;sxkA

¼3½ fdlh {ks= ds iqufoZdkl ds ekeys esa] izHkkj lHkh fuokfl;ksa vkSj fodkl ds fgrkf/kdkfj;ksa }kjk lans; gksaxsA

9 ¼128½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼4½ uxjikfydk ,sls fodkl izHkkj dk ,d i`Fkd~ ys[kk j[ksxh vkSj mls fdlh vU; iz;kstu ds fy, vi;ksftr ugha djsxhA

107- djkjksi.k ls NwV-& ¼1½ /kkjk 102 vkSj 103 esa fofufnZ"V djksa esa ls dksbZ Hkh dj uxjikfydk }kjk uxjikfydk dh ;k mlesa fufgr fdlh Hkh lEifRr ds lEcU/k esa mn~xzg.kh; ugha gksxkA

¼2½ /kkjk 102 dh mi&/kkjk ¼1½ ds [k.M ¼d½ rFkk /kkjk 103 dh mi&/kkjk ¼1½ ds [k.M ¼i½ vkSj ¼ii½ esa fofufnZ"V djksa esa ls dksbZ Hkh dj] ,slh fdUgha Hkh Hkwfe;ksa] Hkouksa] ;kuksa] okguksa vkSj ukSdkvksa ds laca/k esa] tks dsUnzh; ljdkj ;k jkT; ljdkj ds gksa ;k muesa fufgr gksa] mn~xzg.kh; ugha gksxk%

ijUrq tc rd uxjikfydk }kjk vU; O;fDr;ksa dh oSlh gh lEifRr;ksa ij ,slk dksbZ dj mn~x`ghr fd;k tkrk jgs rc rd bl mi&/kkjk dh dksbZ Hkh ckr uxjikfydk dks ml dj dk mn~xzg.k djus ls ugha jksdsxh ftlds fy, dsUnzh; ljdkj dh dksbZ Hkwfe;ka] Hkou] ;ku] okgu] ukSdk,a 26 tuojh] 1950 ds Bhd iwoZ nk;h Fks ;k nk;h ekus tkrs Fks%

ijUrq ;g vkSj fd jkT; ljdkj dh ;k mlesa fufgr dksbZ Hkh Hkwfe] Hkou] ;ku] okgu ;k ukSdk ,sls fdlh Hkh dj ds lank; ls NwV izkIr jgsaxs ;fn mudk mi;ksx ek= yksd iz;kstuksa ds fy, gh fd;k tkrk gks ;k fd;k tkuk vk'kf;r gks u fd ykHk ds iz;kstuksa ds fy,A ¼3½ /kkjk 102 dh mi&/kkjk ¼1½ ds [k.M ¼d½ esa fofufnZ"V dj ,slh Hkwfe;ksa vkSj Hkouksa ds laca/k esa mn~xzg.kh; ugha gksxk ftudk mi;ksx ek= lkoZtfud iwtk&LFkyksa ds :Ik esa fd;k tkrk gS vkSj tks uxjikfydk }kjk bl :i esa lE;d~ :i ls ekU;rkizkIr gSaA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼129½ ¼4½ jkT; ljdkj ;fn mldh jk; eas ,slk djus ds ;qfDr;qDr vk/kkj fo|eku gksa] rks bl vf/kfu;e ds

v/khu mn~xzg.kh; fdlh dj ds lank; ls] jkti= esa izdkf'kr lk/kkj.k ;k fo'ks"k vkns'k }kjk] ,slh NwV eatwj vkSj ifjfuf'pr dj ldsxh] tks og vko';d le>sA

108- dj vf/kjksfir djus dh izkjafHkd izfØ;k-&uxjikfydk /kkjk 103 ds v/khu dj dk vf/kjksi.k djus ds iwoZ] fuEufyf[kr izkjfEHkd izfØ;k dk ikyu djsxh] vFkkZr~%&

¼d½ og lk/kkj.k cSBd es ikfjr ladYi }kjk /kkjk 103 esa fofufnZ"V djksa esa ls fdlh ,d ;k vU; dj dk bl iz;kstu ds fy, p;u djsxh vkSj dj fofgr djus okys fu;eksa dk ,d izk:i rS;kj djsxh vkSj ,sls fu;eksa esa fuEufyf[kr fofufnZ"V djsxh&

¼i½ mu O;fDRk;ksa ;k lEifRr vFkok nksuksa ds oxZ] ftUgas uxjikfydk nk;h cukus dk izLrko djrh gS vkSj dksbZ Hkh NwVsa] ftUgsa nsus dk og izLrko djrh gS]

¼ii½ og jde ;k jsV ftl ij uxjikfydk izR;sd ,sls O;fDr ;k O;fDr;ksa ds oxZ dks fu/kkZfjr djus dk izLrko djrh gS]

¼iii½ Hkouksa ;k Hkwfe;ksa ;k nksuksa ij jsV ds ekeys esa] izR;sd oxZ ds fy, ewY;kadu dk og vk/kkj] ftl ij ,slh jsV vf/kjksfir dh tkuh gS] vkSj ¼iv½ ,sls vU; leLr ekeys ftudks muesa fofufnZ"V fd;s tkus dh jkT; ljdkj vis{kk djs(

9 ¼130½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼[k½ tc ,slk ladYi ikfjr dj fn;k x;k gks rc uxjikfydk bl izdkj rS;kj fd;s x;s izk:i&fu;eksa dks izFke vuqlwph esa fn;s x;s iz:i esa ,d uksfVl ds lkFk] izdkf'kr djsxh(

¼x½ mDr dj ds vf/kjksi.k ds ;k izLrkfor jde ;k jsV ds] ;k mlds nk;h cuk;s tkus okys O;fDr;ksa ;k lEifRr ds oxksZa ds] ;k izLrkfor fdlh NwV ds lEcU/k esa vkifÙk djus okyk uxjikfydk dk dksbZ Hkh fuoklh mDr uksfVl ds izdk'ku ls ,d ekl ds Hkhrj&Hkhrj] uxjikfydk dks viuh fyf[kr vkifÙk Hkst ldsxk] vkSj og uxjikfydk ,slh leLr vkifÙk;ksa ij fopkj djsxh] ;k mu ij fopkj djus vkSj ml ij fjiksVZ nsus ds fy, fdlh lfefr dks izkf/kÑr djsxh] vkSj] tc rd fd og izLrkfor dj dks R;kxus dk fofuf'p; u djs] fo'ks"k ladYi }kjk ,slh rkjh[k ls dj ds vf/kjksi.k dk funs'k nsxh tks ladYi esa fofufnZ"V dh tk;sA

109- dj dk vf/kjksi.k vkfn-&¼1½ /kkjk 108 esa fufnZ"V fo'ks"k ladYi ikfjr djus ds i'pkr~] uxjikfydk fu;r rkjh[k ls dj dk vf/kjksi.k jkti= esa vf/klwfpr djsxhA

¼2½ mi&/kkjk ¼1½ ds v/khu dj ds vf/kjksi.k dh vf/klwpuk bl ckr dk fu'pk;d lcwr gksxh fd bl vf/kfu;e ds micU/kksa ds vuqlkj dj vf/kjksfir dj fn;k x;k gS%

ijUrq&

¼d½ okf"kZd :i ls mn~xzg.kh; dj&

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼131½ ¼i½ fuEufyf[kr rkjh[kksa esa ls fdlh ,d rkjh[k ij ds flok; izo`Rr ugha gksxk vFkkZr~ ml 'kkldh; o"kZ] ftlesa ,slk uksfVl izdkf'kr fd;k tk;s] dh vizSy ds izFke fnol] tqykbZ ds izFke fnol] vDVwcj ds izFke fnol ;k tuojh ds izFke fnol ls] vkSj

¼ii½ ;fn og vizSy ds izFke fnol ls fHkUu fdlh vU; fnol ls izo`Rr gks rks og vkxkeh vizSy ds izFke fnol rd =Sekfld :i ls mn~xzg.kh; gksxk( ¼k½ uxjikfydk] bl /kkjk ds v/khu uksfVl tkjh fd;s tkus okys fnol dks ;k mlds iwoZ] ,sls vkSj foLr`r fu;e] tks visf{kr gksa] muesa fofufnZ"V dj ds mn~xzg.k vkSj olwyh ds <ax vkSj ,slh rkjh[ksa ftu ij og ;k mldh fdLrsa] ;fn dksbZ gksa] lans; gkasxh] dks fofgr djrs gq,] izdkf'kr djsxh(vkSj

¼x½ ;fn fdlh dj dk ;k fdlh dj ds fdlh fo'ks"k Hkkx dk mn~xzg.k dsoy fdlh dkykof/k ds fy, eatwj fd;k x;k gks] rks mn~xzg.k] ml vlanRr cdk;k ds flok;] tks ml dkykof/k esa ns; gks x;k gks] ml dkykof/k dh lekfIr ij lekIr gks tk;sxkA

110- djksa esa ifjorZu djus ds fy, izfØ;k-& /kkjk 103 ds v/khu vf/kjksfir dj dks lekIr djus ;k mlesa ifjorZu djus dh izfØ;k] tgka rd gks lds] ogh izfØ;k gksxh tks mlds vf/kjksi.k ds fy, /kkjk 108 vkSj 109 }kjk fofgr gSA

9 ¼132½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 111- dj dks LFkfxr djus ;k izfrf"k) djus ;k mlesa lq/kkj djus dh ljdkj dh 'kfDr-&;fn jkT; ljdkj dks] f'kdk;r fd;s tkus ij ;k vU;Fkk] ,slk izrhr gks fd /kkjk 102 vkSj 103 ds v/khu uxjikfydk }kjk mn~x`ghr fdlh Hkh dj dk Hkkj vuqfpr gS ;k mldk ;k mlds fdlh Hkkx dk mn~xzg.k tulk/kkj.k ds fgr ds izfrdwy gS ;k mlds fy, gkfudkjd gS rks jkT; ljdkj mDr uxjikfydk ls fdlh Hkh =qfV ;k vk{ksi ds] tks mls mDr dj ds ckjs esa ;k mlds fu/kkZj.k ;k laxzg.k dh jhfr esa fo|eku izrhr gks] ,slh dkykof/k ds Hkhrj&Hkhrj] tks og bl fufeRr fu;r djs] fujkdj.k ds mik; djus dh vis{kk dj ldsxh vkSj ;fn bl izdkj fu;r dh x;h dkykof/k ds Hkhrj&Hkhrj ,slh vis{kk jkT; ljdkj ds lek/kkuizn :i esa fØ;kfUor ugha dh tk;s rks og jkti= esa vf/klwpuk }kjk dj ;k mlds fdlh Hkh Hkkx ds mn~xzg.k dks ,sls le; rd ds fy, LFkfxr dj ldsxh tc rd fd ,slh =qfV ;k vk{ksi dk fujkdj.k u dj fn;k tk;s ;k ,sls dj dks lekIr ;k de dj ldsxhA

112. dj dks LFkfxr ;k lekIr djus dh uxjikfydk dh 'kfDr-& jkT; ljdkj ds fdUgha lkekU; ;k fo’ks"k vkns’kksa ds v/;/khu jgrs gq,] dksbZ uxjikfydk] ;fn mldk lek/kku gks tk;s fd ,slk fd;k tkuk yksdfgr esa gS] fdlh ,sls dj dks LFkfxr ;k lekIr dj ldsxh] tks /kkjk 103 ds v/khu vf/kjksfir fd;k x;k gS ;k vf/kjksfir fd;k x;k le>k x;k gSA

113- dj dk fu/kkZj.k vkSj dj&fu/kkZjdksa dh fu;qfDr-&¼1½ uxjikfyd dj fu/kkZj.k ds fy, jkT; ljdkj dj&fu/kkZjdksa dh fu;qfDr dj ldsxh] tks ,sls iz:i esa vkSj ,slh jhfr ls] tks jkT;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼133½ ljdkj }kjk bl fufeRr cuk;s x;s fu;eksa esa vf/kdfFkr dh tk;s] dj fu/kkZfjr djsaxsA

¼2½ dj&fu/kkZjdksa dks jkT; ljdkj ds lkekU; ;k fo'ks"k vkns'kksa }kjk dksbZ ,slk vU; dk;Z leuqnsf'kr fd;k tk ldsxkA

114- dfri; tkudkfj;ka nsuk vkSj mUgsa nsus esa foQy jgus dk ifj.kke-& ¼1½ dj&fu/kkZjd dh v/;is{kk ij] /kkjk 102 dh mi&/kkjk ¼1½ esa fufnZ"V fdlh Hkou ;k Hkwfe ;k nksuksa dk Lokeh ;k vf/kHkksxh] ,slh ;qfDr;qDr dkykof/k eas] tks v/;is{kk esa fofufnZ"V dh tk;s] fuEufyf[kr ds fy, ck/; gksxk%&

¼i½ ,sls iz:i esa fooj.kh nsus ds fy,] tks fofgr dh tk;s(vkSj

¼ii½ ,slh tkudkjh nsus ds fy, tks ml O;fDr dk vo/kkj.k djus ds fy, visf{kr gks] ftlls /kkjk 120 ds v/khu dj ewyr% mn~xzg.kh; gSA

¼2½ ;fn ,slk Lokeh ;k vf/kHkksxh] v/;is{kk dk vuqikyu mlesa fofufnZ"V dkykof/k ds Hkhrj&Hkhrj djus esa foQy jgrk gS ;k mldk vuqikyu djus ls budkj djrk gS rks bl vf/kfu;e ds fdlh Hkh vU; micU/k ds v/khu mlds fo#) dh tk ldus okyh fdlh Hkh vU; dkjZokbZ ij izfrdwy izHkko Mkys fcuk] dj&fu/kkZjd] ,slh tkap djus ds Ik’pkr~ tks og vko’;d le>s] ,sls Hkou ;k Hkwfe ;k nksuksas ij viuh loksZRre foosdcqf) ds vuqlkj lans; dj dk fu/kkZj.k djsxkA

115- la'kks/ku ds iz;kstuksa ds fy, lwpuk nsus dh ck/;rk-& ¼1½ tc dksbZ Hkou] fufeZr ;k ifjof/kZr fd;k tk;s rc mldk Lokeh ,sls fuekZ.k] iqufuZekZ.k ;k ifjo/kZu ds iw.kZ gksus dh rkjh[k ls ;k ,sls Hkou dk vf/kHkksx djus dh rkjh[k ls] tks Hkh rkjh[k igys gks] ,d ekl ds Hkhrj&Hkhrj uxjikfydk dks mldh lwpuk nsxkA 9 ¼134½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼2½ ;fn dksbZ O;fDRk mi&/kkjk ¼1½ }kjk visf{kr lwpuk nsus esa foQy jgrk gS rks uxjikfydk ml ij ikap lkS #Ik;s ls vuf/kd ;k mDr Hkou ;k ifjo/kZu ij rhu ekl dh dkykof/k ds fy, lans; dj dh jde dk nl xquk] tks Hkh vf/kd gks] ,slh 'kkfLr vf/kjksfir dj ldsxh] tks uxjikfydk Bhd le>sA

116- Hkouksa ;k Hkwfe;ksa ij djksa ds lank; ds fy, ewyr% nk;h O;fDr;ksa }kjk gd ds leLr vUrj.kksa ds fo"k; esa uxjikfydk dks lwpuk nsuk-&¼1½ tc dHkh fdlh Hkou ;k Hkwfe ;k nksuksa ij vf/kjksfir dj ds lank; ds fy, ewyr% nk;h fdlh O;fDr ds gd dk vUrj.k fd;k tk;s rc og O;fDr] ftlds gd dk bl izdkj vUrj.k fd;k x;k gS vkSj og O;fDr ftldks ,slk gd vUrfjr fd;k tk;sxk] uxjikfydk dks ,sls vUrj.k dh fyf[kr lwpuk nsaxsA

¼2½ ;FkkiwoksZDr ewyr% nk;h fdlh O;fDRk dh e`R;q gks tkus dh n'kk esa] og O;fDr] ftldks okfjl ds :i esa ;k vU;Fkk e`r O;fDr ds gd dk vUrj.k gks] uxjikfydk dks ,sls vUrj.k dh lwpuk nsxkA 117- lwpuk dk iz:i-&¼1½ vfUre iwoZorhZ /kkjk ds v/khu nh okyh lwpuk ;k rks f}rh; vuqlwph ;k] ;FkkfLFkfr]

r`rh; vuqlwph ds iz:i esa gksxh] vkSj blesa mDr iz:i }kjk visf{kr leLr fof'kf"V;kas dk Li"V rkSj ij vkSj lgh&lgh dFku fd;k tk;sxkA

¼2½ ,slh dksbZ lwpuk izkIr gksus ij uxjikfydk] ;fn og vko';d le>s] vUrj.k dh fy[kr] ;fn dksbZ gks] ;k mldh izfrfyfi is'k fd;s tkus dh vis{kk dj ldsxhA

118- vUrfjrh ds uke dk uxjikfyd jftLVjksa esa izfrLFkkiu fd;k tkuk-&tc dHkh ;k rks ,slh lwpuk }kjk ;k vU;Fkk ,slk vUrj.k] uxjikfydk dh tkudkjh esa vk;s vkSj ,slh tkap djus ds i'pkr] tks

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼135½ vko';d gks] uxjikfyd jftLVj esa ml O;fDr ds LFkku ij] tks ewyr% nk;h gS] vUrfjrh dk uke izfrLFkkfir dj fn;k tk;sxkA

119- vUrj.k dh lwpuk ds vHkko esa Hkouksa ;k Hkwfe;ksa ij djksa ds lank; ds nkf;Ro dk cuk jguk-&¼1½ fdlh Hkou ;k Hkwfe ;k nksuksa ij vf/kjksfir dj ds lank; ds fy, ewyr% nk;h izR;sd O;fDr] tks uxjikfydk dks ;FkkiwoksZDr ,sls vUrj.k dh lwpuk fn;s fcuk vius gd dk vUrj.k dj nsrk gS] mlds laca/k esa le;≤ ij lans; leLr djksa ds lank; ds fy, rc rd nk;h jgsxk tc rd og ,slh lwpuk u ns ns ;k tc rd uxjikfydk ds jftLVj esa vUrj.k dks vfHkfyf[kr u dj fy;k tk;sA

¼2½ bl /kkjk dh dksbZ Hkh ckr mDRk dj ds fy, vUrfjrh ds nkf;Ro dks de djus okyh ;k uxjikfydk ds ifjljksa ij ns; dj dh olwyh ds fy, /kkjk 140 }kjk iznRr mu ij iwfoZdrk ds nkos dks izHkkfor djus okyh ugha le>h tk;sxhA

120- dj ewyr% fdlls mn~x`g.kh; gS-&¼1½ Hkouksa ;k Hkwfe;ksa ;k nksuksa ij vf/kjksfir izR;sd dj ewyr% ml lEifRr ds okLrfod vf/kHkksxh ls mn~xzg.kh; gksxk ftl ij ,slk dj&fu/kkZj.k fd;k x;k gS] ;fn og Hkou ;k Hkwfe ;k nksuksa dk Lokeh gks ;k og mudks jkT; ljdkj ls ;k uxjikfydk ls Hkou ;k vU; iV~Vs ij] ;k fdlh Hkh O;fDr ls Hkou ;k vU; iV~Vs ij /kkj.k djrk gksA

¼2½ mi&/kkjk ¼1½ esa vUrfoZ"V micU/kksa ds v/;/khu jgrs gq,] dj ewyr% fuEufyf[kr ls mn~xzg.kh; gksxk] vFkkZr~%&

¼d½ ;fn lEifRRk iV~Vs ij nh x;h gks] rks iV~VkdrkZ ls(¼[k½ ;fn lEifRr mi&iV~Vs ij nh x;h gks] rks ofj"B iV~VkdrkZ ls(9 ¼136½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼x½ ;fn lEifRr iV~Vs ij u nh x;h gks] rks ml O;fDr ls] ftlesa mls iV~Vs ij nsus dk vf/kdkj fufgr gS%

ijUrq ewyr% nk;h O;fDr ls ,sls dj ds e)s 'kks/; fdlh jkf'k dh olwyh esa foQyrk ij] Hkou ;k Hkwfe ds fdlh Hkkx ds vf/kHkksxh ls jkf'k dk ,slk Hkkx olwy fd;k tk ldsxk] tks ,sls Hkkx ds lEcU/k esa vkuqikfrd :i ls lans; gks%

ijUrq ;g vkSj fd ,sls fdlh vf/kHkksxh }kjk] tks bl /kkjk ds v/khu ewyr% nk;h ugha gS] lanRr ;k mlls olwy dh x;h fdlh Hkh jkf'k ds fy, og ewyr% nk;h O;fDr ls eqtjkbZ izkIr djus dk gdnkj gksxkA

121- djk/kku ls lacaf/kr vihysas-&dj&fu/kkZj.k ;k dj&fu/kkZj.k esa fdlh ifjorZu ds fo#) vihy] vkSj ,sls leLr ekeyksa esa] ftuesa ;FkkiwoksZDr dksbZ vihy ugha dh x;h gS] /kkjk 130 ds v/khu ekax ds uksfVl ds fo#) vihy] dyDVj dks ;k ,sls vU; vf/kdkjh dks] tks jkT; ljdkj }kjk bl fufeRr l’kDr fd;k tk;s] dh tk ldsxhA

122- ifjlhek vkSj nkokÑr dj dk iwoZ&fu{ksi-& ,slh dksbZ Hkh vihy rc rd lquh vkSj vo/kkfjr ugha dh tk;sxh tc rd fd& ¼d½ og vihy] Hkouksa ;k Hkwfe;ksa ;k nksuksa ij fu/kkZfjr dj ds ekeys esa vkns'k dh lalwpuk dh rkjh[k ds i'pkr~ vxys rhl fnol ds Hkhrj&Hkhrj ¼,sls vkns'k dh izfr izkIr djus ds fy, visf{kr le; dks NksM+dj½ vkSj fdlh vU; dj ds ekeys esa dj&fu/kkZj.k ds ;k dj&fu/kkZj.k esa ifjorZu ds uksfVl dh izkfIr dh rkjh[k ds i'pkr~ vxys rhl fnol ds Hkhrj&Hkhrj] ;k ;fn dksbZ uksfVl ugha fn;k x;k gks rks dj&fu/kkZj.k ;k dj&fu/kkZj.k esa ifjorZu ds v/khu izFke ekax dh rkjh[k ds i'pkr~ vxys rhl fnolksas ds Hkhrj&Hkhrj] u dj nh tk;s(vkSj Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼137½ ¼[k½ vkosnd us mlls nkokÑr jde uxjikfyd dk;kZy; esa tek u djk nh gks%

ijUrq vihy izkf/kdkjh ys[kc) dkj.kksa ls vkSj ,sls fucU/kuksa rFkk 'krksZa ij] tks og vf/kjksfir djs] [k.M ¼[k½ esa mfYyf[kr jde dks tek djk;s fcuk] ;k ,slh de jkf'k tek djkus ij] ftlds fy, mDr izkf/kdkjh funs'k ns] vihy xzg.k dj ldsxkA

123- [kpsZ-& ¼1½ izR;sd vihy esa [kpsZ fnykuk] vihy dk fofu'p; djus okys vf/kdkjh ds foosdk/khu gksxkA

¼2½ bl /kkjk ds v/khu uxjikfydk dks fnyk;s x;s [kpsZ] uxjikfydk }kjk bl v/;k; esa micaf/kr jhfr ls olwyh; gksaxsA

¼3½ ;fn uxjikfydk fdlh vihykFkhZ dks fnyk;s x;s [kpsZ dk lank;] uxjikfydk dks mlds lank; ds vkns'k ls lalwfpr fd;s tkus dh rkjh[k ds Ik'pkr~ rhl fnol ds Hkhrj djus esa foQy jgrh gS rks [kpsZ fnykus okyk vf/kdkjh uxjikfyd fuf/k ds vfr'ks"k dh vfHkj{kk j[kus okys O;fDr dks mDr jde ds lank; dk vkns'k ns ldsxkA

124- djk/kku ds ekeys esa flfoy vkSj nkf.Md U;k;ky;ksa dh vf/kdkfjrk dk otZu-& ¼1½ bl vf/kfu;e esa micaf/kr ls fHkUu fdlh jhfr ls vkSj fdlh Hkh izkf/kdkjh }kjk] fdlh ewY;kadu ;k fu/kkZj.k ij dksbZ vk{ksi ugha fd;k tk;sxk vkSj u gh fu/kkZfjr ;k djk/kku fd;s tkus okys fdlh O;fDr ds nkf;Ro dks iz'uxr fd;k tk;sxkA

¼2½ ewY;kadu ;k dj&fu/kkZj.k] ;k dj&fu/kkZj.k ;k djk/kku ds nkf;Ro ds laca/k esa fdlh vkns'k dh iqf"V djus] mls vkLr djus ;k mikUrfjr djus dk vihy izkf/kdkjh dk vkns'k vfUre gksxk%

ijUrq vihy izkf/kdkjh ds fy,] vkosnu fd;s tkus ij ;k Loizsj.kk ls] vius }kjk vihy esa ikfjr fdlh vkns'k dk] ewy vkns'k dh 9 ¼138½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ rkjh[k ls rhu ekl ds Hkhrj&Hkhrj dksbZ vkSj vkns'k ikfjr djds iqufoZyksdu djuk fof/kiw.kZ gksxkA

125- O;ko`fRr;ka-& ¼1½ dksbZ Hkh dj&fu/kkZj.k lwph ;k vU; lwph] uksfVl] fcy ;k ,slk gh vU; nLrkost] tks fdlh dj] izHkkj] fdjk;s ;k Qhl ds lanHkZ esa fdlh O;fDRk] lEifRr] oLrq ;k ifjfLFkfr dks fofufnZ"V djs ;k fofufnZ"V djus ds fy, rkRif;Zr gks] dsoy O;fDRk ds uke] fuokl&LFkku] dkjksckj ;k mithfodk ds LFkku] lEifRr] oLrq ;k ifjfLFkfr ds o.kZu esa fdlh Hkwy ds dkj.k ;k ek= dksbZ ys[ku dh

xyrh] ;k mlds Lo:Ik dh fdlh =qfV ds dkj.k vfof/kekU; ugha gksxk rFkk ;g Ik;kZIr gksxk fd igpku ds iz;kstu ds fy, O;fDr] lEifRr] oLrq ;k ifjfLFkfr dk o.kZu Ik;kZIr :Ik ls dj fn;k tk;s rFkk fdlh dj ds laca/k esa nk;h lEifRr ds Lokeh ;k vf/kHkksxh dks ukfer djuk vko';d ughas gksxkA

¼2½ djksa dk mn~xzg.k lEifRr dk gd ugha le>k tk;sxkA

126- nkf;Ro izdV djus dh ck/;rk-&¼1½ uxjikfydk] eq[; uxjikfyd vf/kdkjh] dj&fu/kkZjd ;k uxjikfydk }kjk bl fufeRr izkf/kd`r dksbZ Hkh vU; vf/kdkjh] fyf[kr lalwpuk }kjk] uxjikfydk ds fdlh fuoklh ls ,slh tkudkjh nsus ds fy, vis{kk dj ldsxk] tks fuEufyf[kr dks vfHkfuf'pr djus ds fy, vko';d gks%&

¼d½ D;k ,slk fuoklh bl vf/kfu;e ds v/khu vf/kjksfir dj lanRr djus dk nk;h gS(

¼[k½ jde] ftl ij mldk fu/kkZj.k gksuk pkfg,]

¼x½ Lokeh dk uke vkSj irkA

¼2½ ;fn dksbZ fuoklh] ftlls bl izdkj tkudkjh nsus dh vis{kk dh tk;s] tkudkjh ugha nsrk gS ;k ,slh tkudkjh nsrk gS tks vlR; gS

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼139½ rks og nks"kflf) ij ,sls tqekZus dk nk;h gksxk] tks ,d gtkj #Ik;s rd dk gks ldsxkA

127- djksa dks olwy djus dk drZO;-& eq[; uxjikfyd vf/kdkjh ;k mlds }kjk izkf/kÑr dksbZ vf/kdkjh /kkjk 102 vkSj 103 v/khu vf/kjksfir djksa ds mfpr mn~xzg.k vkSj olwyh ds fy, mRrjnk;h gksxkA

128- dj ds fcy dk izLrqr fd;k tkuk-& tc dksbZ jde& ¼d½ bl vf/kfu;e ds fdlh micU/k }kjk ;k mlds v/khu] bl v/;k; }kjk micaf/kr jhfr ls olwyh; ?kksf"kr dh tk;s] ;k

¼[k½ uxjikfydk dks] mlesa fufgr fdlh Hkou ;k Hkwfe ds laca/k esa] fdjk;s ds isVs ns; gks x;h gks] rc uxjikfydk] ;FkklEHko 'kh?kz mlds lank; ds fy, nk;h O;fDr;ksa dks cdk;k ds :Ik esa nkokd`r jkf'k dk fcy izLrqr djok;sxhA

129- fcy dh vUroZLrq-& ,sls izR;sd fcy esa]&

¼d½ og dkykof/k ftlds fy,] vkSj

¼[k½ og lEifRr] mithfodk] ifjfLFkfr ;k oLrq ftlds lEcU/k esa&

jkf'k dk nkok fd;k x;k gS] fofufnZ"V gksaxs vkSj mlesa&

¼i½ lank; ds O;frØe esa mixr gksus okys nkf;Ro] vkSj ¼ii½ vof/k] ftlds Hkhrj&Hkhrj bl vf/kfu;e esa ;Fkkmicaf/kr vihy dh tk ldsxh] dh lwpuk Hkh nh tk;sxhA

130- ekax dk uksfVl-& ;fn ml jkf'k dk] ftlds fy, iwoksZDr :i ls dksbZ fcy izLrqr dj fn;k x;k gS] lank;] mlds izLrqr fd;s tkus ls iUnzg fnol ds Hkhrj&Hkhrj uxjikfydk dk;kZy; esa ;k fdlh

9 ¼140½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ fu;e }kjk bl fufeRr ,slk lank; izkIr djus ds fy, izkf/kÑr O;fDr dks ugha fd;k tkrk gS rks uxjikfydk ,sls O;fDr ij] ftls ,slk fcy izLrqr fd;k x;k gS] pkSFkh vuqlwph ds iz:Ik esa ;k oSls gh vk'k; dk ekax dk uksfVl rkehy djok ldsxhA

131- fdu ekeyksa esa okj.V tkjh fd;k tk ldsxk-& ¼1½ ;fn dksbZ O;fDr] ftl ij /kkjk 130 ds v/khu ekax dk uksfVl rkehy fd;k x;k gS] ,sls ekax ds uksfVl dh rkehy ls iUnzg fnol ds Hkhrj&Hkhrj] u rks&

¼d½ uksfVl esa ekaxh x;h jkf'k dk lank; djs(;k

¼[k½ u gh uxjikfydk ds ;k ,sls vf/kdkjh ds] ftls uxjikfydk fu;e }kjk bl fufeRr fu;qDr djs] ;k eq[; uxjikfyd vf/kdkjh] ;fn dksbZ gks] ds lek/kkuizn :Ik esa bl ckr dk dkj.k crk;s fd D;ksa

mls mDr jkf'k dk lank; ugha djuk pkfg,(;k ¼x½ u gh ekax ds fo#) /kkjk 121 ds micU/kksa ds vuqlkj vihy djs]&

rks ,slh jkf'k] olwyh ds leLr [kpksZa lfgr O;frØeh dh fdlh lEifr dh dqdhZ vkSj foØ; }kjk mn~x`ghr dh tk ldsxh vkSj fdlh taxe lEifÙk dh dqdhZ ds ekeys esa eq[; uxjikfyd vf/kdkjh }kjk okj.V ikapoha vuqlwph ds iz:i esa ;k oSls gh vk'k; dk tkjh djok;k tk;sxk rFkk fdlh LFkkoj lEifÙk dh dqdhZ ds ekeys esa uxjikfydk }kjk okj.V ,sls iz:i esa] tks fofgr fd;k tk;s] tkjh djok;k tk;sxkA ¼2½ bl vf/kfu;e ds v/khu uxjikfydk dks ns; fdlh jkf'k dh olwyh ds fy, mi&/kkjk ¼1½ ds v/khu dqdhZ vkSj foØ; ds fy, dksbZ okj.V ml rkjh[k ls rhu o"kZ dh dkykof/k dh lekfIr ds Ik'pkr~ tkjh

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼141½ ugha fd;k tk;sxk ftldks ,slk okj.V ml mi&/kkjk ds v/khu tkjh fd;k tk ldrk Fkk%

ijUrq rhu o"kZ dh mDr dkykof/k dh lekfIr ds i'pkr~ uxjikfydk] uxjikfydk dks ns; fdlh jkf'k dh olwyh Hkw&jktLo ds cdk;k dh Hkkafr djus ds fy, lEcfU/kr izkf/kdkfj;ksa ls vuqjks/k djus dh gdnkj gksxhA

¼3½ izR;sd okj.V eq[; uxjikfyd vf/kdkjh }kjk gLrk{kfjr vkSj tkjh fd;k tk;sxkA

¼4½ tgka ,slh lEifRr uxjikfydk dh vf/kdkfjrk ds Hkhrj gks ogka okj.V uxjikfydk ds fdlh vf/kdkjh dks lEcksf/kr fd;k tk;sxkA ¼5½ tgka ,slh lEifRr fdlh nwljh uxjikfydk esa gks ;k ,sls LFkku esa gks] tks uxjikfydk u gks] ogka okj.V lacaf/kr uxjikfydk ds eq[; uxjikfyd vf/kdkjh dks ;k] ;FkkfLFkfr] rglhynkj dks lEcksf/kr fd;k tk;sxk%

ijUrq ,slk eq[; uxjikfyd vf/kdkjh ;k rglhynkj ,sls okj.V dks fdlh v/khuLFk vf/kdkjh dks i`"Bkafdr dj ldsxkA

132- okjaV dk fu"iknu djus ds fy, cyiwoZd izos'k-&fdlh Hkh ,sls vf/kdkjh ds fy,] ftldks /kkjk 131 ds v/khu tkjh fd;k x;k okj.V lEcksf/kr ;k i`"Bkafdr fd;k x;k gks] ;g fo'okl djus ds fy, ;qfDr;qDr vk/kkj gksas fd ,sls Hkou esa ,slh lEifRr gS tks okjaV ds v/khu vfHkxzg.kh; gS vkSj ;fn og viuk izkf/kdkj vkSj iz;kstu vf/klwfpr djus vkSj izos'k ds fy, lE;d~ :Ik ls ekax djus ds Ik'pkr~] og vU;Fkk izos'k ugha dj ldrk gS rks okj.V esa funsf'kr dqdhZ djus ds fy,] lw;ksZn; vkSj

lw;kZLr ds chp fdlh Hkh le;] fdlh Hkou dk ckgj ;k Hkhrj dk dksbZ njoktk ;k f[kM+dh rksM+dj [kksyuk] fof/kiw.kZ gksxk%

9 ¼142½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ijUrq ,slk vf/kdkjh efgykvksa ds fy, dke esa vkus okys fdlh dejs esa rc rd izos'k ugha djsxk ;k mlds njokts dks rksM+dj ugha [kksysxk tc rd fd mlus vius vk'k; dk rhu ?k.Vs dk uksfVl u ns fn;k gks] vkSj ,slh efgykvksa dks gV tkus dk volj u ns fn;k gksA

133- okj.V dks fu"ikfnr djus dh jhfr-& ¼1½ ,sls fdlh vf/kdkjh ds fy, /kkjk 131 ds v/khu tkjh fd;s x;s okj.V esa O;frØeh ds :Ik esa ukfer O;fDr dh fdlh taxe ;k LFkkoj lEifRr dk] tgka dgha Hkh og ik;h tk;s] fuEufyf[kr mi&/kkjkvksas ds micU/kksa ds v/;/khu jgrs gq,] dqdhZ djuk fof/kiw.kZ gksxkA

¼2½ fuEufyf[kr lEifRr dh dqdhZ ugha dh tk;sxh] vFkkZr~%& ¼i½ O;frØeh] mldh iRuh vkSj cPpksa ds iguus ds vko';d oL= rFkk fcLrj]

¼ii½ mlds Hkkstu idkus ds crZu]

¼iii½ f'kfYi;ksa ds vkStkj] vkSj

¼iv½ tc O;frØeh d`"kd gks] rc mlds [ksrh ds midj.k] cht vkSj ,sls Ik'kq tks O;frØeh dks mldh thfodk dk miktZu djus ds fy, leFkZ cukus ds fy, vko';d gksaA

¼3½ taxe laifRr dh dqdhZ vR;f/kd ugha gksxh] vFkkZr~ dqdZ dh x;h taxe lEifRr ewY; esa okj.V ds v/khu olwyh; jde ds ;Fkk'kD; fudVre vuqikr esa gksxh] vkSj ;fn ,slh fdUgha oLrq,a dqdZ dj yh x;h gaS tks /kkjk 131 dh mi&/kkjk ¼3½ ds }kjk ;k mlds v/khu okj.V ij gLrk{kj djus ds fy, izkf/kÑr O;fDr dh ;k ,sls O;fDr dh] ftldks okj.V lEcksf/kr gks] jk; esa bl izdkj dqdZ ugha dh tkuh pkfg, Fkha] rks os rqjUr ykSVk nh tk;saxhA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼143½ ¼4½ vf/kdkjh] taxe lEifRr dqdZ djus ij] rqjUr mldh lwph cuk;sxk vkSj ,slh lEifŸk gVkus ds iwoZ] dqdhZ djus ds le; ml ij dCtk j[kus okys O;fDr dks NBh vuqlwph ds iz:Ik esa fyf[kr uksfVl nsxkA

¼5½ tc laifRr LFkkoj gks rks]&

¼i½ dqdhZ] O;frØeh dks fdlh Hkh rjhds ls lEifRr dk varj.k djus ;k izHkkfjr djus ls] vkSj lHkh O;fDr;ksa dks ,sls varj.k ;k izHkkj ls dksbZ YkkHk ysus ls]

izfrf"k) djrs gq, dksbZ vkns'k djds dh tk;sxh] vkSj ¼ii½ vkns'k] lEifRr ij ;k mlds lehi fdlh LFkku ij <ksy ctkrs gq, ;k vU; ijEijkxr rjhds ls mn~?kksf"kr fd;k tk;sxk] vkSj vkns'k dh ,d izfr ,slh lEifRr ds fdlh lgtn`'; Hkkx ij] vkSj

uxjikfydk ds dk;kZy; ds fdlh lgtn`'; Hkkx ij] vkSj tc lEifRr jkT; ljdkj dks jktLo lanRr djus okyh Hkwfe gks rc] ml ftys ds] ftlesa ,slh Hkwfe fLFkr gS] dyDVj ds dk;kZy; esa Hkh] fpidk;h tk;sxhA

¼6½ ,slh dqdhZ ds i'pkr~ vkSj eq[; uxjikfyd vf/kdkjh dh fyf[kr vuqKk ds

fcuk] dqdZ dh x;h lEifRr ;k mlesa fdlh fgr dk vUrj.k ;k ml ij l`ftr dksbZ izHkkj dqdhZ ds v/khu izorZuh; uxjikfydk ds leLr nkoksa ds fo#) 'kwU; gksxkA

134- dqdZ dh x;h lEifRr dk fo'ks"k ekeyksas esa foØ;-&¼1½ tc vfHkx`ghr lEifRr 'kh?kz vkSj izd`R;k {k;'khy gks ;k tc olwy dh tkus okyh jde dks feykdj mls vfHkj{kk esa j[ks tkus dk O;;] mlds ewY; ls vf/kd gks tkus dh lEHkkouk gks rks eq[; uxjikfyd vf/kdkjh ml

9 ¼144½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ O;fDr dks] ftlds dCts esa lEifr dqdhZ ds le; Fkh] bl vk'k; dk uksfVl rqjUr nsxk fd mldk foØ; rqjUr fd;k tk;sxk] vkSj rnuqlkj] tc rd fd okj.V esa crk;h x;h jde dk lank; rqjUr u fd;k tk;s ;k ml jde ds cjkcj izfrHkwfr u ns nh tk;s] mldk foØ; dj nsxkA ¼2½ ;fn mi&/kkjk ¼1½ ds v/khu lEifRr dk foØ; rqjUr u dj fn;k x;k gks rks dqdZ dh x;h lEifRr ;k mlds Ik;kZIr Hkkx dk] tc rd fd uksfVl] okj.V] dqdhZ vkSj lEifRr ds fujks/k ds vkuq"kafxd leLr [kpksZa lfgr O;frØeh }kjk ns; jkf'k lanRr u dj nh x;h gks] jkT; ljdkj }kjk fofgr jhfr ls] eq[; uxjikfyd vf/kdkjh ds vkns'kksa ds v/khu yksd uhyke }kjk foØ; fd;k tk ldsxk vkSj vkxe ;k mldk ,slk Hkkx] tks visf{kr gks] ns; jkf'k vkSj ;FkkiwoksZDRk ,sls leLr vkuq"kafxd [kpksZa ds mUekspu esa mi;ksftr fd;k tk;sxkA

¼3½ vf/k'sk"k] ;fn dksbZ gks] rqjUr uxjikfyd fuf/k esa tek fd;k tk;sxk] mlh le; ,sls O;fDr dks] ftlds dCts esa lEifRr dqdhZ ds le; Fkh] ,slh tek dk uksfVl fn;k tk;sxk fdUrq ;fn bl mi&/kkjk ds v/khu fn;s x;s uksfVl dh rkjh[k ls ,d o"kZ ds Hkhrj&Hkhrj uxjikfydk dks fyf[kr vkosnu nsdj mlds fy, nkok fd;k tk;s rks ,sls O;fDr dks mldk izfrnk; dj fn;k tk;sxkA ,slh dksbZ jkf'k] ftlds fy, ,sls uksfVl dh rkjh[k ls ,d o"kZ ds Hkhrj&Hkhrj dksbZ nkok ugha fd;k x;k gks] uxjikfydk dh lEifRr gks tk;sxhA

135- uxjikfydk ds ckgj dqdhZ vkSj foØ;-&tgka okj.V dk fu"iknu uxjikfydk ds ckgj fd;k tkuk gks] ogka okj.V tkjh djus okyk izkf/kdkjh i`"Bkadu }kjk ml vf/kdkjh dks] ftls okj.V lEcksf/kr fd;k tk;s] dqdZ dh x;h lEifRr ds foØ; dk funs'k ns ldsxk vkSj ,sls ekeys esa] ,sls vf/kdkjh ds fy, lEifRr dk foØ; djuk vkSj foØ; laca/kh leLr vkuq"kafxd dk;Z djuk fof/kiw.kZ gksxk vkSj iwoZxkeh Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼145½ micU/k ;Fkko';d ifjorZuksa lfgr ykxw gksaxsA ,slk vf/kdkjh] mlds }kjk olwyh ds fy, fd;s x;s leLr [kpsZ ?kVkus ds Ik'pkr~] okj.V ds v/khu olwy dh x;h jde okj.V tkjh djus okys izkf/kdkjh dks Hkst nsxk tks mldk fuiVkjk /kkjk 131 ds micU/kksa ds vuqlkj djsxkA 136- mu O;fDr;ksa ds fo#) laf{kIr dk;Zokgh dh tk ldsxh] tks uxjikfydk NksM+us gh okys gksa-&¼1½ ;fn uxjikfydk ds ikl fdlh Hkh le; ;g fo'okl djus dk dkj.k gks fd dksbZ O;fDr] ftlls bl v/;k; ds micU/kksa ds v/khu olwyh; dksbZ jkf'k 'kks/; gS ;k 'kks/; gksus okyh gS] uxjikfyd {ks= ls vius vkidks gVkus okyk gS rks eq[; uxjikfyd vf/kdkjh] 'kks/; jkf'k ;k 'kks/; gksus okyh jkf'k ds fy, ,sls O;fDr dks fcy izLrqr djok ldsxk vkSj mlds rqjUr lank; dh ekax dj ldsxkA ¼2½ ;fn mDr O;fDr] ,slk fcy izLrqr fd;s tkus ij] mlls 'kks/; jkf'k ;k 'kks/; gksus okyh jkf'k dk rqjUr lank; u djs rks ,slh jde] blesa blds iwoZ fofgr jhfr ls] O;frØeh

dh taxe ;k LFkkoj lEifRr dh dqdhZ vkSj foØ; }kjk mn~xzg.kh; gksxh] flok; blds fd O;frØeh ij ekax dk uksfVl rkehy djuk vko';d ugha gksxk vkSj dqdhZ rFkk foØ; ds fy, okj.V vfoyEc tkjh vkSj fu"ikfnr fd;k tk ldsxkA

137- O;ko`fRr;ka-& fcy] ekax ds uksfVl] okj.V] lwph ;k rRlaca/kh vU; dk;Zokfg;ksa esa gqbZ fdlh xyrh] =qfV ;k iz:Ik ds vHkko ds dkj.k bl vf/kfu;e ds v/khu dh x;h dksbZ dqdhZ ;k foØ; fof/k fo#) ugha le>k tk;sxk vkSj u gh ,slk djus okyk O;fDr vfrpkjh le>k tk;sxkA

138- leLr lank;ksa ds fy, jlhn dk fn;k tkuk-& bl vf/kfu;e ds v/khu fdlh dj ds e)s lanRr lHkh jkf'k;ksa ds fy, ml

9 ¼146½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ O;fä }kjk] tks ,slh jde izkIr djrk gS] jlhn fufonÙk dh tk;sxh] ftlesa ml jde vkSj ml dj dk] ftlds e)s og lanRRk dh x;h gS] mYys[k gksxkA

139- okn ykus dh vuqdYih 'kfDRk-&eq[; uxjikfyd vf/kdkjh] dqdhZ vkSj foØ; }kjk dk;Zokgh djus ds ctk; ;k mlds }kjk ekax dh iw.kZr% ;k va'kr% olwyh djus esa foQy jgus dh n'kk esa] mldk lank; djus ds nk;h O;fDr ds fo#)] vf/kdkfjrk j[kus okys fdlh l{ke U;k;ky; esa okn yk ldsxkA

140- djksa ds fy, Hkwfe] Hkou vkfn ij nkf;Ro-& Hkwfe;ksa ;k Hkouksa ;k nksuksa ij vf/kjksfir fdlh dj ds e)s 'kks/; leLr jkf'k;ka] jkT; ljdkj dks 'kks/; Hkw&jktLo] ;fn dksbZ gks] ds iwoZ lank; ds v/;/khu jgrs gq,] ,sls Hkou ;k Hkwfe ij ftlds lEcU/k esa ,slk dj mn~xzg.kh; gS] vkSj ,slh taxe lEifRr] ;fn dksbZ gks] tks ,sls Hkou ;k Hkwfe esa ;k ml ij ik;h tk;s vkSj tks ,sls dj ds fy, nk;h O;fDr dh gks] ij izFke izHkkj gksaxh%

ijUrq ,sls fdlh dj dh dksbZ cdk;k ,sls fdlh vf/kHkksxh ls] tks Lokeh u gks] olwy ugha dh tk;sxh] ;fn og ,d o"kZ ls vf/kd le; ls ;k ,slh vof/k ds fy,] ftlesa fd ,sls vf/kHkksxh dk vf/kHkksx ugha Fkk] 'kks/; jgh gksA

v/;k; 8

m/kkj

141- lexz _.k ifjlhek uhfr-& jkT; ljdkj] vU; ckrkas ds lkFk&lkFk] uxjikfydkvksa }kjk fy, tkus okys m/kkjksa dks 'kkflr djus okys lk/kkj.k fl)karkas] og lhek ftl rd uxjikfydk viuh foRrh; {kerk dks /;ku esa j[krs gq, m/kkj ys ldsxh] ,sls m/kkjksa ij lanÙk

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼147½ fd;s tkus okys C;kt dh nj vkSj mlds iqulZank; dh dkykof/k dks lfEefyr djrs gq, 'krksZa vkSj fuca/kuksa dks vf/kdfFkr djrs gq,] uxjikfydk }kjk fy, tkus okys m/kkjksa] ftles vYidkfyd m/kkj Hkh lfEefyr gSa] ds ekeys esa ykxw gksus okyh dksbZ lexz _.k ifjlhek uhfr fojfpr djsxhA

142- m/kkj ysus dh uxjikfydk dh 'kfDr-&¼1½ uxjikfydk le;≤ ij] uxjikfydk dh cSBd esa bl fufeRr ikfjr izLrko }kjk /kkjk 141 ds v/khu fojfpr lexz _.k ifjlhek uhfr }kjk LFkkfir lhekvksa ds Hkhrj jgrs gq,] dksbZ Hkh ,slh /ku jkf'k] tks fuEufyf[kr iz;kstuksa ds fy, visf{kr gks] m/kkj ys ldsxh%&

¼d½ bl vf/kfu;e ds v/khu ladeksZa dk lafuekZ.k] ;k

¼[k½ bl vf/kfu;e ds iz;kstuksa ds fy, Hkwfe;ksa vkSj Hkouksa dk vtZu] ;k

¼x½ jkT; ljdkj dks 'kks/; fdlh _.k dk Hkqxrku] ;k

¼?k½ bl vf/kfu;e ds v/khu fy;s x;s m/kkj dk izfrlank;] ;k ¼3½ fdlh ,sls yksd mi;ksfxrk leqRFkku dk vtZu] tks ,slh lsok,a iznku djrk gks] ftUgsa bl vf/kfu;e ds v/khu iznku djus ds fy, uxjikfydk izkf/kÑr gks] ;k

¼p½ bl vf/kfu;e ds iz;kstuksa dks dk;kZfUor djus ds fy, vko';d ;kuksa vkSj vU; e'khujh dk Ø;] ;k

¼N½ dksbZ Hkh vU; iz;kstu ftlds fy, uxjikfydk bl vf/kfu;e ;k rRle; izo`Rr fdlh vU; fof/k }kjk ;k mlds v/khu m/kkj ysus ds fy, izkf/kÑr gS%

ijUrq dksbZ Hkh ,slk m/kkj] ftldk fy;k tkuk izLrkfor gS] ;FkkiwoksZDr lexz _.k ifjlhek uhfr }kjk LFkkfir lhekvksa ls ijs gks tkrk gS] rks mlds fy,] mlds iz;kstuksa] ifjek.k] C;kt dh nj vkSj

9 ¼148½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ izfrlank; dh dkykof/k vkSj vU; 'krksZa rFkk fuca/kuksa] ;fn dksbZ gksa] ds laca/k esa jkT; ljdkj dh iwoZ eatwjh vko';d gksxh%

ijUrq ;g vkSj fd uxjikfydk ;FkkiwoksZDr m/kkjksa ds vfrfjDr] jkT; ljdkj ;k fdlh dkuwuh fudk; ;k lkoZtfud {ks= ds fuxe ls Hkh m/kkj ys ldsxhA

ijUrq ;g Hkh fd jkT; ljdkj uxjikfydk dks] mldh izfrlank; {kerk fofgr jhfr ls vfHkfuf'pr djus ds v/;/khu jgrs gq,] dksbZ m/kkj ;k mlds }kjk fy;s x;s fdlh m/kkj dh izR;kHkwfr eatwj djsxhA

¼2½ tc mi&/kkjk ¼1½ ds v/khu dksbZ Hkh m/kkj fy;k x;k gks] rc&

¼d½ mldk dksbZ Hkh Hkkx] jkT; ljdkj dh iwoZ eatwjh ds fcuk] fdlh Hkh ,sls iz;kstu ls fHkUu iz;kstu ds fy, iz;qDr ugha fd;k tk;sxk] ftlds fy, og fy;k x;k gS] vkSj

¼[k½ ml mi&/kkjk esa fufnZ"V iz;kstuksa esa ls fdlh ds fy, fy, x;s fdlh m/kkj dk dksbZ Hkh Hkkx uxjikfydk ds fdlh vf/kdkjh ;k vU; deZpkjhs] muds vykok tks vuU; :i ls ml iz;kstu ds fy, fu;ksftr fd;s x;s gSa ftlds fy, m/kkj fy;k x;k gS] ds osru ;k HkRrksa ds lank; esa iz;qDr ugha fd;k tk;sxkA Li"Vhdj.k-&mi&/kkjk ¼1½ esas vfHkO;fDr ^*bl vf/kfu;e ds v/khu 'kks/;** esa ml mi&/kkjk ds [k.M ¼3½ ds iz;kstukas ds fy, ml [k.M esa fufnZ"V yksd mi;ksfxrk leqRFkku ls mn~Hkwr gksus okyh vk; lfEefyr le>h tk;sxhA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼149½

143- cSad eas ØsfMV [kkrk [kksyus dh uxjikfydk dh 'kfDr-& /kkjk 142 esa varfoZ"V fdlh ckr ds gksus ij Hkh] uxjikfydk] tgka mDr /kkjk ds v/khu jkT; ljdkj }kjk m/kkj fy, tkus dh eatwjh ns nh x;h gS] ogka ,slk m/kkj ;k mldk dksbZ Hkkx ysus ds ctk; ,slh 'krksZa ij] tks jkT; ljdkj }kjk vuqeksfnr dh tk;sa] fdlh vuqlwfpr cSad ls ,sls m/kkj ;k mlds fdlh Hkh Hkkx dh lhek rd uxjikfydk ds uke ls udn

[kkrs esa j[ks tkus ds fy, dszfMV ys ldsxh vkSj ,slh ØsfMV dh jde ds] ;k ,sls udn [kkrs ij le;≤ ij nh x;h jkf'k ds C;kt lfgr izfrlank; dks izfrHkwr djus ds fy,] jkT; ljdkj dh eatwjh ls] uxjikfydk esa fufgr leLr ;k fdUgha Hkh lEifRRk;ksa dk ca/kd eatwj dj ldsxhA

144- uxjikfydk dh vYikof/k m/kkj ysus dh 'kfDr-&bl v/;k; esa vUrfoZ"V fdlh ckr ds gksus ij Hkh] uxjikfydk] /kkjk 141 ds v/khu fojfpr lexz _.k ifjlhek uhfr }kjk LFkkfir lhekvksa ds Hkhrj] le;≤ ij] ,sls iz;kstu ds fy, tks /kkjk 142 dh mi&/kkjk ¼1½ esa fufnZ"V iz;kstu u gks] fdlh vU; vuqlwfpr cSad ls ,slh dkykof/k ds Hkhrj] tks ckjg ekl ls vf/kd ugha gks] izfrlans; vYikof/k m/kkj] ,sls fucU/kuksa ij] vkSj ,sls m/kkj ds izfrlank; ds fy, ,slh izfrHkwfr nsus ij] tks jkT; ljdkj }kjk vuqeksfnr dh tk;s] ys ldsxhA

145- fu{ksi fuf/k dh LFkkiuk-&uxjikfydk /kkjk 142 ds v/khu fy, x;s izR;sd m/kkj ds lEcU/k eas] m/kkj yh x;h /ku jkf'k;ksa] ds izfrlank; ds fy, ,d fu{ksi fuf/k dh LFkkiuk djsxh vkSj izR;sd o"kZ ,slh fu{ksi fuf/k eas ,slh jkf'k dk lank; djsxh tks ,sls m/kkj ds fy, fu;r dkykof/k ds Hkhrj m/kkj yh x;h /ku jkf'k;ksa ds izfrlank; ds fy, Ik;kZIr gksA

9 ¼150½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 146- fu{ksi fuf/k dk mi;kstu-&fu{ksi fuf/k ;k mlds fdlh Hkkx dk mi;kstu ,sls m/kkj ;k m/kkj ds Hkkx ds mUekspu ds fy, fd;k tk;sxk ftlds fy, ml fuf/k dk l`tu fd;k x;k Fkk] vkSj tc rd ml m/kkj ;k mlds Hkkx dk iw.kZr% mUekspu ugha gks tkrk gS] rc rd ,slh fuf/k dk mi;kstu fdlh Hkh vU; iz;kstu ds fy, ugha fd;k tk;sxkA

147- fu{ksi fuf/k esa lank; jksdus dh 'kfDr-& ;fn /kkjk 145 ds v/khu fdlh m/kkj ds izfrlank; ds fy, LFkkfir fu{ksi fuf/k esa tek jkf'k dh jde fdlh Hkh le; bruh gks tkrh gS fd ;fn mls /kkjk 142 dh mi&/kkjk ¼1½ ds izFke ijUrqd ds v/khu eatwj C;kt dh nj ij lafpr gksus fn;k tk;s rks og mDr ijUrqd ds v/khu jkT; ljdkj }kjk vuqeksfnr dkykof/k ds Hkhrj&Hkhrj ml m/kkj dks pqdkus ds fy, i;kZIr gksxh] rks ,slh fuf/k esa vkxs vkSj lank; jksdk tk ldsxkA

148- fu{ksi fuf/k esa tek jde dk fofu/kku-& ¼1½ fdlh fu{ksi fuf/k esa lanRr leLr /ku dk uxjikfydk }kjk] ;Fkk'kD;'kh?kz] fuEufyf[kr esa fofu/kku fd;k tk;sxk&

¼d½ ljdkjh izfrHkwfr;ka] ;k

¼[k½ dsUnzh; ljdkj ;k fdlh jkT; ljdkj }kjk izR;kHkwr izfrHkwfr;ka] ;k

¼x½ ,slh vU; yksd izfrHkwfr;ka] tks jkT; ljdkj }kjk vuqeksfnr dh tk;sa]

vkSj mls uxjikfydk }kjk fy, x;s m/kkjksa dk le;≤ ij izfrlank; djus ds iz;kstu ds fy, mlds }kjk /kkfjr fd;k tk;sxkA ¼2½ mi&/kkjk ¼1½ ds v/khu fdlh fofu/kku ds lEcU/k esa izkIr leLr jkf'k;ka] mudh izkfIr ds i'pkr~ ;Fkk'kD;'kh?kz] fUk{ksi fuf/k esa

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼151½ lanRr dh tk;saxh vkSj mudk mDr mi&/kkjk esa vf/kdfFkr jhfr ls fofu/kku fd;k tk;sxkA

¼3½ nks ;k vf/kd fu{ksi fuf/k;ksa esa tek /ku dk] uxjikfydk ds foosdk/khu]

lkekU; fuf/k ds :i esa ,d lkFk fofu/kku fd;k tk ldsxk vkSj uxjikfydk ds fy, ,sls fofu/kkuksa esa /kkfjr izfrHkwfr;ksa dks fofHkUu fu{ksi fuf/k;ksa esa vkoafVr djuk vko';d ugha gksxkA

¼4½ mi&/kkjk ¼1½ ds mica/kkas ds v/;/khu jgrs gq,] bl /kkjk ds v/khu fd;k x;k dksbZ fofu/kku] le;≤ ij] ifjofrZr ;k i{kkarfjr fd;k tk ldsxkA

149- m/kkjksas ds izfrlank; dh jhfr-& /kkjk 142 ds v/khu uxjikfydk }kjk fy, x;s izR;sd m/kkj dk izfrlank; mDr /kkjk ds v/khu vuqeksfnr le; ds Hkhrj&Hkhrj fd;k tk;sxk vkSj ,slk izfrlank; ;k rks ,sls m/kkj ds laca/k esa /kkjk 145 ds v/khu LFkkfir fu{ksi fuf/k esa ls ;k Hkkxr% ,slh fu{ksi fuf/k esa ls vkSj ml lhek rd ftl rd ,slh fu{ksi fuf/k ,sls m/kkj ds izfrlank; ds fy, visf{kr jkf'k ls de gks] Hkkxr% /kkjk 142 ds v/khu bl iz;kstu ds fy,] fy;s x;s m/kkj esa ls] tSlk jkT; ljdkj }kjk vuqeksfnr fd;k tk;s] fd;k tk;sxkA

150- okf"kZd fooj.k-& ¼1½ eq[; uxjikfyd vf/kdkjh] izR;sd o"kZ ds var esa] fuEufyf[kr dks n'kkZrs gq, ,d okf"kZd fooj.k rS;kj djsxk vkSj mls uxjikfydk dks izLrqr djsxk&

¼d½ og jde] tks o"kZ ds nkSjku /kkjk 145 ds v/khu fu{ksi fuf/k ;k fu{ksi fuf/k;ksa esa lanRr dj nh x;h gS]

¼[k½ o"kZ ds nkSjku fd;s x;s vafre fofu/kku dh rkjh[k]

¼x½ o"kZ ds var esa uxjikfydk ds ikl izfrHkwfr;ksa dh ldy jde] vkSj

¼?k½ og ldy jde] tks /kkjk 149 ds v/khu m/kkj ds izfrlank; ds iz;kstu ds fy, mi;ksftr dj yh x;h gSA

¼2½ ,sls izR;sd okf"kZd fooj.k dh izfr eq[; uxjikfyd vf/kdkjh }kjk jkT; ljdkj dks izLrqr dh tk;sxhA

151- fu{ksi fuf/k;ksa dh okf"kZd ijh{kk-& ¼1½ bl vf/kfu;e ds v/khu LFkkfir leLr fu{ksi fuf/k;ka laijh{kd }kjk okf"kZd ijh{kk ds v/;/khu gksaxh] tks ;g vfHkfuf'pr djsxk fd D;k ,slh fu{ksi fuf/k;ksa ls lacaf/kr udn vkSj izfrHkwfr;ksa dk ewY; ,slh jde ds cjkcj gS tks ,slh fu{ksi fuf/k esa tek gksuh pkfg,] D;k /kkjk 148 ds v/khu fofu/kku fu;fer :i ls dj fn;k x;k gS vkSj D;k ,sls fofu/kku ls mn~Hkwr gksus okyk C;kt fu;fer :i ls vfHkizkIr fd;k x;k gSA

¼2½ ml jde dh x.kuk] tks fdlh fu{ksi fuf/k esa tek gksuh pkfg,] /kkjk 145 ds v/khu ,slh fu{ksi fuf/k esa lanRr dh x;h jkf'k ds vk/kkj ij dh tk;sxhA

¼3½ fu{ksi fuf/k ls lacaf/kr izfrHkwfr;ksa dk ewY;] ,slh izfrHkwfr;ksa dk orZeku ewY; gksxk] tc rd fd ,slh izfrHkwfr;ka ifjiDork ls igys gh muds vafdr ewY; ij ;k mlls Åij ekspu ds fy, 'kks/; ugha gks tk;sa] ftl n'kk esa mudk ekspu ewY; gh orZeku ewY; ekuk tk;sxkA ¼4½ uxjikfydk fdlh fu{ksi fuf/k esa ,slh jde rqjUr lanRr djsxh ftldks laijh{kd ,slh fu{ksi fuf/k ds laca/k esa de gksuk izekf.kr djs tc rd fd jkT; ljdkj ,slh deh dk Øfed iqulZek;kstu fof'k"Vr% eatwj u djsA

¼5½ ;fn fu{ksi fuf/k esa tek udn vkSj izfrHkwfr;ksa dk ewY; ml jde ls vf/kd gks tks ,slh fu{ksi fuf/k esa gksuh pkfg, rks laijh{kd ,slh vkf/kD; jkf'k dh jde dks izekf.kr djsxk vkSj uxjikfydk rnqijkar

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼153½ ,slh vkf/kD; jkf'k dks uxjikfyd fuf/k ds lk/kkj.k [kkrs esa varfjr djsxhA

¼6½ ;fn mi&/kkjk ¼4½ ;k mi&/kkjk ¼5½ ds v/khu fdlh izEkk.ki= esa fufnZ"V fdlh deh ;k vkf/kD; dh 'kq)rk ds ckjs esa dksbZ fookn mRiUu gks rks uxjikfydk ,slh deh ds lank; ;k] ;FkkfLFkfr] ,sls vkf/kD; ds varj.k ds i'pkr~ ekeyk jkT; ljdkj dks fufnZ"V djsxh ftldk ml ij fofu’p; vafre gksxkA

v/;k; 9

okf.kfT;d ifj;kstuk,a] futh {ks= lgHkkfxrk djkj vkSj vU; vfHkdj.kksa dks leuqns’ku

152- okf.kfT;d ifj;kstuk,a vkSj muls izkfIr;ka-& uxjikfydk ;k rks Lo;a ;k lkoZtfud ;k futh {ks= ds vfHkdj.kksa ds ek/;e ls ftyk dsUnzksa] 'kkWfiax lsaVjksa] cl ;k Vªd VfeZuyksa vkSj okf.kfT;d ifjljksa lfgr i;ZVd cklksa vkSj okf.kfT;d vk/kkj ij fdlh vU; izdkj dh okf.kfT;d ifj;kstukvkasa dks lfEefyr djrs gq, okf.kfT;d volajpuk ifj;kstukvksa ds ;kstuk cukus] lafuekZ.k] izpkyu] j[k&j[kko ;k izca/k dk ftEek ys ldsxhA

153- uxjikfydk ;k fdlh vU; vfHkdj.k }kjk ifj;kstuk dk fTkEek ysuk-& bl vf/kfu;e esa vU;= vUrfoZ"V fdlh ckr ds gksus ij Hkh] fdUrq uxjikfyd volajpuk vkSj lsokvksa dh ;kstuk] fodkl] izpkyu] j[k&j[kko vkSj izca/k ls lacaf/kr fdlh Hkh jkT; fof/k ds mica/kksa ds v/;/khu jgrs gq,] dksbZ uxjikfydk /kkjk 45] /kkjk 46 vkSj /kkjk 47 esa fofufnZ"V vius ÑR;ksa ds fuoZgu esa]&

¼d½ uxjikfydk dh ,slh ifj;kstuk ds foRriks"k.k] lfUuekZ.k] j[k&j[kko vkSj izpkyu esa fdlh dEiuh] QeZ] lkslkbVh]

9 ¼154½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

U;kl ;k fdlh fuxfer fudk; ;k fdlh laLFkk] ;k fdlh ljdkjh vfHkdj.k ;k rRle; izo`Rr fdlh fof/k ds v/khu fdlh vfHkdj.k dh lgHkkfxrk ls uxjh; volajpuk ;k lsokvksa ds iznk; ds fy, fdlh ifj;kstuk dh ftEesnkjh ysus dks] mldh ykxr ij fopkj fd;s fcuk] izksRlkfgr dj ldsxh]

¼[k½ fdlh dEiuh] ;k QeZ] ;k lkslkbVh] ;k fuxfer fudk; }kjk fdlh futh {ks= lgHkkfxrk djkj ds fuca/kuksa ds vuqlkj] ;k ,sls fdlh vfHkdj.k ds lkFk la;qä :i ls] uxjh; volajpuk ;k lsokvksa ls lacaf/kr fdlh ifj;kstuk dh ftEesnkjh fy, tkus ij fopkj dj ldsxh vkSj mldk vuqeksnu dj ldsxh] vkSj

¼x½ fdlh laLFkk] ;k ljdkjh vfHkdj.k ;k rRle; izo`Rr fdlh Hkh vU; fof/k ds v/khu fdlh vfHkdj.k }kjk] ;k ,sls fdlh vfHkdj.k ds lkFk la;qDr :i ls] uxjh; volajpuk ;k

lsokvksa ls lacaf/kr fdlh ifj;kstuk dh ftEesnkjh fy,s tkus ij fopkj dj ldsxh vkSj mldk vuqeksnu dj ldsxhA

154- futh {ks= lgHkkfxrk djkjksa ds izdkj-&¼1½ futh {ks= lgHkkfxrk djkj ,sls gksaxs] tks fofgr fd;s tk;saA

¼2½ bl /kkjk ds iwoZxkeh mica/kksa dh O;kidrk ij izfrdwy izHkko Mkys fcuk] ,sls djkjksa esa fuEufyf[kr lfEefyr gksaxs%&

¼d½ fuekZ.k&LokfeRo&izpkyu&varj.k djkj]

¼[k½ fuekZ.k vkSj varj.k djkj]

¼x½ fuekZ.k&iV~Vk&varj.k djkj]

¼?k½ fuekZ.k&izpkyu&varj.k djkj]

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼155½ ¼3½ iV~Vk vkSj izca/k djkj]

¼p½ izca/k djkj]

¼N½ iquokZl&izpkyu&varj.k djkj]

¼t½ iquokZl&LokfeRo&izpkyu&varj.k&djkj]

¼>½ lsok lafonk djkj] vkSj

¼¥½ iznk;&izpkyu&varj.k djkjA

155- uxjikfydk ;k vU; vfHkdj.kksa dks leuqnsf'kr ÑR;-& /kkjk 47 ds v/khu leuqnsf'kr vius nkf;Roksa ds fuoZgu esa uxjikfydk] tc dHkh Hkh yksdfgr esa ,slk fd;k tkuk leqfpr le>s]&

¼d½ vius fdUgha Hkh nkf;Roksa dk Lo;a fuoZgu dj ldsxh] ;k ¼[k½ jkT; ljdkj ds iwoZ vuqeksnu ls] ,sls fuca/kuksa vkSj 'krksZa ij tks djkj esa micaf/kr fd;s tk;sa dksbZ futh {ks= lgHkkfxrk djkj dj ldsxhA

v/;k; 10

vkfFkZd vkSj fodkl ;kstuk

156- uxj fodkl ;kstuk-&¼1½ izR;sd uxjikfydk ,slh fu;rdkfydrk dh] vkSj ,sls v/;k;kas] lkexzh vkSj Ldheksa dks vUrfoZ"V djus okyh] tks jkT; ljdkj }kjk bl fufeRr cuk;s x;s fu;eksa }kjk fofgr dh tk;sa] ,d uxj fodkl ;kstuk cuk;sxhA uxj fodkl ;kstuk ftyk dyDVj vkSj ljdkj ds fuEufyf[kr foHkkxksa ds vU; ftyk Lrjh; vf/kdkfj;ksa ds ijke'kZ ls rS;kj dh tk;sxh] vFkkZr~%&

¼i½ lkoZtfud fuekZ.k foHkkx(

¼ii½ tu LokLF; vfHk;kfU=dh foHkkx(

¼iii½ flapkbZ foHkkx(

¼iv½ fpfdRlk ,oa LokLF; foHkkx(

155

9 ¼156½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼v½ f'k{kk foHkkx(

¼vi½ LFkkuh; Lok;Ùk 'kklu foHkkx(

¼vii½ ;kstuk foHkkx(

¼viii½ uxj lq/kkj U;kl@uxj fodkl izkf/kdj.k] ;fn dksbZ gks(vkSj
¼ix½ dksbZ vU; foHkkx ;k vfHkdj.k] ftlls uxjikfydk ijke'kZ djuk vko';d le>sA
¼2½ uxjikfydk uxj fodkl ;kstuk dh rS;kjh ds fy, ftyk dyDVj ds leUo; esa iwoksZDRk foHkkxksa dh lgk;rk ls fo'ks"kKksa vkSj Kkuoku O;fDr;ksa ls lgk;rk ys ldsxhA
¼3½ ml n'kk esa tgka uxjikfydk fdlh egkuxj {ks= dk dksbZ Hkkx gS] mi&/kkjk ¼1½ ds v/khu rS;kj dh x;h uxj fodkl ;kstuk] egkuxj {ks= fodkl ;kstuk esa lfEefyr fd;s tkus ds fy, egkuxj ;kstuk lfefr dks Hksth tk;sxh(vkSj leLr vU; n'kkvksa esa] og ftyk ekLVj ;kstuk eas lfEefyr fd;s tkus ds fy, ftyk ;kstuk lfefr dks Hksth tk;sxhA
¼4½ egkuxj ;kstuk lfefr ;k] ;FkkfLFkfr] ftyk ;kstuk lfefr] lfefr esa vkSj lacaf/kr uxjikfydk ds lkFk lE;d~ fopkj&foe'kZ djus ds i'pkr] uxj fodkl ;kstuk ;k ,slh ;kstuk ds ,sls rRoksa dks] ftUgsa og leqfpr le>s] egkuxj {ks= fodkl ;kstuk ;k] ;FkkfLFkfr] ftyk ekLVj fodkl ;kstuk esa lfEefyr djsxh(vkSj rRi'pkr~ og vius }kjk rS;kj dh x;h ;kstuk dks jkT; ;kstuk esa lfEefyr fd;s tkus ds fy, vkSj ;kstuk ds fUk"iknu ds fy, ljdkj ls lalk/kuksa ds vkcaVu ds fy, jkT; ljdkj dks izLrqr djsxhA

egkuxj ;kstuk ds fy, lfefr-& ¼1½ lEiw.kZ egkuxjh; {ks= ds fy, fodkl ;kstuk izk:Ik rS;kj djus ds fy, 10 yk[k ;k vf/kd dh tula[;k okys izR;sd egkuxjh; {ks= esa ,d egkuxj ;kstuk lfefr xfBr dh tk;sxh] ftls bl /kkjk esa blds i'pkr~ ^lfefr* ds :i esa fufnZ"V fd;k x;k gSA ;g ;kstuk ^^egkuxj{ks= fodkl ;kstuk** ds uke ls tkuh tk;sxhA
¼2½ lfefr esa brus lnL; gksaxs] ftrus jkT; ljdkj }kjk le;≤ ij jkti= esa vf/klwpuk }kjk fu;r fd;s tk;saA
¼3½ lfefr ds lnL;ksa dh dqy la[;k bl izdkj fu;r djus esa jkT; ljdkj Øe'k% ukefunZsf'kr lnL;ksa vkSj fuokZfpr lnL;ksa dh la[;k fofufnZ"V djsxh% ijUrq ,slh lfefr ds lnL;ksa ds nks&frgkbZ ls vU;wu] egkuxjh; {ks= esa dh uxjikfydkvksa ds fuokZfpr lnL;ksa vkSj iapk;rksas ds v/;{kksa }kjk] vkSj muesa ls] ,sls egkuxjh; {ks= esa ds uxjikfyd {ks= dh tula[;k vkSj ml {ks= esa dh iapk;rksa dh tula[;k ds chp ds vuqikr eas fuokZfpr fd;s tk;asxsA
¼4½ fuokZfpr lnL; ,slh jhfr ls pqus tk;saxs] tks jkT; ljdkj }kjk bl fufeRr fojfpr fu;eksa esa fofgr dh tk;sA
¼5½ ukefunsZf'kr lnL;ksa esa&
¼d½ Hkkjr ljdkj dk izfrfuf/kRo djus okys O;fDRk(
¼[k½ jkT; ljdkj dk izfrfuf/kRo djus okys O;fDr(
vkSj
¼x½ ,sls laxBuksa vkSj laLFkkvksa dk] ftudh jkT; ljdkj }kjk igpku dh tk;s] izfrfuf/kRo djus okys O;fDr] gks ldasxsA

9 ¼158½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼6½ mi&/kkjk ¼5½ esa fufnZ"V O;fDRk;ksa dk ukefunsZ'ku jkT; ljdkj }kjk fd;k tk;sxk] rFkkfi] og bl 'krZ ds v/;/khu gksxk fd Hkkjr ljdkj dk ;k dsUnzh; ljdkj ds fdlh Hkh laxBu ;k LakLFkk dk izfrfuf/kRo djus okys O;fDr;ksa ds ekeys esa Hkkjr ljdkj dh iwoZ lgefr izkIr dh tk;sxhA

¼7½ ukefunsZ'ku ;k rks uke ls ;k inkfHk/kku ls fd;k tk ldsxkA

¼8½ lfefr ds] &

¼i½ egkuxjh; {ks= ds fy, ;kstuk vkSj leUo; ds lEcU/k esa ,sls d`R; gksaxs] tks mls jkT; ljdkj }kjk leuqfn"V fd;s tk;sa(vkSj

¼ii½ ,slh 'kfDr;ka vkSj d`R; gksaxs tks mls bl v/;k; ds iz;kstuksa dks dk;kZfUor djus ds fy, jkT; ljdkj }kjk iznRr ;k izR;k;ksftr ;k U;Lr fd;s tk;saA ¼9½ lfefr dk v/;{k jkT; ljdkj }kjk ukefufnZ"V fd;k tk;sxkA

¼10½ izR;sd egkuxjh; ;kstuk lfefr] egkuxj {ks= fodkl ;kstuk dk izk:Ik rS;kj djrs le; fuEufyf[kr dks /;ku eas j[ksxh%& ¼i½ egkuxjh; {ks= dh uxjikfydkvksa vkSj iapk;rksa }kjk rS;kj dh x;h ;kstuk,a(

¼ii½ iapk;rksa vkSj uxjikfydkvksa ds chp ds lkekU; fgr ds fo"k;] ftlesa {ks= dh lefUor LFkkfud ;kstuk] ty vkSj vU; HkkSfrd vkSj izkd`frd lalk/kuksa dh fgLlsnkjh] volajpuk dk ,dhd`r fodkl vkSj Ik;kZoj.k laj{k.k lfEefyr gSa(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼159½ ¼iii½ Hkkjr ljdkj vkSj jkT; ljdkj }kjk fu/kkZfjr lexz y{; vkSj izkFkfedrk,a(vkSj

¼iv) Hkkjr ljdkj ds vkSj jkT; ljdkj ds vfHkdj.kksa }kjk egkuxjh; {ks= esa fd;s tkus ds fy, laHkkfor fofu/kkuksa vkSj vU; miyC/k lalk/kuksa dk] pkgs os foRrh; gksa ;k vU;Fkk] foLrkj vkSj Lo:iA

¼11½ izR;sd egkuxjh; ;kstuk lfefr dk v/;{k] ,slh lfefr }kjk ;Fkkizk:fir egkuxjh; {ks= fodkl ;kstuk dks jkT; ljdkj dks vxzsf"kr djsxkA

Li"Vhdj.k-& bl v/;k; ds iz;kstuksa ds fy, lk/kkj.kr% in ^^egkuxjh; {ks=^^ vkSj ^^iapk;r** ds vFkZ Øe'k% ogh gkasxs tks mUgsa Hkkjr ds lafo/kku ds vuqPNsn 243r eas leuqfn"V fd;s x;s gaSA

158- ftyk ;kstuk ds fy, lfefr-& jktLFkku iapk;rh jkt vf/kfu;e] 1994 ¼1994 dk vf/kfu;e la- 13½ dh /kkjk 121 ds micU/kkas ds v/khu xfBr dh x;h ftyk ;kstuk lfefr Hkkjr ds lafo/kku ds vuqPNsn 243 ;?k ds v/khu xfBr dh x;h lfefr le>h tk;sxhA

v/;k; 11

uxjh; fodkl vkSj uxj ;kstuk

159- ukxfjd losZ{k.k vkSj ekLVj fodkl ;kstuk RkFkk vU; ;kstuk,a rS;kj djuk-& ¼1½ RkRle; izo`Rr fdlh Hkh vU; fof/k ds mica/kksa ds v/;/khu jgrs gq,] uxjikfydk] uxj ds fu;ksftr vkSj lesfdr fodkl vkSj Hkwfe ds larqfyr mi;ksx dks lqfuf'pr djus dh n`f"V ls uxj dk ,d foLr`r losZ{k.k djok;sxh vkSj ekLVj fodkl

9 ¼160½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ;kstuk vkSj dkuwu }kjk visf{kr vU; ;kstuk,a rS;kj djsxhA uxjikfydk bl iz;kstu ds fy, egkuxj ;kstuk lfefr ;k] ;FkkfLFkfr] ftyk ;kstuk lfefr ds lkFk&lkFk jkT; ds eq[; uxj fu;kstd ls Hkh leUo; LFkkfir djsxhA blesa of.kZr ;kstuk,a fuEufyf[kr le;&ifjizs{; esa rS;kj dh tk;saxh] vFkkZr~%&

¼i½ ekLVj fodkl ;kstuk&chl o"kZ dh dkykof/k ds fy,(

¼ii½ fu"iknu ;kstuk& ikap o"kZ dh dkykof/k ds fy,(vkSj

¼iii½ okf"kZd uxjikfyd dk;Z ;kstuk&,d o"kZ dh dkykof/k ds fy,A

¼2½ ekLVj fodkl ;kstuk] fu"iknu ;kstuk vkSj okf"kZd uxjikfyd dk;Z ;kstuk ds vfrfjä uxjikfydk izR;sd okMZ ds fy,] ,slh vU; ;kstuk,a rS;kj dj ldsxh tks og leqfpr le>s ;k tSlk jkT; ljdkj le;≤ ij funs'k nsA

¼3½ ekLVj fodkl ;kstuk uxjikfydk ds fodkl'khy {ks= dh vko';drkvksa dk fgrlk/ku djus ds fy, yksd mi;ksfxrkvksa] ukxfjd lqfo/kkvksa] lkeqnkf;d izlqfo/kkvksa] vkokl] lapkj vkSj ;krk;kr ds usVodZ] izkd`frd lalk/kuksa ds laj{k.k vkSj fodkl dh ifj;kstukvksa ;k Ldheksa ds fy, le;c) fodkl dks la{ksi esa Li"V djsxh vkSj tgka visf{kr gks ogka fuEufyf[kr ekeyksa ds fy, mica/k dj ldsxh& ¼i½ ;krk;kr vkSj lapkj] tSls lM+d] jktekxZ] jsy] ugjsa]

vUrjjk"Vªh; gokbZ vM~Mksa] ,;jdkxksZ dkEIysDl vkSj cl lsok] muds fodkl dks lfEefyr djrs gq,(

¼ii½ fo|qr vkSj xSl dks lfEefyr djrs gq, tyiznk;] ty&fudkl] ey&ogu] eyfuLrkj.k vkSj vU; yksd mi;ksfxrk,a] lq[k&lqfo/kk,a vkSj lsok,a(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼161½

¼iii½ izkd`frd n`';koyh] 'kgjh ou] oU; thou] izkd`frd lalk/kuksa vkSj Hkw&n`'; fp=.kksa ds {ks=ksa dk ifjj{k.k] laj{k.k vkSj fodkl(

¼iv) ,sfrgkfld] izkd`frd] LFkkiR; ;k oSKkfud #fp vkSj 'kSf{kd ewY; dh oLrqvksa] vkd`fr;ksa] lajpukvksa vkSj LFkkuksa dk ifjj{k.k(

¼v½ Hkw{kj.k dk fujks/k] ouhdj.k vkSj iqu% ouhdj.k dk mica/k] tykfHkeq[k {ks=ksa] ufn;ksa] ukfy;ksa] >hyksa vkSj tyk'k;ksa dk lq/kkj(

¼vi½ flapkbZ] tyiznk; vkSj ty&fo|qr ladeZ] ck<+ fu;a=.k

vkSj ty rFkk ok;q iznw"k.k dk fujks/k(

¼vii½ 'kSf{kd vkSj fpfdRlh; lqfo/kk,a(

¼viii½ ftyk O;kikj dsUnz] vU; 'kkWfiax dkEIysDl] fu;kZrksUeq[kh vkS|ksfxd {ks= vkSj fDy;fjax gkml] LFkk;h izn'kZuh dsUnz] i'kq esys vkSj cktkj(

¼ix½ jk"Vªh; vkSj vUrjjk"Vªh; Li/kkZ,a djkus ;ksX; [ksydwn vkSj LiksV~Zl dkEIysDl(

¼x½ euksjatu ikdZ] ftlesa d`f=e >hysa vkSj tyk'k; lfEefyr gSa(

¼xi½ lkaLd`frd dkEIysDl] ftlesa ukV~;'kkyk] flusek?kj] LVwfM;ks] vkeksn&izeksn ds dsUnz] dkaQzsal gkWy dkEIysDl] dUlVZ gkWy] Vkmu gkWy vkSj vksfMVksfj;k lfEefyr gaS(

¼xii½ i;ZVd dkEIysDl] ftlesa gksVy vksj eksVy] dkj HkkMk+ lEcU/kh lsok,a] laxfBr Vwj vkSj Vªsd lfEefyr gaS(

9 ¼162½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼xiii½ fHkUu&fHkUu mi;ksxksa ds fy, Hkwfe dk vkcaVu] Hkwfe dk lk/kkj.k forj.k vkSj lk/kkj.k vofLFkfr vkSj og lhek] ftl rd Hkwfe vkoklh;] okf.kfT;d] vkS|ksfxd d`f"k] ;k ou ds :i esa ;k [kfut fu"d"kZ.k ds fy, ;k vU; iz;kstuksa ds fy, iz;qDr dh tk ldsxh(

¼xiv½ [kqys LFkkuksa] m|kuksa] euksjatu dsUnzksa] fpfM+;k?kjksa] uspj&fjtoZ] i'kq vHk;kj.;] Ms;jh vkSj LOkkLF; fjlksVZ vkSj vU; iz;kstuksa ds fy, {ks=ksa dk vkj{k.k(

¼xv½ vf/kd tula[;k vkSj vkS|ksfxd :i ls ladqfyr {ks=ksa ls tula[;k ;k m|ksxksa dk LFkku ifjorZu vkSj tula[;k ds ?kuRo ;k ladqfpr {ks=ksa dk vadu rFkk ,sls {ks= esa vuqKkr fd;s tkus okys tula[;k ?kuRo ;k m|ksx ladsUnz.k dk vadu(

¼xvi½ vkoklu(

¼xvii½ uhps] nynyh ;k vLokLF;dj {ks=ksa dks Hkjuk ;k mudk iqu#)kj djuk ;k Hkwfe;ksa dks lery djuk(vkSj

¼xviii½ fo|eku fufeZr {ks=ksa dk iqu% fodkl vkSj lq/kkjA

¼4½ ekLVj fodkl ;kstuk] tgka visf{kr gks] mu fofHkUu tksuksa dks Hkh ifjHkkf"kr dj ldsxh ftuesa uxjikfydk fodkl ds iz;kstuksa ds fy, foHkkftr dh tk ldsxh vkSj ,slh jhfr minf'kZr dj ldsxh ftlesa fodklkRed dk;Z fd;s tkus gSa] vkSj ,slh jhfr minf'kZr dj ldsxh ftlesa izR;sd tksu esa Hkwfe dk mi;ksx fd;k tkuk izLrkfor gS ¼pkgs mlesa fodklkRed dk;Z djrs gq, ;k vU;Fkk½ vkSj mu izØeksa dks minf'kZr dj ldsxh ftuesas ,slk dksbZ fodklkRed dk;Z fd;k tk;sxk

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼163½ vkSj ml vk/kkjHkwr izfreku <+kaps ds :i esa dk;Z djsxh ftlds vUrxZr fofHkUu tksuksa

ds fy, tksu fodkl ;kstuk,a rS;kj dh tk ldsaxh%

ijUrq uxjikfydk] ;fn og yksdfgr esa ,slk djuk vko';d le>s rks fdlh tksu ds {ks= dks ifjofrZr dj ldsxhA

¼5½ uxjikfydk Åij of.kZr dkuwu }kjk visf{kr vU; ;kstukvksa ds ekeys esa muesa lfEefyr dh tkus okyh fodkl dh enksa vkSj visf{kr losZ{k.kksa dh lhek ds ckjs esa fofu'p; dj ldsxhA

¼6½ bl /kkjk esa varfoZ"V fdlh ckr ds gksus ij Hkh] uxjikfydk ekLVj fodkl ;kstuk esa lfEefyr fdlh Ldhe dk] mlds foRrh; lalk/kuksa dh miyC/krk dks /;ku esa j[krs gq,] ftEek ys ldsxhA

160- ;kstuk rS;kj djus vkSj mldh eatwjh ds fy, viuk;h tkus okyh izfØ;k-& ¼1½ fdlh Hkh ;kstuk dks vafre :i ls rS;kj djus ds iwoZ uxjikfydk ;kstuk dk ,d izk:i rS;kj djsxh vkSj mldh ,d izfr fujh{k.k ds fy, miyC/k djk;h tkdj] ;kstuk ds laca/k esa fdlh Hkh O;fDr ds vk{ksiksa vkSj lq>koksa dks] ,slh rkjh[k ds iwoZ] tks uksfVl esa fofufnZ"V dh tk;s] vkeaf=r djrs gq, ,d uksfVl ,sls iz:i esa vkSj jhfr ls izdkf'kr djrs gq,] tks mi&fof/k;ksa }kjk vo/kkfjr dh tk;s] izdkf'kr djsxhA

¼2½ uxjikfydk] ;fn og leqfpr le>s] izk:i ;kstuk dks vafre :i nsus ds iwoZ ml ij fopkj djus ds fy, fuEufyf[kr lnL;ksa ls feydj cuh ,d lykgdkj lfefr dk xBu dj ldsxh%&

¼i½ uxjikfydk ds leLr lnL;(

¼ii½ m|ksx] okf.kT; vkSj O;kikj rFkk o`fRr;ksa ds laxeksa ds izfrfuf/k(

¼iii½ uxj esa vofLFkr 'kSf{kd laLFkkuksa ls Ng izfrfuf/k(

9 ¼164½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

¼iv½ uxj esa vofLFkr izeq[k xSj&ljdkjh laxBuksa ls Ng izfrfuf/k(vkSj

¼v½ uxj ds dksbZ Hkh vU; Ng izeq[k ukxfjdA

¼3½ lykgdkj lfefr ds leLr vk{ksiksa] lq>kokas] vH;kosnuksa vkSj fLkQkfj'kksa] ;fn dksbZ gksa] ij fopkj djus ds i'pkr~ uxjikfydk ;kstuk dks vuqeksnu ds fy, jkT; ljdkj ds ikl Hkstsxh vkSj jkT; ljdkj dk vuqeksnu izkIr gksus ds i'pkr~ ;kstuk dks vafre :i ls eatwj djsxhA

¼4½ ;kstuk ds iz:i vkSj varoZLrq rFkk viuk;h tkus okyh izfØ;k ds laca/k esa vkSj ,slh ;kstuk ds RkS;kj fd;s tkus vkSj eatwjh ls lacaf/kr fdlh Hkh vU; ekeys ds laca/k esa mica/k mi&fof/k;ksa }kjk fd;s tk ldsaxsA

161- ;kstuk ds izorZu dh rkjh[k-& uxjikfydk }kjk ;kstuk eatwj fd;s tkus ds rqjar i'pkr~ mls yksd uksfVl }kjk ;g mYys[k djrs gq, fd ;kstuk dk vuqeksnu fd;k tk pqdk gS vkSj ml LFkku dk uke nsrs gq,] tgka ;kstuk dh izfr dk leLr leqfpr dkyka'kksa esa fujh{k.k fd;k tk ldrk gS] izdkf'kr fd;k tk;sxk vkSj mi;qZDr uksfVl ds izFke izdk'ku dh rkjh[k dks ;g ;kstuk izorZu esa vk tk;sxhA 162- ;kstuk dk i'pkr~orhZ mikarj.k-& ¼1½ /kkjk 161 ds mica/kksa ds vuqlkj ;kstuk ds izorZu esa vkus ds i'pkr~ fdlh Hkh le; uxjikfydk] jkT; ljdkj ds iwoZ vuqeksnu ls] ;kstuk esa ,sls dksbZ Hkh mikUrj.k dj ldsxh] tks og Bhd le>s] ,sls mikUrj.k tks

mldh jk; esa ;kstuk ds Lo:i esa rkfRod mikUrj.k ugha djrs gSa vkSj tks Hkwfe ds mi;ksxksa dh lhek ;k tula[;k ?kUkRo ds ekudksa ls lacaf/kr ugha gSaA ¼2½ ;kstuk esa dksbZ Hkh mikUrj.k djus ds iwoZ uxjikfydk] ,slh rkjh[k ds iwoZ] tks uksfVl esa fofufnZ"V dh tk;s] vk{ksi vkeaf=r djrs 164 Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼165½ gq,] uksfVl izdkf'kr djsxh vkSj mu leLr vk{ksiksa vkSj lq>koksa ij fopkj djsxh] tks uxjikfydk dks izkIr gksaA

¼3½ bl /kkjk ds mica/kkas ds v/khu fd;k x;k izR;sd mikUrj.k izdkf'kr fd;k tk;sxk vkSj og mikUrj.k ;k rks izdk'ku dh rkjh[k ls ;k ,slh rkjh[k ls] tks uxjikfydk jkti= esa izdkf'kr uksfVl }kjk fu;r djs] izorZu esa vk;sxk rnqijkar mikUrfjr ;kstuk bl vf/kfu;e ds leLr vk'k;ksa vkSj leLr iz;kstuksa ds fy, izorZu esa vk;sxhA

¼4½ fdlh Hkh mikUrfjr ;kstuk ds izorZu esa vkus ij bl v/;k; dh iwoZxkeh /kkjkvksa ds flok;] fdlh Hkh vU; /kkjk esa ekLVj fodkl ;kstuk ;k fdlh Hkh vU; ;kstuk ds izfr funsZ'k dks bl /kkjk ds mica/kksa ds v/khu ;Fkk&mikUrfjr ekLVj fodkl ;kstuk ;k] ;FkkfLFkfr] fdlh Hkh vU; ;kstuk ds izfr funsZ'k ds :i esa vFkkZfUor fd;k tk;sxkA ¼5½ bl /kkjk ds v/khu ;kstuk dk dksbZ Hkh mikUrj.k rc rd ugha fd;k tk;sxk tc rd fd jkT; ljdkj }kjk mldk vafre :i ls vuqeksnu u gks tk;sA

163- ;kstuk dk fØ;kUo;u-& fdlh Hkh ;kstuk ds izorZu esa vkus ds i'pkr~ uxjikfydk] ;kstuk ds fØ;kUo;u ds fy, ,slh dkjZokbZ vkjEHk dj ldsxh] tks bl vf/kfu;e ds mica/kksa ds v/;/khu jgrs gq,] vko';d le>h tk;sA

164- bl vf/kfu;e ds iwoZ rS;kj dh x;h ;kstuk,a bl vf/kfu;e ds v/khu rS;kj dh x;h le>h tk;saxh-& bl vf/kfu;e ds izkjaHk ds iwoZ rRle; izo`Rr fdlh Hkh vU; fof/k ds mica/kksa ds v/khu rS;kj dh x;h dksbZ ekLVj fodkl ;kstuk bl vf/kfu;e ds mica/kksa ds v/khu rS;kj dh x;h le>h tk;sxh] ftl ij ekLVj ;kstuk@ekLVj fodkl ;kstuk dh eatwjh] mikUrj.k vkSj izorZu ls lacaf/kr iwoZxkeh /kkjkvksa ds mica/k] ;Fkko';d ifjorZu lfgr] ykxw gksaxs%

9 ¼166½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ijUrq tSls gh bl vf/kfu;e ds mica/kkas ds v/khu dksbZ ;kstuk eatwj dh tkrh gS] fof/k ds fdUgha Hkh vU; mica/kksa ds v/khu uxjikfydk ds fy, eatwj fdlh ekLVj fodkl ;kstuk izorZu esa ugha jgsxhA

165- ;kstuk dk iqujh{k.k-& bl vf/kfu;e esa varfoZ"V fdlh ckr ds gksus ij Hkh] ;fn jkT; ljdkj ;k uxjikfydk dh] ml rkjh[k ls nl o"kZ ds Hkhrj] ftldks dksbZ ;kstuk bl vf/kfu;e ds v/khu izorZu esa vkrh gS] dHkh Hkh ;g jk; gks fd ,slh ;kstuk dk iqujh{k.k vko';d gS rks jkT; ljdkj uxjikfydk dks iqujh{k.k dk funs'k ns ldsxh ;k uxjikfydk Loizsj.kk ls] u;k ukxfjd losZ{k.k] ;fn vko';d gks] djokus vkSj fo|eku Hkw&mi;ksx ekufp= rS;kj djokus ds i'pkr~ ,slh ;kstuk dk iqujh{k.k dj ldsxh vkSj rnqijkar bl v/;k; ds iwoZxkeh mica/k] tgak rd os ykxw fd;s tk ldsa] ,slh ;kstuk ds iqujh{k.k ij oSls gh ykxw gksaxs tSls os fdlh ;kstuk dh rS;kjh] izdk'ku vkSj eatwjh ds laca/k esa ykxw gksrs gSaA

166- fodkl {ks=ksa dh ?kks"k.kk -& ¼1½ /kkjk 161 esa micfU/kr :i ls fdlh ;kstuk ds izorZu esa vkus ds i'pkr~ ;FkklaHko 'kh?kz uxjikfydk] jkT; ljdkj ds vuqeksnu ls vkSj jkti= esa vf/klwpuk }kjk] bl vf/kfu;e ds iz;kstuksa ds fy, uxj esa fdlh Hkh {ks= dks fodkl {ks= ?kksf"kr dj ldsxhA

¼2½ jkti= esa mi&/kkjk ¼1½ ds v/khu izdkf'kr vf/klwpuk dh rkjh[k dks ;k mlds i'pkr~ dksbZ Hkh O;fDr uxjikfydk dh fyf[kr vuqKk ds fcuk fdlh Hkwfe dk mi;ksx vkjaHk ;k mlesa ifjorZu ugha djsxk ;k Hkwfe ij dksbZ Hkh fodkl dk;Z ugha djsxk%

ijUrq fuEufyf[kr ds fy, ,slh dksbZ vuqKk vko';d ugha gksxh%& Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼167½ ¼i½ fdlh Hkou ds j[k&j[kko] lq/kkj ;k mlesa vU; ifjorZu ds fy, ,sls ladeksZa ds dk;kZUo;u ds fy, tks Hkou ds dsoy vkarfjd Hkkx dks izHkkfor djrs gksa ;k tks mlds cká Lo:i dks rkfRod :i ls izHkkfor ugha djrs gksa(¼ii½ rRle; izo`Ùk fdlh Hkh fof/k ds v/khu fdlh Hkh izkf/kdkjh }kjk fn;s x;s fdlh Hkh vkns'k ;k funs'k ds vuqikyu esa fd;s tkus okys ladeksZa ds fy,( ¼iii½ rRle; izo`Ùk fdlh Hkh fof/k ds v/khu uxjikfydk }kjk viuh 'kfDr;ksa dk iz;ksx djrs gq, fd;s tkus okys ladeksZa ds fy,(¼iv½ dsUnz ;k jkT; ljdkj ;k fdlh LFkkuh; izkf/kdkjh }kjk fd;s tkus okys ,sls fdUgha ladeksaZ ds fy, tks&

¼d½ fdlh jktekxZ] lM+d ;k yksdekxZ ds j[k&j[kko ;k lq/kkj ds fy, visf{kr gksa vkSj os ,sls ladeZ gksa tks ,sls jktekxZ] lM+d ;k yksdekxZ dh lhekvksa ds Hkhrj dh Hkwfe ij fd;s x;s gksa(vkSj

¼[k½ fdUgha ukfy;ksa] eyukfy;ksa] eq[; iz.kkyksa] ikbiksa] dscyksa] VsyhQksuksa ;k vU; lkf/k=ksa dk fujh{k.k] ejEer ;k uohdj.k djus ds iz;kstu ds fy, gksa(

¼v½ [ksrh djus ds ekewyh vuqØe esa fd;s x;s mR[kUku ¼dqvksa lfgr½ ds fy, gksa(

¼vi½ ,slh fdlh lM+d ds lafuekZ.k ds fy, tks dsoy d`f"k iz;kstuksa ds fy, Hkwfe ij igqapus ds fy, vk'kf;r gks(9 ¼168½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼vii½ ml Hkwfe ds lkekU; mi;ksx ds fy, ftldk vLFkk;h :i ls vU; iz;kstuksa ds fy, mi;ksx fd;k tk jgk gks(vkSj

¼viii½ ,slh Hkwfe ds ekeys esa] ftldk mi;ksx lkekU;r% ,d iz;kstu ds fy, fd;k tkrk gS vkSj ;nkdnk fdlh vU; iz;kstu ds fy, fd;k tkrk gS] ;nkdnk ml vU; iz;kstu ds fy, Hkwfe dk mi;ksx djus ds fy,A

167- vizkf/kd`r fodkl ;k ;kstuk ls vlaxr mi;ksx ds fy, 'kkfLr-& ¼1½ dksbZ

O;fDr] tks Loizsj.kk ls ;k fdlh vU; O;fDr dh izsj.kk ij ,slk dksbZ fodkl izkjEHk djrk gS] fodkl dk nkf;Ro ysrk gS ;k mls dk;kZfUor djrk gS ;k fdlh Hkwfe ds mi;ksx dk ifjorZu djrk gS tks&

¼d½ bl vf/kfu;e ds v/khu visf{kr vuqKk ds fcuk fd;k tkrk gS(;k

¼[k½ eatwj dh x;h fdlh vuqKk ds vuqlkj ugha gS ;k fdlh ,slh 'krZ ds mYya?ku esa gS ftlds v/;/khu ,slh vuqKk eatwj dh x;h Fkh(;k

¼x½ fodkl dh vuqKk dk lE;d~ :i ls izfrlagj.k djus ds i'pkr~ fd;k tkrk gS(;k

¼?k½ ,slh vuqKk ds mYYak?ku esa gS ftldk lE;d~ :i ls mikUrj.k fd;k x;k gS]

nks"kflf) ij] ,sls tqekZus ls] tks ikap gtkj #Ik;s rd dk gks ldsxk] vkSj vijk/k ds tkjh jgus ij ,sls vkSj tqekZus ls] tks izFke ckj ds vijk/k ds fy, nks"kflf) ds i'pkr~ ,sls izR;sd fnol ds fy,] ftlesa vijk/k tkjh jgrk gS] ,d lkS #Ik;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼169½ ¼2½ dksbZ Hkh O;fDr tks bl vf/kfu;e ds mica/kksa ds v/khu ,slk djus dh vuqKk ds fcuk fdlh ;kstuk ds micU/kksa ds mYya?ku esa fdlh Hkwfe ;k Hkou dk mi;ksx tkjh j[krk gS ;k mi;ksx djuk vuqKkr djrk gS] ;k] tgka ,sls mi;ksx dks tkjh j[kus ds fy, bl vf/kfu;e ds v/khu vuqKk nh x;h gks] ogka ,slk mi;ksx ml dkykof/k ds i'pkr~ Hkh] ftlds fy, vuqKk nh x;h Fkh] ;k mu fucU/kuksa vkSj 'krkZsa dk vuqikyu fd;s fcuk] ftuds v/khu ,slk mi;ksx tkjh j[kus dh vuqKk nh x;h gS] tkjh j[krk gS] nks"kflf) ij] ,sls tqekZus ls] tks nks gtkj #i;s rd dk gks ldsxk] vkSj vijk/k tkjh jgus ij ,sls vkSj tqekZus ls] tks izFke ckj ds vijk/k ds fy, nks"kflf) ds i'pkr~ ,sls izR;sd fnol ds fy,] ftlesa ,slk vijk/k tkjh jgrk gS] ikap lkS #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

168- vizkf/kd`r fodkl dks gVkus dh vis{kk djus dh 'kfDr-& ¼1½ tgka Hkwfe dk dksbZ fodkl /kkjk 167 dh mi&/kkjk ¼1½ esa minf'kZrkuqlkj fd;k x;k gks ogka uxjikfydk bl /kkjk ds micU/kksa ds v/;/khu jgrs gq,] Lokeh dks uksfVl ns ldsxh] ftlesa mlls vis{kk dh tk;sxh fd og uksfVl dh rkehy ds i'pkr~ mlesa fofufnZ"V ,slh dkykof/k ds Hkhrj&Hkhrj tks ,d ekl ls vf/kd dh ugha gksxh] fuEufyf[kr esa ls ,sls dne mBk, tks uksfVl esa fofufnZ"V fd;s tk;as%& ¼d½ /kkjk 167 dh mi&/kkjk ¼1½ ds [k.M ¼d½ ;k ¼x½ esa fofufnZ"V

ekeyksa esa Hkwfe dks mlh fLFkfr esa izR;kofrZr djuk] tks fLFkfr mDr fodkl ds iwoZ fo|eku Fkh;

¼[k½ /kkjk 167 dh mi&/kkjk ¼1½ ds [k.M ¼[k½ ;k ¼?k½ esa fofufnZ"V

ekeyksa esa 'krkZas ;k ;FkkmikUrfjr vuqKk dk vuqikyu lqfuf'pr djuk%

9 ¼170½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ijUrq tgka uksfVl esa Hkwfe ds fdlh mi;ksx dks jksduk visf{kr gks ogka uxjikfydk

vf/kHkksxh ij Hkh uksfVl dh rkehy djk;sxhA ¼2½ fof'k"Vr;k ,sls uksfVl esa mi&/kkjk ¼1½ ds iz;kstuksa ds fy, vis{kk dh tk ldsxh fd&

¼d½ fdlh Hkou ;k ladeZ dks rksM+ fn;k tk;s ;k mlesa ifjorZu fd;k tk;s(

¼[k½ Hkwfe ij fdlh Hkou dk fuekZ.k ;k vU; lafØ;k,a dh tk;sa(;k

¼x½ Hkwfe ds fdlh mi;ksx dks jksd fn;k tk;sA

¼3½ ,sls uksfVl ls O;fFkr dksbZ Hkh O;fDr uksfVl esa fofufnZ"V dkykof/k ds Hkhrj&Hkhrj vkSj mi&fof/k;ksa }kjk vo/kkfjr jhfr ls] Hkwfe ij fdlh Hkou ;k ladeZ ds izfr/kkj.k ds fy, ;k Hkwfe ds fdlh mi;ksx dks tkjh j[kus ds fy,] ftlls uksfVl lacaf/kr gS] bl vf/kfu;e ds mica/kksa ds v/khu vuqKk ds fy, vkosnu dj ldsxk(vkSj vkosnu dk vfUre :i ls vo/kkj.k yfEcr gksus ;k mls okil ys fy, tkus ds nkSjku Hkouksa ;k ladeZ ds izfr/kkj.k ;k ,sls mi;ksx dks tkjh j[kus ij dsoy uksfVl dk dksbZ izHkko ugha gksxkA

¼4½ vkosfnr vuqKk ;fn eatwj dj nh tkrh gS rks uksfVl izR;kâr ekuk tk;sxk(fdUrq vkosfnr vuqKk ;fn eatwj ugha dh tkrh gS rks uksfVl ;Fkkor cuk jgsxk(;k ;fn ,slh vuqKk dsoy dqN Hkouksa ;k ladeksZa ds izfr/kkj.k ds fy, ;k Hkwfe ds dsoy fdlh Hkkx ds mi;ksx dks tkjh j[ks tkus ds fy, eatwj dh tkrh gS rks uksfVl ,sls Hkouksa ;k ladeksZa ;k Hkwfe ds ,sls Hkkx ds laca/k esa izR;kâr ekuk tk;sxk] fdUrq vU; Hkoukas ;k ladeksZa ;k] ;FkkfLFkfr] Hkwfe ds vU; Hkkxksa ds laca/k esa ;Fkkor cuk jgsxk(vkSj rnqijkar Lokeh ls vis{kk dh tk;sxh fd og

 ¼171½ ,sls vU; Hkouksa] ladeksZa ;k Hkwfe ds Hkkx ds laca/k esa mi&/kkjk ¼1½ ds v/khu uksfVl esa fofufnZ"V dne mBk;sA

¼5½ ;fn uksfVl easa fofufnZ"V dkykof/k ds Hkhrj&Hkhrj ;k mi&/kkjk ¼4½ ds v/khu vkosnu ds fuiVkjs ds i'pkr~ mlh dkykof/k ds Hkhrj&Hkhrj uksfVl dk ;k ftruk og ;Fkkor jgrk gS mldk] vuqikyu ugha fd;k tkrk gS rks uxjikfydk&

¼d½ uksfVl dk vuqikyu u djus ij Lokeh dks vkSj tgka uksfVl eas Hkwfe ds fdlh mi;ksx dks tkjh u j[ks tkus dh vis{kk dh x;h gks ogka fdlh vU; O;fDr dks Hkh] tks Hkwfe dk mi;ksx djrk gS ;k uksfVl ds mYya?ku esa Hkwfe dk mi;ksx djkrk gS ;k mldh vuqKk nsrk gS] vfHk;ksftr dj ldsxh(vkSj

¼[k½ tgka uksfVl esa fdlh Hkou ;k ladeZ dks rksM+ fn;s tkus ;k mlesa ifjorZu djus ;k fdlh Hkou ;k vU; lafØ;kvksa ds fu"iknu dh vis{kk dh x;h gks] ogka Lo;a fodkl gksus ds igys okyh fLFkfr dk izR;korZu djk;sxh vkSj vuqKk dh 'krksZa ;k ;FkkmikUrfjr vuqKk dk vuqikyu lqfuf'pr djkus gsrq fdlh Hkou ;k ladeZ dks rksM+us ;k mlesa ifjorZu djus ;k fdlh fuekZ.k ;k vU; lafØ;k ds fu"iknu lfgr ,sls dne mBk;sxh tks uxjikfydk vko';d le>s(vkSj bl fufeRr mlds }kjk mixr [kpksZa dh jde Lokeh ls Hkw&jktLo dh cdk;k ds :i esa olwy djsxhA

¼6½ mi&/kkjk ¼5½ ds [k.M ¼d½ ds v/khu vfHk;ksftr dksbZ Hkh

O;fDr] nks"kflf) ij] ,sls tqekZus ls] tks ikap gtkj #i;s rd dk gks ldsxk] vkSj vijk/k tkjh jgus ij mls ,sls vkSj tqekZus ls] tks izFke

9 ¼172½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ckj ds vijk/k ds fy, nks"kflf) ds i'pkr~ ,sls izR;sd fnol ds fy,] ftlesa vijk/k tkjh jgrk gS] nks lkS #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

169- vizkf/kd`r fodkl dks jksdus dh 'kfDr-& ¼1½ tgka /kkjk 167 dh mi&/kkjk ¼1½ esa minf'kZrkuqlkj Hkwfe dk dksbZ fodkl fd;k tk jgk gks fdUrq iw.kZ u gqvk gks] ogka uxjikfydk] Lokeh vkSj fodkl djus okys O;fDr ij uksfVl dhs rkehy dh rkjh[k ls Hkwfe ds fodkl dks jksdus dh vis{kk djrs gq, uksfVl rkehy dj ldsxh] vkSj rnqijkar ,sls uksfVl ds laca/k esa /kkjk 168 dh mi&/kkjkvksa ¼3½]¼4½]¼5½ vkSj ¼6½ ds mica/k] tgka rd ykxw gks ldsa] oSls gh ykxw gksaxs] tSls os /kkjk 168 ds v/khu uksfVl ds laca/k esa ykxw gksrs gSaA

¼2½ dksbZ O;fDr] ,sls uksfVl dh rkehy gksus ds Ik'pkr~ Hkh] pkgs Lo;a ds fy, ;k Lokeh ;k vU; fdlh Hkh O;fDr ds fufeŸk Hkwfe dk fodkl djuk tkjh j[krk gS] nks"kflf) ij] ,sls tqekZus ls] tks ikap gtkj #Ik;s rd dk gks ldsxk] vkSj vuuqikyu tkjh jgus ij] uksfVl dh rkehy dh rkjh[k ds Ik'pkr~ izR;sd fnol ds fy,] ftlesa ,slk vuuqikyu tkjh jgk gS ;k jgrk gS] ,sls vkSj tqekZus ls tks ikap lkS #Ik;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

¼3½ bl v/;k; esa vUrfoZ"V fdlh ckr ds gksus ij Hkh] tgka dksbZ O;fDr mi&/kkjk ¼1½ ds v/khu uksfVl izkIr gksus ds Ik'pkr~ Hkh vizkf/kd`r fodkl djuk tkjh j[krk gS] ogka uxjikfydk ;k mlds }kjk bl fufeŸk izkf/kd`r fdlh vf/kdkjh dks] fdlh vfHk;kstu ;k vU; dk;Zokgh ;k dkjZokbZ] tks bl vf/kfu;e ds v/khu izkjEHk dh tk ldrh gks] ds vfrfjDr ,sls O;fDr dks] ftlds }kjk ,slk fuekZ.k dk;Z djuk tkjh j[kk x;k gks vkSj mlds leLr lgk;dksa vkSj deZdkjksa dks ,sls vizkf/kd`r fodkl ds LFkku ls] ,sls le; ds Hkhrj tks v/;is{kk esa

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼173½ fofufnZ"V fd;k tk;s] gVkus ds fy, fdlh iqfyl vf/kdkjh ls vis{kk djus dh 'kfDr gksxh vkSj ,slk iqfyl vf/kdkjh v/;is{kk dk rnuqlkj vuqikyu djsxkA ,sls O;fDRk;ksa dks gVk;s tkus ds vfrfjDr uxjikfydk ,slh lafuekZ.k lkefxz;ksa] vkStkjksa vkfn dks Hkh vf/kâr dj ldsxh ftUgsa ,slk O;fDRk vizkf/kd`r fodkl ds fy, mi;ksx eas ys jgk FkkA

¼4½ mi&/kkjk ¼3½ ds v/khu fdlh v/;is{kk vkns'k dk vuqikyu dj fn;s tkus ds Ik'pkr~] vizkf/kd`r fodkl rRi'pkr~ Hkh tkjh j[kus okyk dksbZ O;fDr ;k mlds lgk;d vkSj deZdkj] nks"kflf) ij] ,sls tqekZus ls] tks ikap gtkj #Ik;s rd dk gks ldsxk] vkSj vijk/k ds tkjh jgus ij ,sls vkSj tqekZus ls] tks izFke ckj ds vijk/k ds fy, nks"kflf) ds Ik'pkr~ ,sls izR;sd fnol ds fy,] ftlesa ,slk vijk/k tkjh jgrk gS] nks lkS #Ik;s rd dk gks ldsxk] n.Muh; gksaxsA

¼5½ bl vf/kfu;e ds v/khu vizkf/kd`r fodkl dks jksdus ds ifj.kkeLo:Ik mBkbZ x;h fdlh Hkh gkfu ds fy, fdlh Hkh O;fDr }kjk fdlh uqdlkuh dk nkok ugha fd;k tk;sxkA

170- vizkf/kd`r vLFkk;h fodkl dk laf{kIrr% gVk;k tkuk ;k jksduk-& ¼1½ bl v/;k; esa blds iwoZ vUrfoZ"V fdlh ckr ds gksus ij Hkh] tgka fdlh O;fDr us /kkjk

167 dh mi&/kkjk ¼1½ esa minf'kZrkuqlkj fdlh vLFkk;h izd`fr dk dksbZ fodkl vizkf/kd`r :i ls fd;k gS] ogka uxjikfydk fyf[kr vkns'k }kjk] ,sls O;fDr dks] ,sls vkns'k dh izkfIr ds iUnzg fnol ds Hkhrj&Hkhrj ;FkkiwoksZDr vizkf/kd`r jhfr ls fufeZr fdlh lajpuk ;k dk;Z dks gVkus ;k Hkwfe ds mi;ksx dks jksdus dk funs'k ns ldsxh vkSj ;fn rRi'pkr~ og O;fDr vkns'k dh vuqikyuk mDr dkykof/k ds Hkhrj&Hkhrj ugha djrk gS rks uxjikfydk ;k mlds }kjk bl fufeÙk izkf/kd`r dksbZ Hkh vf/kdkjh] fcuk fdlh uksfVl ds vkns'k esa ;Fkkfunsf'kr :i ls ,sls dk;Z dks laf{kIrr% gVok ldsxk ;k

9 ¼4174½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ,sls mi;ksx dks laf{kIrr% #dok ldsxk(vkSj iqu% fd;s x;s fdlh Hkh vizkf/kd`r fodkl dks fcuk ;FkkiwoksZDr fdlh Hkh vkns'k ds laf{kIrr% gVk fn;k ;k jksd fn;k tk;sxk%

ijUrq [kM+h Qlysa laf{kIrr% ugha gVk;h tk;saxh vkSj Qlyksa dks dkVus vkSj ,df=r djus ds fy,] uxjikfydk }kjk lacaf/kr O;fDr dks Ng ekl ls vuf/kd dh ;qfDr;qDr dkykof/k vuqKkr dh tk;sxhA ¼2½ bl iz'u ij] fd vLFkk;h izd`fr dk fodkl D;k gS] uxjikfydk dk fofu'p; vafre gksxkA

171- Hkw[kaM ds mi&foHkktu ;k futh ekxZ cukus ds fy, eatwjh-& ¼1½ izR;sd O;fDr] tks /kkjk 161 ds v/khu ;kstuk ds dk;kZUo;u dh rkjh[k dks ;k mlds Ik'pkr~ viuh Hkwfe ;k Hkw[kaM dk mi&foHkktu djus ;k ,slh Hkwfe ;k Hkw[akM ij futh ekxZ cukus dk vk'k; j[krk gS],sls iz;kstu ds fy, vk'kf;r vfHkU;kl ;kstuk] ,sls fooj.kksa vkSj ,slh Qhl ds lkFk] tks mi&fof/k;ksa ;k ljdkjh vkns'kksa }kjk vo/kkfjr fd;s tk;sa] uxjikfydk dks eatwjh ds fy, izLrqr djsxkA

¼2½ uxjikfydk] mi&fof/k;ksa esa fofufnZ"V dkykof/k ds Hkhrj&Hkhrj] ,slh ;kstuk dks ;k rks fcuk mikarj.kksa ds ;k ,sls mikraj.kksa ;k 'krksaZ ds v/;/khu] ftUgsa og lehphu le>s] eatwjh ns ldsxh ;k] ;fn uxjikfydk dh ;g jk; gks fd ,slk foHkktu ;k ekxZ cukuk fdlh Hkh rjg ls ;kstuk ds izLrkoksa ls laxr ugha gS] eatwjh nsus ls budkj dj ldsxh A

¼3½ eatwjh ls bUdkj ds fy, ;k eatwjh esa mikarj.kksa ;k 'krksZa ds vf/kjksi.k ds fy, dksbZ izfrdj lans; ugha gksxkA

¼4½ ;fn dksbZ O;fDr] mi&/kkjk ¼1½ ds mYya?ku esa] ;k mi&/kkjk ¼2½ ds v/khu nh x;h fdlh Hkh eatwjh esa ds mikarj.kksa ;k 'krkasZ ds mYya?ku eas] ;k mDr mi&/kkjk ¼2½ ds v/khu eatwjh nsus ls budkj dj Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼175½ nsus ds ckotwn] dksbZ dk;Z djrk gS rks uxjikfydk ,sls O;fDr dks fyf[kr uksfVl }kjk] fdlh pkyw dk;Z dks jksdus dk funs'k ns ldsxh vkSj mi&fof/k;ksa }kjk vo/kkfjr jhfr ls tkap djus ds Ik'pkr~ fdlh Hkh dk;Z dks gVk ldsxh ;k fxjk ldsxh ;k Hkwfe dks mldh ewy fLFkfr esa izR;kofrZr dj ldsxhA

¼5½ dksbZ Hkh O;fDr] tks ,sls uksfVl dh rkehy gks tkus ds Ik'pkr~ Hkh] pkgs Lo;a ds fy, ;k Lokeh ds ;k fdlh vU; O;fDr ds fufeŸk] Hkwfe dk fodkl djuk tkjh j[krk gS] nks"kflf) ij] ,sls tqekZus ls] tks ikap gtkj #i;s rd dk gks ldsxk] vkSj vuuqikyu tkjh jgus ij] uksfVl dh rkehy dh rkjh[k ds Ik'pkr~ izR;sd fnol ds fy,]

ftlesa ,slk vuuqikyu tkjh jgk gS ;k jgrk gS] ,sls vkSj tqekZus ls] tks nks lkS #Ik;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

172- mixr O;; dh olwyh-& uxjikfydk }kjk /kkjkvksa 168]169]170 vkSj 171 ds v/khu mixr dksbZ Hkh O;;] O;frØeh O;fDr ;k Hkwfe vFkok Hkw&[kaM ds Lokeh ls bl vf/kfu;e ds v/khu uxjikfydk dks 'kks/; jde gksxh vkSj Hkw&jktLo dh cdk;k ds :i esa olwy dh tk;sxhA

173- ifj;kstukvksa vkSj Ldheksa dk cuk;k tkuk vkSj fo"k;oLrq-& ¼1½ bl vf/kfu;e ;k rRle; izo`Rr fdlh Hkh vU; fof/k ds mica/kkas ds v/;/khu jgrs gq, uxjikfydk] fdlh Hkh ;kstuk ds izLrkoksa dks fØ;kfUor djus ds iz;kstu ds fy, ;k vU;Fkk] uxj ;k mlds fdlh Hkkx ds ,dhd`r fodkl ds fy, ,slh ifj;kstuk,a vkSj Ldhesa cuk ldsxh tSlh vko’;d le>h tk;saA

9 ¼176½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼2½ dksbZ ifj;kstuk ;k Ldhe fuEufyf[kr esa ls lHkh ;k fdlh Hkh ekeys ds fy, mica/k dj ldsxh] vFkkZr~%&

¼d½ yksd mi;ksfxrkvksa] tSls lM+dksa] ekxksZa] [kqys LFkkuksa] m|kuksa]ckxksa] euksjatu vkSj [ksy ds eSnkuksa] vLirkyksa] vkS"k/kky;ksas] 'kSf{kd laLFkkvksa] gfjr ifV~V;ksa] Ms;fj;ksa] vkokl fodkl] cktkjksa dk fodkl] 'kkWfiax lsUVjksasa] okf.kfT;d dkEIysDlksa] lkaLd`frd dsUnzksa] iz’kklfud dsUnzksa] ifjogu lqfo/kkvksa] vkSj lHkh izdkj ds yksd mn~ns’;ksa ds iz;kstu ds fy, Hkwfe dk vtZu] fodkl] vkj{k.k vkSj foØ; ;k iV~Vs ij nsuk(

¼[k½ Ldhe esa lekfo"V fdlh Hkwfe dh vfHkU;kl ;kstuk rS;kj djuk(

¼x½ Ldhe esa lekfo"V lEifÙk ds Lokfe;ksa ls lacaf/kr LFkyksa dk iqu% forj.k(

¼?k½ ekuo fuokl ds fy, vui;qDr Hkouksa ;k Hkou ds Hkkx dks can djuk ;k rksM+uk(

¼3½ ck/kkdkjh Hkou ;k mlds Hkkx dks rksM+uk(

¼p½ Hkouksa dk lafuekZ.k ;k iqu%lafuekZ.k(

¼N½ futh ekxksZa lfgr ekxksZa dk lafuekZ.k vkSj ifjorZu djuk(

¼t½ ekxksZa dh izdk'k O;oLFkk] tyiznk;] ty&fudkl vkSj vU; lqfo/kk,a(

¼>½ [kqys LFkkuksa dk mica/k(

¼¥½ Ldhe esa lekfo"V {ks= ds fy, visf{kr LoPNrk bartke(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼177½ ¼V½ fuokfl;ksa ds fdlh Hkh oxZ ds fy, vkokl dk mica/k(

¼B½ lapkj ds fy, lqfo/kkvksa ds mica/k(

¼M½ Ldhe esa lekfo"V fdlh Hkh laifÙk dk foØ;] iV~Vs ij nsuk ;k

fofue;(
¼<½ Hkouksa] lM+dksa] tyfudkl] ftlesa ey&ogu] lrgh vkSj v/kkse`nk tyfudkl] ey fuLrkj.k lfEefyr gS] vkSj vU; ,slh gh lqfo/kkvksa ds iz;kstu ds fy, Hkw&[k.Mksa dk iqu%lafuekZ.k(
¼.k½ Hkouksa] iqyksa vkSj vU; lajpukvksa dk lafuekZ.k] ifjorZu vkSj gVk;k tkuk(
¼r½ ,sfrgkfld ;k jk"Vªh; vfHk:fp ;k izkd`frd lkSUn;Z dh oLrqvksa vkSj /kkfeZd mÌs';ksa ds fy, okLro esa iz;qDr fd;s tkus okys Hkouksa dk ifjj{k.k(
¼Fk½ fodykax] fu%'kDrtu] vkSj ekufld :i ls eafnr O;fDr;ksa rFkk vlgk; cqtqxZ O;fDr;ksa dks lfEefyr djrs gq,] vuqlwfpr tkfr;ksa] vuqlwfpr tutkfr;ksa] fiNM+s oxksZa vkSj lekt ds detksj rcds ds lnL;ksa ds fy, vkokl&LFkku miyC/k djokus ds iz;kstu ds fy, Hkwfe dk fdlh Hkh Ldhe esa ,slh lhek rd vkj{k.k djuk] tks jkT; ljdkj }kjk cuk;s x;s fu;eksa esa fofgr fd;k tk;s(
¼n½ Hkouksa ds pkjksa rjQ j[ks tkus okys [kqys LFkku] fdlh Hkw&[kaM ds fy, Hkou ds {ks=Qy ds

9 ¼178½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

izfr'kr] fofufnZ"V {ks=ksa esa vuqKkr Hkou dh la[;k] vkdkj] ÅapkbZ vkSj fo'ks"krk(os iz;kstu] ftuds fy, Hkou ;k fofufnZ"V {ks=ksa dk mi;ksx fd;k ;k ugha fd;k tk ldsxk] Hkw[kaMksa ds mi&foHkktu] fdlh fofufnZ"V dkykof/k esa fdlh Hkh {ks= esa Hkwfe ds vkifRrdkjd mi;ksxksa dks jksdus] fdlh Hkh Hkou ds fy, ikfdZax LFkku vkSj lkeku p<+kus vkSj mrkjus ds LFkku vkSj cfgxZr Hkkxksa] foKkiu ladsrksa vkSj gksfMZaxksa dk vkdkj vkSj vofLFkfr ds laca/k esa 'krksZa vkSj fucZa/kuksa dk vf/kjksi.k(

¼/k½ ,slh izd`fr ds dksbZ Hkh vU; dk;Z tks Ik;kZoj.k lq/kkjksa ds fy, gksa] tks uxjikfydk }kjk gkFk esa fy, tk;sa vkSj ,sls leLr vU; ekeys tks bl vf/kfu;e ds mÌs';ksa ls vlaxr u gksaA

¼3½ ifj;kstuk ;k Ldhe ds izk:i esa fUkEufyf[kr fof'kf"V;ka varfoZ"V gksaxh] vFkkZr~%&

¼d½ izR;sd ewy Hkw[kaM dk {ks=] LOkkfeRo vkSj /k`fr(
¼[k½ mi&/kkjk ¼2½ ds [k.M ¼d½ ds v/khu vkcafVr ;k vkjf{kr Hkwfe dh fof'kf"V;ka] ftlesa mu mi;ksxksa dk] ftlds fy, ,slh Hkwfe iz;qDr dh tkuh gS] vkSj mu fuca/kuksa vkSj 'krksZa dk] ftuds v/;/khu jgrs gq, ,slh Hkwfe dks ,sls mi;ksx ds fy, iz;qDr fd;k tkuk gS] lk/kkj.k

ladsr gksxk(

¼x½ og lhek ftl rd ewy Hkw[kaMkas dh ifjlhekvksa esa ifjorZu fd;k tkuk izLrkfor gS(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼179½ ¼?k½ leqfpr uxjikfydk }kjk ogu dh tkus okyh Ldhe dh 'kq) ykxr dk izkDdyu(

¼3½ mi&/kkjk ¼2½ ds v/khu] tks ykxw gks] Ldhe ds leLr C;kSjksa dk iw.kZ fooj.k(

¼p½ Hkwfe] pkgs og [kkyh gks ;k ml ij igys ls gh fuekZ.k fd;k gqvk gks] dk vfHkfoU;kl ;k iquvZfHkU;kl(

¼N½ uhps] nynyh ;k vLokLF;dj {ks=ksa dks Hkjuk ;k mudk iqu#)kj djuk vFkok Hkwfe dks lery djuk(vkSj

¼t½ dksbZ Hkh vU; fof'kf"V] tks mi&fof/k;ksa }kjk vo/kkfjr dh tk;sA

174- ifj;kstukvksa vkSj Ldhekas dh rS;kjh-& ¼1½ uxjikfydk fdlh fodkl {ks= esa] ladYi }kjk] /kkjk 173 esa ;Fkk&micaf/kr fdlh ifj;kstuk ;k Ldhe dh rS;kjh ds vius vk'k; dh ?kks"k.kk dj ldsxhA ¼2½ ,slh ifj;kstuk ;k Ldhe cukus ds vk'k; dh ,slh ?kks"k.kk dh rkjh[k ls rhl fnol ds vi'pkr~ uxjikfydk] ,slh ?kks"k.kk jkti= esa vkSj ,slh vU; jhfr ls tks mi&fof/k;ksa }kjk vo/kkfjr dh tk;s] izdkf'kr djsxhA

¼3½ mi&/kkjk ¼2½ ds v/khu ?kks"k.kk ds izdk'ku dh rkjh[k ls ,d o"kZ ds vi'pkr~ uxjikfydk] izk:i ds :Ik esas ifj;kstuk ;k Ldhe rS;kj djsxh vkSj mls] mDr izk:i ifj;kstuk ;k Ldhe ds laca/k esa fdlh Hkh O;fDr ls ,slh rkjh[k ds iwoZ] tks uksfVl esa fofufnZ"V dh tk;s vkSj tks uksfVl ds izdk'ku dh rkjh[k ls rhl fnol ls igys dh ugha gksxh] vk{ksi vkSj lq>ko vkeaf=r djrs gq, uksfVl ds lkFk] ,sls iz:i esa

9 ¼180½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ vkSj ,slh jhfr ls izdkf'kr djsxh] tks mi&fof/k;ksa }kjk vo/kkfjr dh tk;sA

¼4½ mi&/kkjk ¼3½ ds v/khu uksfVl esa fofufnZ"V dkykof/k ds Hkhrj&Hkhrj izkIr gksus okys leLr vk{ksiksa vkSj lq>koksa ij uxjikfydk fopkj djsxh vkSj ,sls O;fDr;ksa dks] tks mlls izHkkfor gksa vkSj lqus tkus ds bPNqd gksa ;qfDr;qDr volj nsus ds Ik'pkr~ ;Fkkizdkf'kr izk:i ifj;kstuk ;k Ldhe dk izk:i vuqeksfnr djsxh ;k mlesa ,sls mikarj.k djsxh] tks og mfpr le>sA

¼5½ mi&/kkjk ¼4½ ds v/khu mikarj.kksa lfgr ;k mikarj.kksa ds fcuk fdlh ifj;kstuk ;k Ldhe ds vuqeksnu ds rqjUr i'pkr~ uxjikfydk jkti= esa vkSj ,slh vU; jhfr ls] tks mi&fof/k;ksa }kjk vo/kkfjr dh tk;s] vafre ifj;kstuk ;k Ldhe izdkf'kr djsxh vkSj og rkjh[k fofufnZ"V djsxh ftldks og izorZu esa vk;sxhA

¼6½ iwoZorhZ mi&/kkjkvksa esa vUrfoZ"V fdlh ckr ds gksus ij Hkh] muesa ;Fkk vf/kdfFkr izfØ;k dk ml n'kk esa vuqlj.k djuk vko';d ugha gksxk] tgka

ifj;kstuk ;k Ldhe uxjikfydk esa fufgr fdlh Hkwfe ij dk;kZfUor dh tkuh gS vkSj mlds fu"iknu esa fdlh Hkh Hkou dk rksM+k tkuk ;k ogka jgus okys yksxksa dks gVk;k tkuk vUroZfyr ugha gSA 175- iqufoZdkl Ldhe-& tgka eq[; uxjikfyd vf/kdkjh dk fdlh Hkh {ks= ds laca/k esa] mlds dCts esa dh fdlh lwpuk ds vk/kkj ij ;g lek/kku gks tkrk gS fd&

¼d½ fdlh Hkh {ks= ds Hkou csejEerh ;k vLoPNrk dh n'kkvksa ds dkj.k ekuo fuokl ds fy, vuqi;qDr gSa ;k muds [kjkc bartkeksa ;k ladM+siu ;k xyh ds [kjkc bartke ;k izdk'k] ok;q] laokru ;k leqfpr lqfo/kkvksa dh deh ds dkj.k ml {ks= ds

fuokfl;ksa ds LokLF; ds fy, ladViw.kZ ;k gkfudkjd gSa] vkSj ¼[k½ ml {ks= dh n'kkvksa ls fuiVus dk lcls larks"kizn rjhdk iqufoZdkl Ldheksa ds vuqlkj xfy;ksa vkSj Hkouksa dk iqubZartke vkSj iqulZafuekZ.k gS]

rks og ml {ks= ds laca/k esa dksbZ iqufoZdkl Ldhe fojfpr dj ldsxkA ,slh Ldhe /kkjk 173 vkSj 174 esa ;Fkk&micaf/kr fu;fer Ldhe dh leLr vis{kkvksa dks iwjk djsxhA

176- ifj;kstuk vkSj Ldhe dks vuqeksnu ds fy, uxjikfydk dks izLrqr djuk-& izR;sd fodkl Ldhe] mlds fojfpr fd;s tkus ds Ik'pkr~ ;Fkk'kD; 'kh?kz] eq[; uxjikfyd vf/kdkjh }kjk uxjikfydk dks vuqeksnu ds fy, izLrqr dh tk;sxh vkSj uxjikfydk] ;k rks Ldhe dk fcuk fdlh mikarj.k ds ;k ,sls mikarj.kksa lfgr] tks og vko';d le>s] vuqeksnu dj ldsxh ;k Ldhe dks vLohdkj dj ldsxh vkSj eq[; uxjikfyd vf/kdkjh ls ,sls funs'kksa ds vuqlkj tks uxjikfydk ns] dksbZ u;h Ldhe fojfpr djus dh vis{kk dj ldsxhA

177- fdlh Ldhe dh ?kks"k.kk ds Ik'pkr~ Hkwfe ds mi;ksx vkSj fodkl ij fucZa/ku-& ¼1½ /kkjk 174 ds v/khu izk:i Ldhe ds izdk'ku dh rkjh[k dks ;k mlds i'pkr~ dksbZ Hkh O;fDr] ifj;kstuk ;k Ldhe esa lfEefyr fd;s x;s {ks= ds Hkhrj fdlh Hkh Hkwfe ;k Hkou ds mi;ksx dk izkjEHk ;k mlesa ifjorZu ;k fdlh fodkl dk dk;kZUo;u rc rd ugha djsxk tc rd fd ,sls O;fDRk us bl fufeÙk cuk;h x;h mi&fof/k;ksa ds vuqlkj uxjikfydk ls ,slk djus dh vko';d vuqKk ds fy, vkosnu ugha dj fn;k gks vkSj ,slh vuqKk izkIr u dj yh gks%

ijUrq fdlh Hkh O;fDr ds fy, xzke vkcknh lhekvksa ds Hkhrj xzke iapk;r }kjk eatwj vuqKk ds vuqlkj] tgka rd fd ,slh vuqKk

 ;k Ldhe ls laxr gks] ,slk fodkl djuk fof/kiw.kZ gksxkA

¼2½ /kkjk 174 dh mi&/kkjk ¼4½ ds v/khu vuqeksfnr ifj;kstuk ;k Ldhe ij /kkjk 166 ls 172 ds mica/k] ;Fkko';d ifjorZu lfgr] ykxw gksaxsA

178- Ldhe dk O;ixr gksuk-& ;fn uxjikfydk /kkjk 174 dh mi&/kkjk ¼4½ ds v/khu vuqeksfnr ifj;kstuk ;k Ldhe dks] /kkjk 174 dh mi&/kkjk ¼5½ ds v/khu mlds izdk'ku dh rkjh[k ls nks o"kZ dh dkykof/k ds Hkhrj fØ;kfUor djus esa foQy

jgrh gS rks mDr nks o"kZ dh dkykof/k dh lekfIr ij og ifj;kstuk ;k Ldhe O;ixr gks tk;sxhA

179- ifj;kstuk ;k Ldhe dk mikarj.k ;k izR;kgj.k-&¼1½ ;fn uxjikfydk dh] ,slh tkap djus ds i'pkr~] tks og Bhd le>s] ;g jk; gS fd ,slk fd;k tkuk vko';d ;k lehphu gS rks og jkti= eas izdkf'kr vf/klwpuk }kjk ;g ?kks"k.kk dj ldsxh fd /kkjk 174 dh mi&/kkjk ¼4½ ds v/khu vuqeksfnr ifj;kstuk ;k Ldhe izR;kâr dh tkrh gS vkSj ,slh ?kks"k.kk gksus ij] ,slh ifj;kstuk ;k Ldhe ds laca/k esa vkxs dksbZ dk;Zokgh ugha dh tk;sxhA

¼2½ ;fn uxjikfydk /kkjk 174 dh mi&/kkjk ¼4½ ds v/khu fdlh ifj;kstuk ;k Ldhe ds vuqeksnu ds Ik'pkr~ fdlh Hkh le; mlesa dfri; ,sls mikarj.k djuk vko';d le>rh gS] tks mldh jk; eas ifj;kstuk vkSj Ldhe ds Lo:Ik esa dksbZ rkfRod ifjorZu ugha djrs gaS] rks og mi;qDr mikarj.k dj ldsxhA

180- uxjikfydk ls Ldhe cukus dh vis{kk djus dh jkT; ljdkj dh 'kfDr-& uxjikfydk] eq[; uxjikfyd vf/kdkjh dks uxj ds fdlh {ks= ds laca/k esa dksbZ fodkl Ldhe rS;kj djus dk funs'k ns

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼183½ ldsxh vkSj ;fn jkT; ljdkj }kjk ,slh vis{kk dh tk;s rks ,slk funs'k nsxhA

181- fdlh Hkh ifj;kstuk ;k Ldhe dh O;ko`fRr-& bl vf/kfu;e ds fdlh Hkh mica/k esa ;k rn/khu eatwj dh x;h fdlh ;kstuk esa varfoZ"V fdlh ckr ds gksus ij Hkh] uxjikfydk dks mDr ;kstuk ds vUrxZr ugha vkus okyh fdlh ifj;kstuk ;k Ldhe dks cukus vkSj mls dk;kZfUor djus dh LorU=rk gksxh] ;fn uxjikfydk dh jk; esa ,slk fd;k tkuk vko';d gS ;k yksdfgr esa lehphu gS] vkSj mDr ;kstuk ml lhek rd mikarfjr dh x;h le>h tk;sxhA

182- Hkwfe ds mi;ksx ds ifjoZru ij fucZU/ku vkSj Hkwfe ds mi;ksx dk ifjoZru vuqKkr djus dh jkT; ljdkj dh 'kfDr-& ¼1½ dksbZ Hkh O;fDr fdlh Hkh uxjikfyd {ks= esa fLFkr fdlh Hkwfe dk mi;ksx] ml iz;kstu ls fHkUu fdlh iz;kstu ds fy, ftlds fy, ,slh Hkwfe jkT; ljdkj] fdlh uxjikfydk] fdlh vU; LFkkuh; izkf/kdkjh ;k fdlh vU; fudk; ;k izkf/kdkjh }kjk rRle; izo`Ÿk fdlh Hkh fof/k ds vuqlkj fdlh O;fDr dks ewyr% vkcafVr ;k foØhr dh x;h Fkh] ;k fdlh ekLVj ;kstuk] tgka dgha Hkh og izoZru esa gks] esa fofufnZ"V iz;kstu ls vU;Fkk ugha djsxk ;k djus dh vuqKk ugha nsxkA

¼2½ ,slh fdlh Hkwfe ds ekeys esa tks ;FkkiwoksZDr :i esa vkcafVr ;k foØhr ugha dh x;h gS vkSj mi&/kkjk ¼1½ ds vUrxZr ugha vkrh gS] dksbZ Hkh O;fDRk] uxjikfyd {ks= esa fLFkr ,slh fdlh Hkwfe dk mi;ksx ml iz;kstu ls fHkUu fdlh iz;kstu ds fy, ugha djsxk ;k djus dh vuqKk ugha nsxk ftlds fy, ,slh Hkwfe dk mi;ksx bl vf/kfu;e ds izkjaHk ij ;k mlds iwoZ fd;k tk jgk FkkA

¼3½ mi&/kkjk ¼1½ ;k mi&/kkjk ¼2½ esa vUrfoZ"V fdlh ckr ds gksus ij Hkh jkT; ljdkj ;k mlds }kjk izkf/kd`r dksbZ izkf/kdkjh] fdlh

9 ¼184½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ,slh Hkwfe ds Lokeh ;k /kkjd dks mlds mi;ksx esa ifjorZu djus ds fy,] ;fn yksdfgr esa ,slk djus dk mldk lek/kku gks tkrk gS rks] ,slh njksa ij laifjoZru izHkkjksa ds lank; ij vkSj

iM+kSfl;ksa ls] ,slh jhfr ls] tks fofgr dh tk;s] vk{ksi vkeaf=r djus vkSj mudks lquus ds Ik'pkr~ mi;ksx esa fuEufyf[kr ifjorZuksa ds laca/k esa jkti= esa vf/klwpuk }kjk vuqKk ns ldsxk] vFkkZr~%&

¼i½ vkoklh; ls okf.kfT;d ;k dksbZ Hkh vU; iz;kstu(;k ¼ii½ okf.kfT;d ls dksbZ Hkh vU; iz;kstu(;k

¼iii½ vkS|ksfxd ls okf.kfT;d ;k dksbZ Hkh vU; iz;kstu(;k ¼iv½ flusek ls okf.kfT;d ;k dksbZ Hkh vU; iz;kstu(;k ¼v½ gksVy ls okf.kfT;d ;k dksbZ Hkh vU; iz;kstu(;k ¼vi½ i;ZVu ls okf.kfT;d ;k dksbZ Hkh vU; iz;kstu(;k ¼vii½ laLFkkxr ls okf.kfT;d ;k dksbZ Hkh vU; iz;kstu(ijUrq laifjorZu izHkkj] dh njsa fHkUu&fHkUu {ks=ksa ds fy, vkSj fHkUu&fHkUUk iz;kstuksa ds fy, fHkUu&fHkUu gks ldsaxhA

¼4½ tgka jkT; ljdkj ;k mi&/kkjk ¼3½ ds v/khu mlds }kjk izkf/kd`r fdlh vU; izkf/kdkjh dk ;g lek/kku gks tkrk gS fd fdlh O;fDr us] ftls bl /kkjk ds v/khu vuqKk ;k fu;eu ds fy, vkosnu djuk pkfg, Fkk] vkosnu ugha fd;k gS vkSj ,slh vuqKk eatwj dh tk ldrh gS ;k Hkwfe ds mi;ksx dks fu;fer fd;k tk ldrk gS] rks og lE;d~ uksfVl nsus vkSj i{kdkj ;k i{kdkjksa dks lquus ds Ik'pkr~ laifjorZu izHkkjksa ds vo/kkj.k ds fy, vxzlj gksxk vkSj ,sls izHkkj] tks fofgr fd;s tk,a] uxjikfydk dks 'kks/; gksaxs vkSj mi&/kkjk ¼6½ ds v/khu olwyh; gkasxsA

uxjikfydk bl dk;Z dks 'kh?kz djus ds fy, dSEi yxk ldsxh vkSj lkFk gh fdlh Hkh vfHkdj.k dh lgk;rk ys ldsxh%

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼185½ ijUrq ,sls ekeyksa esa] tgka Hkwfe dk ewy mi;ksx fdlh yksd iz;kstu tSls f'k{kk] fpfdRlk] ;k fdlh iwrZ iz;kstu ds fy, Fkk] vkSj vkcaVu fdlh fj;k;rh nj ij fd;k x;k Fkk] rks ogka Hkwfe ds ifjorZu dk fu;eu rc rd vuqKkr ugha fd;k tk;sxk tc rd fd vkcaVu dh ewy nj vkSj izpfyr nj dk vUrj lanRr ugha dj fn;k tkrk vkSj ml izkf/kdkjh dh] ftlus ewy vkcaVu fd;k Fkk] fofufnZ"V lgefr izkIr ugha dj yh tkrhA

¼5½ bl izdkj olwy fd;s x;s laifjorZu izHkkj uxjikfydk dh fuf/k esa tek fd;s tk;saxsA

¼6½ bl /kkjk ds v/khu izHkkj] ,slh Hkwfe ds laca/k esa] ftldk mi;ksx ifjofrZr fd;k x;k gS] ,sls izHkkjksa dks lanRr djus ds nk;h O;fDr ds fgr ij izFke izHkkj gksxk] vkSj Hkw&jktLo dh cdk;k ds :i esa olwyh; gksxkA

183- lkoZtfud ekxZ dh fu;fer ykbu-& ¼1½ izR;sd uxjikfydk] uxjikfydk ds Hkhrj fdlh lkoZtfud ekxZ ds fdlh Hkh vksj ;k nksuksa vksj dksbZ ykbUk fofgr djsxh vkSj ;fn uxjikfydk ,sls lkoZtfud ekxZ ;k mlds fdlh Hkkx dks pkSM+k djus ds iz;kstu ds fy, ,slh u;h ykbu fofgr djuk vko';d le>s rks bl izdkj fofgr dh x;h fdlh ykbu ;k mlds fdlh Hkkx ds LFkku ij le;≤ ij u;h ykbUk fofgr dj ldsxh%

ijUrq&

¼d½ uxjikfydk ,slh ykbu ;k] ;FkkfLFkfr] u;h ykbu] fofgr djus ls de ls de ,d ekl iwoZ] ml ekxZ esa ;k mlds ml Hkkx eas] ftlds fy, ,slh ykbu ;k u;h ykbu fofgr djus dk izLrko gks] mldk fo'ks"k uksfVl yxk;sxh vkSj ,sls lajs[k.k ls

9 ¼186½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

izHkkfor Hkwfe;ksa ds Lokfe;ksa ;k vf/kHkksfx;ksa dks Hkh bldk uksfVl nsxh(

¼[k½ uxjikfydk ,sls le; ds Hkhrj&Hkhrj tks ,sls fo'ks"k uksfVl esa fofufnZ"V fd;k tk;s] uxjikfydk ds dk;kZy; esa ,sls izLrko ds ckjs esa ifjnRr fdlh fyf[kr vk{ksi ;k lq>ko ij fopkj djsxh(vkSj

¼x½ uxjikfydk mDr ykbu vkSj lacaf/kr ekxZ ds Hkhrj lekfo"V {ks= dk uD'kk vkSj mlls f?kjh Hkwfe;ksa dks fofufnZ"V djrs gq, ,d fooj.k rS;kj djok;sxh] tks tu&lk/kkj.k ds fujh{k.k ds fy, [kqys jgsaxsA

¼2½ rRle; bl izdkj fofgr ykbu lkoZtfud ekxZ dh fu;fer ykbu dgyk;sxhA

¼3½ dksbZ Hkh O;fDr lkoZtfud ekxZ dh fu;fer ykbu ds Hkhrj fdlh Hkou ds fdlh Hkh Hkkx dk fuekZ.k ;k iqufuZekZ.k ugha djsxkA

¼4½ ;fn dksbZ O;fDr mi&/kkjk ¼3½ ds mica/kksa dk mYya?ku djrk gS rks og nks"kflf) ij ,sls tqekZus ls n.Muh; gksxk] tks nks gtkj #Ik;s ls de dk ugha gksxk fdUrq tks ikap gtkj #Ik;s rd dk gks ldsxk vkSj uxjikfydk&

¼d½ funs'k nsxh fd ,slk fuekZ.k ;k iqufuZekZ.k jksd fn;k tk;s] vkSj

¼[k½ fyf[kr uksfVl nsdj] bl izdkj fufeZr ;k iqufuZfeZr Hkou ;k mlds fdlh Hkkx dks rksM+ fn;s tkus dh vis{kk djsxhA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼187½ ¼5½ mi&/kkjk ¼4½ ds v/khu uxjikfydk ds fdlh vkns'k ls O;fFkr dksbZ O;fDRk ,sls vkns'k dh rkjh[k ls] mldh izfr izkIr djus ds fy, visf{kr le; dks NksM+dj] rhl fnol ds Hkhrj&Hkhrj dyDVj dks vihy dj ldsxk vkSj vihy izkf/kdkjh dk vkns'k vafre gksxk vkSj mls fdlh Hkh U;k;ky; esa iz'uxr ugha fd;k tk ldsxkA

184- Hkwfexr mi;ksfxrkvksa ds fy, ekxZ dk vf/kdkj-& Hkkjrh; rkj vf/kfu;e] 1885 ¼1885 dk dsUnzh; vf/kfu;e la- 13½] fo|qr vf/kfu;e] 2003 ¼2003 dk dsUnzh; vf/kfu;e la- 36½ vkSj ,slh vU; fof/k;kas] tks jkT; ljdkj }kjk bl /kkjk ds iz;kstuksa ds fy, vf/klwfpr dh tk;sa] ds mica/kksa ds v/;/khu jgrs gq, jkT; ljdkj fu;eksa }kjk fuEufyf[kr ds fy, mica/k dj ldsxh] vFkkZr~%&

¼d½ jkT; ljdkj] ;k fdlh dkuwuh fudk; ;k Åij mfYyf[kr fdUgha Hkh vf/kfu;eksa ;k vU; fof/k;ksa ds v/khu fdlh vuqKfIr/kkjh }kjk miyC/k djk;h x;h fofHkUu yksd mi;ksfxrkvksa] ftuesa fo|qr iznk;] VsyhQksu ;k vU; nwjlapkj izlqfo/kk,a] xSl ikbi] ty&iznk;] ty&fudkl] vkSj eyfudkl] rFkk Hkwfexr jsYkos iz.kkyh] iSny lc&os] 'kkWfiax Iyktk] Hkk.Mkxkj izlqfo/kk,a vkSj muls lEcfU/kr lkf/k= ds fy, fdlh uxjikfyd

{ks= esa dh lkoZtfud vkSj futh ekxksZa dh v/kkse`nk esa ekxZ ds fofufnZ"V vf/kdkjksa dh uxjikfydk }kjk eatwjh]

¼[k½ ;FkkiwoksZDr fdUgha Hkh vf/kfu;eksa ;k vU; fof/k;ksa ds v/khu fdlh Hkh Qhl ;k izHkkjksa dk mn~xzg.k]

¼x½ uxjikfydk dks ,sls uD'ks] js[kkfp= vkSj ,sls fooj.k miyC/k djokuk ftlls og uxjikfyd {ks= esas

9 ¼188½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Hkwfexr mi;ksfxrkvksa ds LFkku dk vfHkys[k Bhd&Bhd ladfyr vkSj la/kkfjr djus esa leFkZ gks lds]

¼?k½ dk;Z ds fu"iknu ds fy, le;&lhek fu;r djuk vkSj bl laca/k eas ,slh 'krsZa vf/kjksfir djuk] ftUgsa uxjikfydk leqfpr le>s]

¼3½ dk;Z iwjk djus esa foyEc ds ekeys esa 'kkfLr vf/kjksfir djuk] vkSj

¼p½ fdlh uxjikfydk ekxZ ;k fdlh vU; uxjikfydk laifRr dks iwoksZDr vf/kdkjksa ds iz;ksx esa yk;s tkus ds nkSjku gqbZ {kfr dh lEcfU/kr foHkkx ds [kpsZ ij ejEer ;k ewy fLFkfr esa ykSVkukA

185- Hkwfexr mi;ksfxrkvksa ds uD'ks-& eq[; uxjikfyd vf/kdkjh] uxjikfyd {ks=ksa esa leLr Hkwfexr mi;ksfxrkvksa ds laiw.kZ losZ{k.k uD'ks] js[kkfp= vkSj o.kZu] vkSj Qk;j gkbZMªsUV~l rFkk ey&ogu esugkWyksa ds uD'kksa dk la/kkj.k ,sls iz:i vkSj ,slh jhfr ls djok;sxk tSlk mi&fof/k;ksa }kjk micaf/kr fd;k tk;s] vkSj lwpuk ds vf/kdkj ls lacaf/kr fdlh Hkh fof/k ds mica/kksa ds vuq:i mldh xksiuh;rk lqfuf'pr djsxkA

186- dsUnzh; ;k jkT; ljdkj ls lacaf/kr ekxksZa ds fo"k; esa fo'ks"k micU/k-& ¼1½ ;fn dksbZ jk"Vªh; jktekxZ] jkT; jktekxZ] ;k dksbZ ekxZ tks dsUnzh; ljdkj ;k] ;FkkfLFkfr] jkT; ljdkj esa fufgr gS]&

¼d½ uxjikfydk] ,sls jk"Vªh; jktekxZ] jkT; jktekxZ ;k ekxZ ds laca/k esa ,slk dksbZ dk;Z djus ds fy, vuqKk] dsUnzh; ljdkj ;k] ;FkkfLFkfr] jkT; ljdkj

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼189½

dh eatwjh ds flok;] eatwj ugha djsxh ftldk mldh fyf[kr vuqKk ds fcuk fd;s tkus ls bl vf/kfu;e ds mica/kksa dk mYya?ku gksxk] vkSj

¼[k½ ;fn dsUnzh; ljdkj ;k jkT; ljdkj }kjk ,slh vis{kk dh tk;s rks uxjikfydk ,sls ekxZ ds laca/k esa bl vf/kfu;e ;k fdUgha Hkh mi&fof/k;ksa }kjk mls iznŸk 'kfDr;ksa dk iz;ksx djsxhA

¼2½ jkT; ljdkj esa fufgr vkSj uxjikfyd {ks= ls xqtjus okyh lM+dksa ds ekeys esa uxjikfydk dk ,slh lM+dksa ij] tgka rd mlds vLFkk;h vf/kHkksx dh vuqKk vkSj ml ij ls vf/kØe.k dks gVkus dk laca/k gS] fu;a=.k gksxk] fdUrq ,slh lM+dksa ds j[k&j[kko dk ftEek jkT; ljdkj dk gh jgsxkA

187- mRloksa ds nkSjku ekxksZa ij vLFkk;h ifjfuekZ.k-& ¼1½ eq[;

uxjikfyd vf/kdkjh] R;kSgkjksa vkSj mRloksa ds voljksa ij] ,slh Qhl ds lank; ij vkSj ,slh 'krksZa ij] tks uxjikfydk }kjk mi&fof/k;ksa }kjk vo/kkfjr dh tk;sa vkSj ,slh dkykof/k ds fy,] tks vuqKk&i= esa mfYyf[kr dh tk;s] fdlh Hkh lkoZtfud LFkku ij dksbZ cwFk] ikaMky ;k fdlh vU; lajpuk ds vLFkk;h fuekZ.k ds fy, fyf[kr vuqKk eatwj dj ldsxk%

ijUrq bl /kkjk ds v/khu dksbZ Hkh vuqKk] uxjikfyd {ks= esa ;krk;kr ds izHkkjh iqfyl vf/kdkjh ls ijke'kZ ds fcuk ugha nh tk;sxhA ¼2½ og O;fDr] ftldks ,slh vuqKk eatwj dh tkrh gS] eSnku dks Hkjsxk vkSj mldks eq[; uxjikfyd vf/kdkjh ds lek/kkuizn :i esa ,slh dkykof/k ds Hkhrj&Hkhrj] tks vuqKk&i= esa mfYyf[kr dh tk;s] ;FkkiwoZ djsxkA

9 ¼190½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 188- ekxZ] ukyh ;k ifjlj ds lafuekZ.k ;k ejEer ds nkSjku iwokZo/kkfu;ka-& ,sls fuca/kuksa vkSj 'krksZa ds v/;/khu jgrs gq,] tks mi&fof/k;ksa }kjk fofufnZ"V dh tk;sa] eq[; uxjikfyd vf/kdkjh] fdlh Hkh lkoZtfud ekxZ ;k fdlh Hkh uxjikfyd ukyh ;k uxjikfydk esa fufgr fdlh Hkh ifjlj ds lafuekZ.k ;k ejEer ds nkSjku]&

¼d½ mlds ckM+ yxok;sxk vkSj lqjf{kr djok;sxk(

¼[k½ lkoZtfud ekxZ ;k yxs gq, Hkouksa dks izHkkfor djus

okyh nq?kZVuk ds fo#) mfpr iwokZo/kkuh cjrsxk(¼x½ mldh fyf[kr vuqKk ds fcuk] fdlh Hkou fuekZ.k lkexzh dks tek djkus] ;k fdlh lkoZtfud ekxZ ij fdlh ikM+ ;k fdlh vLFkk;h fuekZ.k djus dks izfrf"k) djsxk(

¼?k½ fdlh Hkh ekxZ dks ;krk;kr ds fy, iw.kZr% ;k Hkkxr%

cUn djsxk(

¼3½ tgka dgha vko';d gks] ogka ;krk;kr dk vko';d eksM+ miyC/k djk;sxk(

¼p½ fdlh lkoZtfud ekxZ dks ;FkkiwoZ djuk ;k fdlh ukyh

;k ifjljksa dks muds ewy :Ik esa ykuk lqfuf'pr djsxk(vkSj

¼N½ ,sls fdlh LFkku dh] tks mldh jk; esa fdlh ekxZ ds

;krk;kr ds fy, ;k ,sls O;fDr;ksa ds fy,] tks mlesa fof/kd igq¡p j[krs gSa] ;k mlds iM+kSl ds fy,] [krjukd gS ;k vlqfo/kk dkfjr djus okyk gS] ejEer djus ;k mls cUn djus ds fy, dne mBk;sxk] vkSj ,sls ejEer dk;Z dk [kPkkZ ,sls LFkku ;k ifjlj ds Lokeh ;k vf/kHkksxh ls olwy djsxkA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼191½ 189- fcuk vuqKk fdlh ekxZ esa u rks dk"B tek fd;k tk;sxk vkSj u xM~<s [kksns tk;saxs-& ¼1½ uxjikfydk dh fyf[kr vuqKk ds fcuk ;k ,slh 'krksZa ds vuqlkj] tks mlesa fofgr dh tk;sa] ls vU;Fkk dksbZ Hkh O;fDr] fdlh Hkh ekxZ esa dksbZ xM~<k ugha [kksnsxk ;k ml ij dksbZ dk"B] iRFkj] bZaV] feV~Vh ;k vU; lkeku] ftls Hkouksas ds fy, iz;qDr fd;k x;k gS ;k iz;qDr fd;s tkus ds fy, vk'kf;r gS] ifjfufeZr ;k tek ugha djsxk vkSj ,slh vuqKk uxjikfydk ds foosd ij lekI; gksxh vkSj tc ,slh vuqKk fdlh O;fDRk dks eatwj dh tk;s rc og vius Lo;a ds [kpsZ ij ,slh lkexzh ;k ,sls xM~<s ij

Ik;kZIr :Ik ls ckM+ yxok;sxk rFkk mldh ?ksjkcUnh djok;sxk] tks ml le; rd cuh jgsxh tc rd fd og lkexzh gVk u nh tk;s ;k og xM~<k Hkj u fn;k tk;s vFkok mls uxjikfydk ds lek/kkuizn :i ls vU;Fkk lqjf{kr u dj fn;k tk;s] vkSj jkf= esa ml ij i;kZIr jks'kuh dh O;oLFkk djok;sxkA

¼2½ tks dksbZ mi&/kkjk ¼1½ ds mica/kksa esa ls fdlh Hkh micU/k dk mYya?ku djrk gS og tqekZus ls] tks ,d gtkj #Ik;s ls de dk ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxk vkSj ,slh izFke nks"kflf) dh rkjh[k ds i'pkr~ ,slk mYya?ku tkjh jgus okys izR;sd fnol ;k] ;FkkfLFkfr] jkf= ds fy,] vfrfjDr tqekZus ls] tks ipkl #i;s ls de dk ugha gksxk fdUrq tks ,d lkS #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

190- QqVikFkksa dk vfuok;Z mica/k-& ¼1½ uxjikfydk] ;qfDr;qDr le; ds Hkhrj vkSj lalk/kuksa dh miyC/krk ds v/;/khu jgrs gq,] ;g lqfuf'pr djsxh fd ,slh pkSM+kbZ ds tks fofgr dh tk;s] lHkh lkoZtfud ekxksZa ij] ,sls lkoZtfud ekxksZa ls yxs gq, QqVikFk cuk fn;s x;s gSaA

9 ¼192½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼2½ fo|eku fLFkfr ds gksus ij Hkh] Hkou vuqKk vkSj ladeZ lfefr QqVikFkksa dh fHkUu&fHkUu U;wure pkSM+kb;ka ,sls fofufnZ"V djsxh fd fdlh Hkh n'kk esa izR;sd rjQ dh pkSM+kbZ Ms<+ ehVj ls de u gks% ijUrq lkoZtfud ekxZ ds izR;sd izoxZ ds laLi'khZ QqVikFk ds fy, ,d ls vf/kd U;wure pkSM+kb;ka fofufnZ"V dh tk ldsaxh rkfd fHkUu&fHkUu laLi'khZ Hkwfe mi;ksxksa dh fHkUu&fHkUu vko';drkvksa ds fy, mica/k fd;k tk lds%

ijUrq ;g vkSj fd fdlh lkoZtfud ekxZ dh dksbZ Hkh fu;fer ykbu fofgr ;k iqujhf{kr djrs le; ;g fu;r fd;k tk;sxk fd QqVikFkksa ds fy, U;wure pkSM+kbZ ds fofunsZ'kksa dk vuqikyu fd;k tk;sxkA

¼3½ mi&/kkjk ¼2½ esa fufnZ"V U;wure pkSM+kb;ka Hkou vuqKk vkSj ladeZ lfefr }kjk iqujhf{kr dh tk ldsaxhA

191- ekxksZa ds dksus ij Hkou-& ¼1½ uxjikfydk] nks ekxksZa ds dksus ij cuus okys fdlh Hkh Hkou ds] ,slh ÅapkbZ rFkk ,slh lhek rd] tks og vo/kkfjr djs] xksykdkj ;k ?kqekonkj ;k vU;Fkk gksus dh vis{kk dj ldsxh vkSj dksus ij LFky ds ,sls fdlh Hkh Hkkx dks] ftls og yksd&lqfo/kk ;k lq[k&lqfo/kk ds fy, vko';d le>s] vftZr dj ldsxhA

¼2½ bl izdkj vftZr fdlh Hkh Hkwfe ds fy, uxjikfydk izfrdj lanRr djsxhA

¼3½ ,sls izfrdj dk vo/kkj.k djus esa ekxksZa ds lq/kkj ls mDr Hkou dks izksn~Hkwr gksus okys fdlh Qk;ns ds fy, dVkSrh dh tk;sxhA 192- cfgxZr Hkouksa dks ihNs djuk-& ¼1½ ;fn fdlh Hkou dk dksbZ Hkkx /kkjk 183 ds v/khu ;Fkkfofgr fdlh lkoZtfud ekxZ dh fu;fer ykbu ls ckgj fudyk gqvk gks rks uxjikfydk]&

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼193½ ¼d½ ;fn mldk cfgxZr Hkkx] eq[; Hkou ds ckgj dk cjkenk] lh<+h ;k dksbZ vU; lajpuk gks rks fdlh Hkh le;] ;k

¼[k½ ;fn cfgxZr Hkkx ;FkkiwoksZDr ,slh ckg~; lajpuk u gks

rks tc dHkh ,sls Hkou dk vf/kdka'k Hkkx ;k tc dHkh ,sls cfgxZr Hkkx dk dksbZ egRoiw.kZ Hkkx fxjk fn;k x;k gks ;k tyk fn;k x;k gks ;k fxj x;k gks] fyf[kr uksfVl nsdj vis{kk dj ldsxh fd ;k rks mDr fu;fer ykbu ds ckgj fudys gq, Hkkx dks ;k mlds dqN Hkkx dks gVk fn;k tk;s ;k ,sls Hkou dks] tc mldk iqufuZekZ.k fd;k tk;s] mDr fu;fer ykbu rd ;k vkSj ihNs gVk fn;k tk;s vkSj bl izdkj ihNs fd;s tkus ;k gVk;s tkus ds dkj.k ekxZ esa tqM+ tkus okyh Hkwfe dk og Hkkx mlds ckn ls lkoZtfud ekxZ dk Hkkx le>k tk;sxk vkSj uxjikfydk esa fufgr gks tk;sxkA

¼2½ ;fn dksbZ Hkwfe] tks uxjikfydk esa fufgr u gks] pkgs [kqyh gks ;k f?kjh gqbZ] fdlh lkoZtfud ekxZ dh fu;fer ykbu ds Hkhrj fLFkr gks vkSj tks dksbZ pcwrjk] cjkenk] lh<+h ;k vU; ckg~; lajpuk ls fHkUu fdlh Hkou ds n[ky esa u gks rks uxjikfydk] ,slh Hkwfe ds Lokeh dks] vius vk'k; dk de ls de iw.kZ iUnzg fnol dk fyf[kr uksfVl nsus ds Ik'pkr~] ;k ;fn ,slh Hkwfe jkT; ljdkj esa fufgr gks rks ,sls vf/kdkjh dh] tks jkT; ljdkj }kjk bl fufeRr fu;qDr ;k izkf/kd`r fd;k tk;s] fyf[kr vuqKk ysdj mDr Hkwfe dk] pkj nhokjh] >kM+cUnh ;k ckM+ lfgr] ;fn dksbZ gks] dCtk dj ldsxk vkSj ;fn vko';d gks rks mUgsa gVok ldsxk(vkSj blds ckn ls bl izdkj vftZr Hkwfe lkoZtfud ekxZ dk Hkkx le>h tk;sxh vkSj uxjikfydk esa fufgr gks tk;sxhA

9 ¼194½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼3½ mi&/kkjk ¼1½ ds v/khu fdlh ekxZ esa tksM+h x;h ;k mi&/kkjk ¼2½ ds v/khu vftZr fdlh Hkwfe ds Lokeh dks] mDr Hkwfe ds ewY; ds fy, vkSj mDr mi&/kkjkvksa esa ls fdlh ds Hkh v/khu uxjikfydk }kjk dh x;h dkjZokbZ ds ifj.kkeLo:Ik fdlh Hkou ds Lokeh dks gqbZ fdlh gkfu] uqdlku ;k mlds }kjk mixr O;; ds fy, uxjikfydk }kjk izfrdj lanŸk fd;k tk;sxk] ftldh jde] fookn gksus dh n'kk esa /kkjk 295 esa micaf/kr jhfr ls vfHkfuf'pr vkSj vo/kkfjr dh tk;sxh(ijUrq ,slk izfrdj mu ekeyksa esa ns; ugha gksxk ftu ij /kkjk 243 ykxw gksrh gSA

¼4½ tc izfrdj dh jde bl izdkj vfHkfuf'pr vkSj vo/kkfjr dj yh x;h gks ;k tc mi&/kkjk ¼1½ ds v/khu vkus okyk dksbZ /oald ;k [krjukd Hkou /kkjk 243 ds micU/kksa ds v/khu fxjk fn;k x;k gS rks uxjikfydk] izfrdj] ;fn dksbZ gks] dh lans; jde] dks fufonRr djds ekxZ esa bl izdkj tksM+h x;h Hkwfe ij dCtk dj ldsxh vkSj mldh lQkbZ djk nsxhA

193- Hkouksa dh lrg-& blds i'pkr~ dksbZ Hkh Hkou ,slh lrg ls uhph lrg ij ugha cuk;k tk;sxk ftlls ml Hkou dk ty&fudkl] ml le; fo|eku ;k uxjikfydk }kjk fudkyh gqbZ fdlh lkoZtfud eyukyh ;k ukyh vFkok fdlh tyizokg ;k fdlh eydwi esa vFkok uxjikfydk }kjk vuqeksfnr fdlh vU; mi;qDr LFkku esa u gks ldsA

194- leLr izdkj ds Hkouksa ds fuekZ.k ls lacaf/kr micU/k-& ¼1½ fdlh uxjikfydk dh lhekvksa ds Hkhrj]&

¼d½ u;k Hkou fufeZr djus(;k

¼[k½ Hkou dks iqufuZfeZr djus ;k Hkou esa rkfRod ifjo/kZu djus(;k

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼195½ ¼x½ Hkou ds fdlh cfgxZr Hkkx dks fufeZr ;k iqufuZfeZr djus(;k

¼?k½ fdlh Hkh izdkj dk daqvk ;k cksfjax cukus ;k mldk foLrkj djus dk vk'k; j[kus okyk dksbZ O;fDr] lafuekZ.k vkjEHk djus ds iwoZ mi&/kkjk ¼2½ ds v/khu visf{kr nLrkostksa ds lkFk fofgr iz:i esa uxjikfydk dks vkosnu izLrqr djsxkA

Li"Vhdj.k-& in ^^rkfRod ifjo/kZu^^ ls fo|eku lsV csd] dojst] Å¡pkbZ] Hkwfe mi;ksx vkSj ikfdaZx {ks=] tgka dgha Hkh ,sls ikfdZax {ks= fof/k ds v/khu vfuok;Z gks] esa dksbZ Hkh ifjorZu vfHkizsr gS]

¼2½ ¼d½ mi&/kkjk ¼1½ esa ;Fkkof.kZr vkosnu ds lkFk fuEufyf[kr gksxk] vFkkZr~%&

¼i½ Hkwfe ;k] ;FkkfLFkfr] Hkou ds gd ds leFkZu esa lHkh nLrkostksa ds lkFk&lkFk nLrkostksa dh vlfy;r vkSj Hkwfe ;k Hkou ij vfookfnr gd ds ckjs esa 'kiFk ij O;fDrxr 'kiFki=(¼ii½ uxjikfydk esa tek djk;h x;h fofgr Qhl dh jlhn dh QksVksizfr(

¼iii½ uD'ks ¼fHkUu&fHkUu jaxksa esa izLrkfor dk;Z dk C;kSjk n'kkZrs gq,½ vkSj LFky ;kstuk dh Ng izfr;kaA uD'ks esa fo'ks"k :i ls lafuekZ.k ds fofunsZ'k] Hkou dh ÅapkbZ] vuqKs; vko`r {ks=] [kqys LFkku] lSV cSd] ikfdZax LFkku] laokru bR;kfn n'kkZ;k tk;sxk(vkSj

¼iv½ dksbZ vU; lwpuk ;k nLrkost tks uxjikfydk }kjk vius lek/kku ds fy, le;≤ ij visf{kr gks(

195

9 ¼196½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼[k½ [k.M ¼d½ ds v/khu visf{kr uD'ks] uxjikfydk]

uxj lq/kkj U;kl] t;iqj fodkl izkf/kdj.k] jkT; ds eq[; uxj fu;kstd }kjk ;k le;≤ ij ,sls iz;kstu ds fy, jkT; ljdkj }kjk l'kDr fdlh Hkh vU; izkf/kdkjh }kjk jftLVªhd`r vkSj vuqeksfnr fd;s x;s vfgZr okLrqfon~ ;k vfHk;ark }kjk gLrk{kfjr vkSj vf/kizekf.kr fd;s tk;saxsA ¼3½ ¼d½ uxjikfydk }kjk gd ds dkxtkrksa dh laoh{kk ;g lqfuf'pr fd;s tkus rd fucZaf/kr jguh pkfg, fd Hkwfe ;k] ;FkkfLFkfr] Hkou] ljdkj ;k fdlh lkoZtfud vfHkdj.k dk ugha gS(

¼[k½ vkosnd }kjk izLrqr nLrkostksa ds vk/kkj ij vkosnu dh rkjh[k dks vkosnd ds ikl Hkwfe ;k Hkou dk oS/k dCtk gksuk pkfg,%

ijUrq uxjikfydk }kjk Hkou fuekZ.k ;kstukvksa dh eatwjh vkosnd ds i{k esas fdlh Hkh izdkj ls gd dk l`tu djus dh dksfV esa ugha vk;sxhA

¼4½ ¼d½ uxjikfydk mi&fof/k;ksa }kjk ;g mica/k dj ldsxh fd mi&/kkjk ¼2½ ds v/khu izLrqr fd;s tkus ds fy, visf{kr nLrkost bySDVªksfud iz:i esa izLrqr fd;s tk ldsaxs(

¼[k½ uxjikfydk vkosnu dh izkfIr dh rkjh[k ls nks ekl dh dkykof/k ds Hkhrj&Hkhrj vkosnu fofuf'pr djsxh vkSj vius fyf[kr vkns'k ls lalwfpr djsxhA uxjikfydk ;k vuqKk eatwj djus ds fy, l'kDr dksbZ Hkh izkf/kdkjh ;k dksbZ Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼197½ lfefr uD'kk eatwj djus ;k ukeatwj djus ;k mikarfjr djus vFkok ,slh vU; 'krsZa ;k fucZa/ku vf/kjksfir djus] tks vko';d le>s tk;sa] ds fy, Hkh l{ke gksxhsA ,sls ekeyksas esa] tgka uxjikfydk nks ekl ds Hkhrj&Hkhrj vius fofu'p; ls lalwfpr djus esa foQy jgrh gS] ogka vkosnd]

uxjikfydk dks ml vk'k; dk ,d ekl dk Li"V uksfVl nsus ds i'pkr~ bls nh gqbZ vuqKk ekurs gq, lafuekZ.k dj ldsxkA rFkkfi] vkosnd vkSj okLrqfon~ ;k vfHk;ark dk ;g mŸkjnkf;Ro gksxk fd ekuh x;h vuqKk ds leLr ekeyksa esas vf/kfu;e] fu;eksa vkSj mi&fof/k;ksa ds micU/kksa dk vfrØe.k ugha fd;k tk;sA

¼5½ tgka mi&/kkjk ¼1½ ds v/khu izLrqr fd;k x;k vkosnu fdlh cgq&eaftyk Hkou vFkkZr~ iUnzg ehVj ls vf/kd dh Å¡pkbZ okyk dksbZ Hkou] ;k ikap lkS oxZ ehVj ls vf/kd ds {ks= esa dksbZ laLFkkxr dkEIysDl ;k O;kolkf;d dkEIysDl ls lacaf/kr gks rks uxjikfydk bZfIlr vuqKk eatwj djus ls iwoZ jkT; ljdkj ds {ks=h; uxj fu;kstd dh lykg izkIr djsxh vkSj ;g lqfuf'pr djsxh fd izLrkfor ;kstuk vkSj lafuekZ.k fu;eksa] mi&fof/k;ksa vkSj yksd lqfo/kk ls vlaxr ugha gSA ¼6½ ¼d½ uxjikfydk bl /kkjk ds v/khu izLrqr vkosnu dh 'krksZa] fucZa/kuksa] ekudksa] fofunsZ'kksa vkSj izfØ;k dh jhfr ds lEcU/k esa ,d:irk ykxw djus ds fy, /kkjk 339 vkSj 340 ds v/khu fu;e vkSj mi&fof/k;ka fojfpr djsxh(

9 ¼198½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼[k½ tgka mi&/kkjk ¼1½ ds v/khu izLrqr vkosnu xSj&vkokfld Hkou] cgq&eaftyk Hkou] dkEIysDl] ;k rg[kkus ds lafuekZ.k ls lacaf/kr gS] ogka uxjikfydk bZfIlr vuqKk eatwj djus ds iwoZ ml {ks= ds uxj fu;kstd dh lykg izkIr djsxh vkSj ;g lqfuf'pr djsxh fd izLrkfor ;kstuk vkSj lafuekZ.k fu;eksa] mi&fof/k;ksas vkSj yksd lqfo/kk ls vlaxr ugha gSA

¼7½ ¼d½ dksbZ Hkh O;fDRk uxjikfydk dh fyf[kr vuqKk ds fcuk fdlh Hkh izdkj dk lafuekZ.k izkjEHk ugha djsxk] vkSj uxjikfydk lHkh izdkj ls iw.kZ vkosnu dh izkfIr dh rkjh[k ls nks ekl

dh dkykof/k ds Hkhrj&Hkhrj mldk vkosnu fofuf'pr djsxh(

¼[k½ ;fn nks ekl dh dkykof/k ds Hkhrj&Hkhrj fofu'p; ls vkosnd dks lwfpr ugha fd;k tkrk gS rks og lafuekZ.k vkjEHk djus ds iwoZ ml dkykof/k ds Hkhrj&Hkhrj viuk vkosnu fofuf'pr djus dh vis{kk djrs gq, uxjikfydk dks ,d ekl dk Li"V uksfVl nsxk(

¼x½ ;fn uxjikfydk rc Hkh vkosnu dk fuiVkjk djus esa ;k dkjZokbZ] tks ml ekeys esa dh tk jgh gks] dh lwpuk ml O;fDr dks nsus esa foQy jgrh gS rks vkosnd bls uxjikfydk dh nh gqbZ vuqKk ekurs gq, lafuekZ.k izkjEHk dj ldsxk fdUrq og bl vf/kfu;e] vkSj rn/khu cuk;s x;s fu;eksa

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼199½ ;k mi&fof/k;ksa ds fdlh Hkh mica/k dk vfrØe.k ughas djsxk(

¼?k½ fyf[kr vuqKk ogka visf{kr ugha gksxh] tgka fdlh O;fDr us mi&/kkjk ¼1½ ds v/khu 250 oxZehVj ls de ds {ks= ij ds fy, vkosnu fd;k gks] izLrko izFke ry rd ,dy vkokfld bdkbZ ds lafuekZ.k ds fy, gks] vkSj Hkou dh dqy ÅapkbZ Nr dh eksVkbZ vkSj fdlh Hkh vU; lajpuk lfgr lM+d dh lrg ls nl ehVj ls vf/kd u gksA rFkkfi] ;g mica/k fdlh ijdksVs okys 'kgjh {ks= eas] tgka i`Fkd~ mi&fof/k;ka fo|eku gSa ;k ,sls fdlh {ks= esa] ftls rRle; izo`Rr fdlh fof/k ds v/khu fdlh gsfjVst {ks= ds :i esa ?kksf"kr fd;k x;k gS] ykxw ugha gksxkA

¼3½ eq[; uxjikfyd vf/kdkjh ;k mlds }kjk izkf/kd`r fdlh vU; O;fDr ;k vuqKk iznku djus ds fy, 'kfDr;ksa dk iz;ksx djus ds fy, izkf/kd`r lfefr ds v/;{k dks LFky ;k Hkou dk fujh{k.k djus] vkSj vkosnu fofuf'pr djus ds iz;kstu ds fy, fdlh Hkh le; ukitks[k djus] ;k ;g lqfuf'pr djus] fd dk;Z eatwj dh x;h ;kstuk ds vuqlkj gh fd;k tk jgk gS] dh 'kfDRk gksxhA eq[; uxjikfyd vf/kdkjh Hkou ds fuekZ.k ;k iqufuZekZ.k ds le;] eatwj ;kstuk vkSj mlesa vf/kjksfir 'krksZa dk vfrØe.k djus okys O;fDRk dks uksfVl tkjh djsxk vkSj ,sls fuekZ.k ;k fdlh

9 ¼200½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Hkh fuekZ.k ftlls eatwj ;kstuk dk vfrØe.k gksrk gks] dks gVkus ;k nwj djus ds fy, ,sls O;fDr ls dguk mlds fy, fof/kiw.kZ gksxkA tgka fuekZ.k vuqKk ds fcuk fd;k tk jgk gks] ogka fuekZ.k jksdus ds fy, lacaf/kr O;fDRk dks funsf'kr djuk Hkh eq[; uxjikfyd vf/kdkjh ds fy, fof/kiw.kZ gksxk (

¼p½ bl /kkjk ds micU/kksa dks izofrZr djus ds fy, lEiw.kZ ifjlj ;k mlds Hkkx dks vfHkx`ghr djuk vkSj

vius dCts esa ysuk vkSj uksfVl esa mlds }kjk fofufnZ"V dkykof/k ds fy, ,sls ifjlj dk mi;ksx izfrf"k) djuk eq[; uxjikfyd vf/kdkjh ;k mlds }kjk bl fufeRr izkf/kd`r fdlh vU; vf/kdkjh ds fy, fof/kiw.kZ gksxkA

¼8½ uxjikfydk fdlh ,sls vkosnu dks fofuf'pr ugha djsxh ftlesa Hkwfe ds orZeku mi;ksx dk ifjorZu vUroZfyr gS vkSj ,sls ifjorZu ds fy, /kkjk 182 ds v/khu vuqKk dh vko';drk gSA bl mi&/kkjk esa mfYyf[kr vkosnuksa dks] vkosnd dks lwpuk nsrs gq, vkSj mls dk;Z izkjEHk ugha djus ds funs'kksa ds lkFk] jkT; ljdkj dks ;k lacaf/kr izkf/kdkjh dks fufnZ"V fd;k tk;sxkA

¼9½ ¼d½ 15 ehVj ls vf/kd dh Å¡pkbZ okys fdlh Hkou ds iw.kZ gksus ds i'pkr~ fdUrq blds vf/kHkksx ds iwoZ] Hkou dk Lokeh vf/kHkksx izek.ki= tkjh djus ds fy, vkosnu ¼okLrqfon~@vfHk;ark }kjk lqj{kk ds izek.ki= vkSj vU; rF;ksa ds lR;kiu ds lkFk½ izLrqr djsxkA eq[; uxjikfyd vf/kdkjh] vko';d fujh{k.k dh

O;oLFkk djus ds Ik'pkr~ ,slk izek.ki= tkjh djsxk ;k ,sls vkosnu dh izkfIr dh rkjh[k ls fofufnZ"V dkykof/k ds Hkhrj mu =qfV;ksa dks] ;fn dksbZ gksa] tSlk mls vko';d izrhr gks] gVkus ds fy, dgsxkA og ;g Hkh lqfuf'pr djsxk fd vkosnd us eatwj uD'ks dk mYya?ku ugha fd;k gSA ;g Lokeh dk mŸkjnkf;Ro gksxk fd vf/kHkksx izek.ki= izkIr fd;s fcuk ,sls Hkou dk vf/kHkksx u djs ;k vf/kHkksx fd;k tkuk vuqKkr u djs(

¼[k½ tks dksbZ [k.M ¼d½ ds micU/kksa dk mYya?ku djrk gS] og fdlh l{ke U;k;ky; }kjk nks"kflf) ij] ,sls tqekZus ls] tks rhl gtkj #Ik;s ls de dk ugha gksxk fdUrq tks ipkl gtkj #Ik;s rd dk gks ldsxk vkSj mYya?ku tkjh jgus ds ekeys esa] ,sls mYya?ku ds izR;sd fnol ds fy,] tc rd ,slk mYya?ku tkjh jgrk gS] ikap lkS #Ik;s ls] nf.Mr fd;k tk;sxkA

¼10½ ¼d½ ;fn mi&/kkjk ¼1½ ds v/khu vkosnu izLrqr fd;s fcuk] dksbZ O;fDr fdlh izdkj dk fuekZ.k ;k iqufuZekZ.k izkjEHk djrk gS] tkjh j[krk gS] ;k iw.kZ djrk gS] ;k fdlh Hkou ;k mlds Hkkx esa dksbZ lkjoku~ ifjorZu djrk gS] ;k Hkou ds ,sls fdlh cfgxZr Hkkx dks] fufeZr djrk gS ;k iqu% ifjfufeZr djrk gS] ftlds laca/k esa uxjikfydk ml cfgxZr Hkkx dks gVk;k tkuk izofrZr djus ;k lsV csd dh fu;fer ykbZu dks izR;kofrZr djus ds fy, /kkjk 192 ds v/khu

gS] ;k dq,a ;k cksfjax ds lafuekZ.k ;k foLrkj djus esa Lo;a dks fu;ksftr djrk gS rks l{ke U;k;ky; }kjk nks"kflf) ij] ,sls lknk dkjkokl ls] tks ,d ekl ls de dk ughas gksxk fdUrq tks rhu ekl rd gks ldsxk ;k tqekZus ls]

tks chl gtkj #Ik;s ls de dk ugha gksxk] fdUrq tks ipkl gtkj #i;s rd dk gks ldsxk] ;k nksuksa ls] nf.Mr fd;k tk;sxk(

¼k½ ;fn dksbZ O;fDr eatwj ;kstuk ds mYYka?ku esa ;k ml ij vf/kjksfir ekudksa] 'krksZa] fucZa/kuksa dk vfrØe.k djrs gq, fuekZ.k ;k iqufuZekZ.k vkjEHk djrk gS] ;k tkjh j[krk gS ;k iw.kZ djrk gS vFkok fdlh Hkou ;k mlds Hkkx esa dksbZ rkfRod ifjorZu djrk gS rks og l{ke U;k;ky; }kjk nks"kflf) ij] ,sls lknk dkjkokl ls] tks iUnzg fnol ls de dk ughas gksxk] fdUrq tks iSarkyhl fnol rd dk gks ldsxk ;k tqekZus ls] tks nl gtkj #i;s ls de dk ugha gksxk] fdUrq tks chl gtkj #i;s rd dk gks ldsxk] ;k nksuksa ls] nf.Mr fd;k tk;sxk(

¼x½ ;fn dksbZ O;fDRk] ftlus mi&/kkjk ¼1½ ds v/khu vkosnu izLrqr fd;k gS vkSj mi&/kkjk ¼7½ ds [k.M ¼?k½ ds v/khu micaf/kr lqfo/kk dk mi;ksx fd;k gS] ,sls lafuekZ.k ds fy, fofgr 'krksZa] fucZa/kuksa vkSj ekudksa dk mYya?ku djrk gS rks og l{ke U;k;ky; }kjk nks"kflf) ij] ,sls lknk dkjkokl ls] tks iUnzg fnol ls de dk ugha gksxk] fdUrq tks iSarkyhl

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼203½ fnol rd dk gks ldsxk ;k tqekZus ls] tks nl gtkj #Ik;s ls de dk ugha gksxk] fdUrq tks chl gtkj #i;s rd dk gks ldsxk] ;k nksuksa ls] nf.Mr fd;k tk;sxk(

¼?k½ ;fn ;g ik;k tkrk gS fd okLrqfon~ ;k vfHk;ark }kjk gLrk{kfjr vkSj vf/kizekf.kr uD’kk bl /kkjk ;k bl vf/kfu;e ds v/khu cuk;s x;s fu;eksa] mi&fof/k;ksa ;k fd;s x;s vkns’kksa ds micU/kksa ls vlaxr gS rks uxjikfydk }kjk ,sls okLrqfon~ ;k vfHk;ark dk uke dkyh lwph eas j[k fn;k tk;sxk vkSj uxjikfydk }kjk mldk jftLVªhdj.k jÌ dj fn;k tk;sxk vkSj og l{ke U;k;ky; }kjk nks"kflf) ij] ,sls lknk dkjkokl ls] tks ,d ekl ls de dk ugha gksxk] fdUrq tks nks ekl rd dk gks ldsxk ;k tqekZus ls] tks ikap gtkj #i;s ls de dk ugha gksxk fdUrq tks nl gtkj #Ik;s rd dk gks ldsxk] ;k izR;sd ekeys esa nksuksa ls] nf.Mr fd;k tk;sxk(

¼3½ ;fn ;g ik;k tkrk gS fd fdlh O;fDr us uxjikfydk dh vuqKk izkIr djus ds fy, x<+s gq, ;k dwVjfpr ;k feF;k nLrkostksas dks izLrqr fd;k gS vFkok xyr vkSj feF;k dFku fd;k gS vFkok 'kiFki= esa rkfRod rF;ksa dks fNik;k gS rks og lqlaxr fof/k;ksa ds v/khu x<+u] diV vkSj fNiko ds fy, vfHk;ksftr fd;s tkus dk nk;h gksxkA mDr dk;Z esa fyIr ,sls O;fDRk ;k O;fDr;ksa] ftlesa uxjikfydk dk inkf/kdkjh] ;fn dksbZ gks] lfEefyr

9 ¼204½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ gS] ds fo#) vfoyECk nkf.Md dk;Zokfg;ka vkjEHk djuk eq[; uxjikfyd vf/kdkjh dk mŸkjnkf;Ro gksxk(

¼p½ ;fn mi&/kkjk ¼1½ ds v/khu izkIr vkosnu ds fuiVkjs

ds fy, vkSj mi&/kkjk ¼4½ ds [k.M ¼[k½ ds v/khu izkIr fdlh Hkh uksfVl ds ekeys esa fu;r dkykof/k dh tkucw>dj mis{kk dh tkrh gS rks bl /kkjk ds izorZu ds fy, l'kDr vf/kdkjh ;k izkf/kdkjh ;k bl iz;kstu ds fy, vfHkys[k j[kus okyk in/kkjh O;fDrxr :i ls mŸkjnk;h gksxkA ,slh mis{kk ds fy, mRrjnk;h O;fDr] l{ke U;k;ky; }kjk nks"kflf) ij] ,d ekl ds lknk dkjkokl ls ;k tqekZus ls] tks ikap gtkj #i;s ls de dk ugha gksxk fdUrq tks nl gtkj #i;s rd dk gks ldsxk] ;k nksuksa ls] nf.Mr fd;k tk;sxk(

¼N½ uxjikfydk dk dksbZ deZpkjh] ftls {ks=&fo'ks"k ds fy, drZO; leuqnsf'kr fd;s x;s gSa vkSj bl /kkjk ds micU/kksa ds mYYka?ku ds ekeys dh fjiksVZ djus ds fy, mŸkjnk;h cuk;k x;k gS] ;g lqfuf'pr djsxk fd ,sls mYya?ku dh fjiksVZ vfoyEc mfpr :i ls dh x;h gS vkSj mldh izfof"V bl iz;kstu ds fy, j[ks x;s jftLVj eas dj nh x;h gS rFkk vizkf/kd`r fuekZ.k jksdus ds fy, vko';d dkjZokbZ djsxk vkSj ;fn ;g lkfcr gks tkrk gS fd mlus ,sls vizkf/kd`r fuekZ.k dks jksdus esa vkSj mldh fjiksVZ djus esa tkucw>dj mis{kk dh gS rks mls /kkjk

245 dh mi&/kkjk ¼18½ ds micU/kksa ds vuqlkj nf.Mr fd;k tk;sxk(

¼t½ uxjikfydk dks] vuqKk ds fcuk izkjEHk fd;s x;s ;k eatwj uD'ks ds ekudksa dk vfrØe.k djus okys ;k vkosnu izLrqr fd;s fcuk fd;s x;s fdlh dk;Z dks jksdus dh 'kfDRk gksxh(

¼>½ O;frØeh ds vfHk;kstu ds vfrfjDr] uxjikfydk dks ,sls lEiw.kZ lafuekZ.k ;k mlds Hkkx dks rksM+ Mkyus dh 'kfDRk gksxh] ftls vuqKk ds fcuk ;k vuqKk dk vfrØe.k djrs gq, fd;k x;k gS] ;k tgka vuqKk bl /kkjk esa ;Fkkof.kZr diV bR;kfn }kjk izkIr dh x;h FkhA

¼11½ dksbZ Hkh uxjikfydk 'kq"d rgkjrksa ds lfUuekZ.k dks vuqKkr ugha djsxh vkSj ;fn dksbZ O;fDr uxjikfydk {ks= esa 'kq"d rgkjr dk lfUuekZ.k ;k la/kkj.k djrk gS rks og uxjikfydk mDr rgkjrksa ds /oal gsrq dne mBk;sxhA

¼12½ uxjikfydk ;k mlds }kjk l'kDr lfefr ds fdlh vkns'k ;k fofgr izkf/kdkjh ds fdlh vkns'k ls O;fFkr dksbZ Hkh O;fDr] ,sls vkns'k dh rkjh[k ls rhl fnol ds Hkhrj&Hkhrj] ,sls vkns'k ds fo#) jkT; ljdkj ;k mlds }kjk izkf/kd`r fdlh vU; vf/kdkjh dks vihy izLrqr dj ldsxkA

195- fuokfl;ksa ds laxe }kjk vikVZesUV dkEIysDlksa dk j[k&j[kko-& ¼1½ Hkou&fuekZrk ;k fodkldrkZ] lkFk gh dkEIysDl dh bdkb;ksa ds Lokfe;ksa dk ;g mŸkjnkf;Ro gksxk fd os] tSls gh dkEIysDl vf/kHkksx ds fy, rS;kj gks] dkEIysDl ds j[k&j[kko ds fy,] fuokfl;ksa

9 ¼206½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ dk ,d laxe LFkkfir djasxsA Hkou fuekZrk ds vU; mŸkjnkf;Ro fuEufyf[kr gksaxs]&

¼i½ lafuekZ.k dh vuqKk ds fy, vkosnu djrs le;] Lokfe;ksas vkSj fuokfl;ksa dks ikfdZax LFkku lfgr lkekU; lqfo/kkvksa ds C;kSjs crkuk(

¼ii½ dkEIysDl ds j[k&j[kko ds fy, ,d fudk; fuf/k dk xBu djuk vkSj mls laxe ds izorZu esa vkrs gh] lkSaiuk(

¼iii½ lqj{kk] Hkou esa miyC/k lkekU; lqfo/kk,a vkSj mudk j[k&j[kko laxe ds izorZu esa vkrs gh] ;Fkk'kh?kz] mls lkSaiuk(

¼iv½ laxe dks fUkEufyf[kr nLrkost lkSaiuk%&

¼d½ vuqeksfnr Hkou fuekZ.k ;kstuk dh izfr vkSj dkEIysDl ds lafuekZ.k ds fy, vuqKk dh eatwjh okyk i=(

¼[k½ fy¶V] ty&iznk; miLdj] tsujsVj ;k Hkou esa LFkkfir fd;s x;s vU; fdlh Hkh egRoiw.kZ miLdj dh okj.Vh nLrkostksa dh izfr;ka(

¼x½ Hkwfe ds Lokeh ds LkkFk djkj dh izfr] ;fn dksbZ gks(

¼?k½ Hkou esa LFkkfir fd;s x;s ey&ogu vkSj ty&iznk; ds fMtkbuA

¼2½ uxjikfydk rc rd iw.kZrk izek.ki= tkjh ugha djsxh tc rd fd mi&/kkjk ¼1½ esa of.kZr vkSipkfjdrk,a Hkou fuekZrk ;k fodkldrkZ }kjk iwjh ugha dj yh x;h gSaA

Li"Vhdj.k-& bl /kkjk ds iz;kstuksa ds fy,]&

206

¼i½ ^^Lokeh^^ ls ml Hkwfe dk Lokeh vfHkizsr gS ftl ij dkEIysDl dk lafuekZ.k fd;k x;k gS vkSj blesa og O;fDr] ftlus ml dkEIysDl esa jftLVªhd`r foys[k }kjk fdlh bdkbZ dks Ø; fd;k gS] lfEefyr gS(

¼ii½ ^^fuoklh^^ ls og O;fDr vfHkizsr gS tks Lokeh ;k Hkou fuekZrk ds lkFk fdlh Hkh O;oLFkk ds v/khu ml le; bdkbZ ds vf/kHkksx eas gS(

¼iii½ ^^fuokfl;ksa dk laxe^^ ls fdlh dkEIysDl ds Lokfe;ksa vkSj fuokfl;ksa dk lqlaxr fof/k ds v/khu jftLVªhd`r laxe] ftls dkEIysDl ds j[k&j[kko ds fy, LFkkfir fd;k x;k gS] vfHkizsr gSA

196- vuqKk vkSj lafuekZ.k dh fof'kf"V;ksa dks izeq[k :i ls iznf'kZr fd;k tkuk-& ¼1½ uxjikfyd {ks= ds Hkhrj] dksbZ lafuekZ.k djus okyk izR;sd O;fDRk ;k vfHkdj.k] dksbZ Hkh fuekZ.k vkjaHk djus ds iwoZ] izLrkfor lafuekZ.k ls

lacaf/kr fuEufyf[kr fof'kf"V;ka] Hkou&LFky ij fdlh izeq[k LFkku ij tc rd fd vU;Fkk fofufnZ"V u fd;k tk;s] dkMZ cksMZ ;k lkns dkxt dks NksM+dj] tc rd fd uxjikfydk }kjk vU;Fkk fofufnZ"V u fd;k tk;s] fdlh Hkh n`<+ inkFkZ ls cus 4 x 4 QqV ds vkdkj ds cksMZ ij iznf'kZr djsxk%&

¼i½ lafuekZ.k djus okys O;fDr ;k vfHkdj.k dk uke] irk vkSj VsyhQksu uEcj] ;fn dksbZ gks] lfgr(

¼ii½ Hkou&LFky dh fof'kf"V;ka ftuesa Lokeh dk uke] irk vkSj VsyhQksu uEcj] ;fn dksbZ gksa] lfEefyr gSa(

9 ¼208½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼iii½ uxjikfydk ;k fdlh Hkh vU; izkf/kdkjh ;k uxj lq/kkj U;kl ls izkIr dh x;h vuqKk dk la[;kad vkSj rkjh[k] ;fn visf{kr gks(

¼iv½ izLrkfor lafuekZ.k dh izeq[k fof'kf"V;ka vFkkZr~ izLrkfor mi;ksx] ryksa dh dqy la[;k] bdkb;ksa dh la[;k] lafuekZ.k dk oxZ QqV esa izLrkfor {ks=] lkoZtfud ikfdZax bdkb;ksa dh la[;k(

¼v½ lafuekZ.k izkjaHk djus vkSj lekIr djus dh rkjh[k(vkSj

¼vi½ Hkou fuekZ.k dh vuqKk visf{kr u gksus ds ekeys esa dkj.kA

¼2½ tks dksbZ Hkh mi&/kkjk ¼1½ ds mica/kksa dk mYya?ku djrk gS] ,sls tqekZus ls n.Muh; gksxk tks ipkl gtkj #i;s rd dk gks ldsxkA 197- ejEer bR;kfn ds nkSjku gksfMZax yxkuk-& ¼1½ izR;sd O;fDr] tks ,slh fLFkfr ;k ,slh ifjfLFkfr;ksa esa fdlh Hkou ds fuekZ.k dk ;k fdlh Hkou dks fxjkus dk ;k fdlh Hkou ds ckg~; Hkkx dks ifjofrZr djus ;k mldh ejEer djus dk vk'k; j[krk gS] fd ml dk;Z ls fdlh ekxZ esa ck/kk] [krjk] vlqfo/kk gksus dh laHkkouk gS ;k gks ldrh gS rks og ,slk dk;Z vkjaHk djus ls iwoZ&

¼d½ ,slk djus ds fy, uxjikfydk ls igys fyf[kr vuqKfIr izkIr djsxk] vkSj

¼[k½ ekxZ ls ml Hkou dks] tgka ij ,sls dk;Z fd;s tk jgs gaS] vyx j[kus ds fy,] i;kZIr gksfMZax ;k ckM+ yxok;sxk vkSj ,sls le; ds nkSjku tks yksd lqj{kk ;k lqfo/kk ds fy, visf{kr gks] ,slh ckM+ ;k gksfMZax dks uxjikfydk ds lek/kkuizn :Ik esa [kM+h gqbZ vkSj vPNh gkyr esa

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼209½ j[ksxk vkSj mls jkf= esa Ik;kZIr :i ls izdkf'kr djok;sxk vkSj tc uxjikfydk }kjk fufn"V fd;k tk;s rks mls gVk nsxkA

¼2½ tks dksbZ Hkh bl /kkjk ds mica/kksa esa ls fdlh Hkh mica/k dk mYya?ku djrk gS og ,sls tqekZus ls tks ,d gtkj #i;s ls de dk ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxk vkSj izFke nks"kflf) dh rkjh[k ds Ik'pkr~ izR;sd fnol ;k] ;FkkfLFkfr] jkf= ds fy,] ftldks ,slk mYya?ku tkjh jgrk gS ,sls vkSj tqekZus ls] tks ipkl #Ik;s ls de dk ugha gksxk fdUrq tks ,d lkS #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

198- lq[k&lqfo/kkvksa ds j[k&j[kko dk mRrnkf;Ro ysuk-& rRle; izo`Rr fdlh Hkh vU; fof/k esa vUrfoZ"V fdlh ckr ds gksus ij Hkh uxjikfydk] fdlh izkf/kdkjh] vfHkdj.k ;k O;fDr }kjk fdlh Hkh Ldhe ;k dkyksuh esa miyC/k djok;h x;h lq[k&lqfo/kkvksa ds j[k&j[kko dk dksbZ Hkh mRrnkf;Ro rc rd ugha ysxh tc rd fd&

¼i½ ,slh lq[k&lqfo/kkvksa dh ;kstukvksa] fofunsZ'kksa vkSj fMtkbuksa lfgr leLr lqlaxr vfHkys[k uxjikfydk dks izLrqr u dj fn;k tk;s(vkSj

¼ii½ uxjikfydk dk ;g lek/kku u gks tk;s fd ,slh lq[k&lqfo/kk,a bl fufeRr rRle; izo`Rr fdlh Hkh fof/k ds mica/kksa ds vuqlkj fodflr ;k lafufeZr dh x;h gaS%

ijUrq ;fn uxjikfydk] mldks izLrqr fd;s x;s vfHkys[kksa dh ijh{kk ij] ;k lq[k&lqfo/kkvksa ds fujh{k.k ij ;g ikrh gS fd lq[k&lqfo/kkvksa ds lafuekZ.k ;k izpkyu esa ,slh dfe;ka gSa ftUgsa lq/kkjk tk ldrk gS rks og ml izkf/kdkjh] vfHkdj.k ;k O;fDr ls] ftlus ,slh

9 ¼210½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ Ldhe ;k dkyksuh fodflr dh gS] dfe;ksa dks uxjikfydk ds lek/kkuizn :Ik esa lq/kkjus ;k uxjikfydk dks ,sls deh&izHkkjksa dk lank; djus dh vis{kk djsxh] ftUgsasa uxjikfydk ,slh deh dks lq/kkjus ds fy, mfpr le>s vkSj dfe;ksa ds lq/kkj ysus ij ;k] ;FkkfLFkfr] deh ds izHkkj ds lank; ij] uxjikfydk ,slh lq[k&lqfo/kkvksa ds j[k&j[kko dk mRrnkf;Ro fQj ls vkjaHk dj ldsxhA

Li"Vhdj.k-& bl /kkjk ds iz;kstuksa ds fy, ^^lq[k&lqfo/kkvksa^^ esa lM+dsa] iqy] lalwpuk ds dksbZ Hkh vU; lk/ku] ifjogu] ekxZ] [kqys LFkku] m|ku] euksjatu ds eSnku] [ksy ds eSnku] ty] xSl vkSj fo|qr iznk;] vkSj ÅtkZ ds lzksr] ekxZ dh izdk'k O;oLFkk] ey&ogu] ty&fudkl] lQkbZ] yksd dk;Z] vkSj ,slh vU; mi;ksfxrk,a] lsok,a vkSj lqfo/kk,a lfEefyr gSa ftUgsa jkT; ljdkj] uxjikfydk ds ijke'kZ ls] jkti= esa vf/klwpuk }kjk] bl vf/kfu;e ds iz;kstu ds fy, dksbZ lq[k&lqfo/kk gksuk fofufnZ"V djsA

199- vU; vfHkdj.kksa }kjk fodflr dkyksfu;ksa dk lkSaik ;k xzg.k fd;k tkuk-& dksbZ Hkh uxjikfydk] fdlh Hkh vU; izkf/kdkjh] vfHkdj.k ;k O;fDr }kjk fodflr dh x;h fdlh Ldhe ;k dkyksuh dk xzg.k rc rd ugha djsxh tc rd fd mldh ;kstuk,a uxjikfydk }kjk vfxze rkSj ij vuqeksfnr u dj nh x;h gksa vkSj vU; ekeyksas esa Ldhe ;k dkyksuh] fo|eku fof/k;ksa vkSj fu;eksa ds vuqlkj u gksA uxjikfydk Lo;a dk ;g lek/kku Hkh djsxh fd fofgr lq[k&lqfo/kk,a igys ls gh /kkjk 198 esa minf'kZrkuqlkj miyC/k djok nh x;h gSa ;k vko';d deh&izHkkj lanRr dj fn;s x;s gSa vkSj gd dk lcwr] ,slh Ldheksa ;k dkyksfu;ksa dh ;kstuk,a] fofunsZ'k vkSj fMtkbuksa dks lfEefyr djrs gq, leLr lqlaxr vfHkys[k uxjikfydk dks izLrqr dj fn;s x;s gSaA uxjikfydk dks] bl izdkj ds xzg.k ds i'pkr~] Ldhe ds mica/kksa ds

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼211½ vuqlkj dkyksuh esa lfEefyr leLr laifRr;ksa ds O;;u ds iwjs vf/kdkj gksaxsA ,slh leLr Ldhesa] dkyksfu;ka vkSj lq[k&lqfo/kk,a] ,sls xzg.k ds i'pkr~ uxjikfydk esa fufgr gksaxhA

v/;k; 12

uxjikfyd 'kfDr;ka vkSj vijk/k

200- ukfy;ksa vkfn ij uxjikfydk dk fu;a=.k-& ¼1½ uxjikfydk ds Hkhrj leLr eyukfy;ka] ukfy;ka] 'kkSpky;] ¶y'k 'kkSpky;] ?kjksa dh ukfy;ak vkSj eydwi uxjikfydk ds losZ{k.k vkSj fu;a=.k ds v/khu gksaxsA

¼2½ leLr <dh gqbZ eyukfy;kasas vkSj ukfy;ksa rFkk leLr eydwiksa] pkgs os lkoZtfud gksa ;k futh] ds fy, uxjikfydk ;k vU; O;fDRk }kjk] ftuds os i`Fkd~&i`Fkd~ LokfeRo esa gksa] mfpr tkfy;ksa ;k vU; <Dduksa ;k laokru ds lk/kuksa dh O;oLFkk dh tk;sxh] vkSj uxjikfydk] fyf[kr uksfVl }kjk] ,slh fdUgha <dh gqbZ ey&ukfy;ksa] ukfy;ksa ;k eydwiksa ds Lokeh ls rnuqlkj O;oLFkk djus dh vis{kk dj ldsxhA

201- ukfy;ka vkfn cukus dh 'kfDr;ka-& ¼1½ fdlh ty&fudkl Ldhe dks fØ;kfUor djus ds fy,] fdlh ekxZ ;k ekxZ ds :i esa vfHkU;Lr ;k ekxZ ds fy, vk'kf;r fdlh LFkku esa gksdj] mlds vkj&ikj ;k mlds uhps ls] vFkok fdlh ekxZ ds uhps fLFkr fdlh xksnke ;k rg[kkus ds uhps ls vkSj Lokeh ;k vf/kHkksxh dks fyf[kr :i esa ;qfDr;qDr uksfVl nsus ds i'pkr~ uxjikfydk ds Hkhrj fdlh Hkh Hkwfe esa] mleas ls gksdj ;k mlds uhps ls dksbZ ukyh] eyukyh] ufydk] lqjax] iqfy;k] ikbi ;k ty ekxZ ys tkuk] uxjikfydk ds fy, fof/kiw.kZ gksxkA

9 ¼212½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼2½ uxjikfydk ;k mlds }kjk bl iz;kstu ds fy, fu;qDr dksbZ Hkh vf/kdkjh] ,slh fdlh Hkwfe ij ftl ij uxjikfydk esa fufgr dksbZ ukyh igys ls gh cuh gqbZ gS] izos'k dj ldsxk vkSj fo|eku ukyh ds LFkku ij u;h ukyh cuok ldsxk vFkok uxjikfydk esa fufgr fdlh ukyh dh ejEer ;k mlesa ifjorZu dj ldsxkA

¼3½ bl /kkjk ds v/khu fdlh 'kfDr dk iz;ksx djrs gq, dksbZ vuko';d uqdlku ugha ig¡qpk;k tk;sxk vkSj ,sls O;fDr dks ftls ,slh 'kfDr ds iz;ksx ls uqdlku gqvk gks] uxjikfydk }kjk izfrdj lanRr fd;k tk;sxk] tks fookn dh n'kk esa /kkjk 295 esa micaf/kr jhfr ls vfHkfuf'pr vkSj vo/kkfjr fd;k tk;sxkA

202- Hkou ls izHkkoh ty&fudkl-& ¼1½ fdlh Hkou dk fuekZ.k ;k fdlh Hkou dk iqufuZekZ.k djuk ;k fdlh uofufeZr ;k iqufufeZr fd;s tkus okys Hkou dks vf/kHkksx esa ysuk] rc rd fof/kiw.kZ ugha gksxk tc rd&

¼d½ ,sls vkdkj] lkexzh vkSj izdkj dh] ,slh lrg ij vkSj ,sls <yku dh] tks ,sls Hkou ls izHkkoh ty&fudkl ds fy, uxjikfydk dks vko';d izrhr gks] dksbZ ukyh ugha cuk;h tk;s(

¼[k½ ,sls Hkou vkSj mlls vuqyXu Hkwfe ds fy, vkSj

mlesa] ,sls lHkh lkf/k=ksa vkSj fQfVaXl dh] tks uxjikfydk dks mDr Hkou vkSj mDr Hkwfe ds ty&fudkl dks ,d= djus vkSj xzg.k djus vkSj mls nwj ys tkus vkSj mDr Hkou vkSj mlls lacaf/kr

izR;sd fQDlpj dh ukyh dks izHkkoh jhfr ls ¶y'k djus ds iz;kstuksa ds fy, vko';d izrhr gkas] O;oLFkk u dj nh x;h gksA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼213½ ¼2½

iwoksZDr jhfr ls cuk;h tkus okyh ukyh] uxjikfydk dh ukyh esa ;k ,sls LFkku esa] tks ,sls Hkou ls ipkl QqV ls vf/kd dh nwjh ij fLFkr u gks vkSj tks ty&fudkl ds fuLlkj.k ds fy, fof/kd :i ls fu;r gks] fxjsxh fdUrq ;fn ,slh nwjh ds Hkhrj ,slh ukyh ;k LFkku u gks rks ,slh ukyh ,sls eydwi eas fxjsxh ftlds fy, uxjikfydk funs'k nsA

¼3½ iwoZorhZ mi&/kkjkvksa esa vUrfoZ"V fdlh ckr ds gksus ij Hkh izlk/ku d{k] jlksbZ vkSj Luku?kj ls vif'k"V ty ds leqfpr fuLlkj.k ds fy, ey&ogu iz.kkyh ds {ks= ls] tSls gh og fdlh vfHkdj.k }kjk ml {ks= esa LFkkfir dh tk;s] fofgr jhfr ls laca/k izkIr djuk fdlh Hkh Hkou ;k Hkwfe ds izR;sd Lokeh ;k vf/kHkksxh ds fy, vkKkid gksxk A ¼4½ tgak dksbZ O;fDr mi&/kkjk ¼1½ ds v/khu fn;s x;s uxjikfydkvksa ds funs'kksa dh voKk djrk gS] og nks"kflf) ij] ,sls tqekZus ls] tks nks gtkj #i;s ls de ugha gksxk fdUrq tks ikap gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

203- Hkouksa ;k Hkwfe;ksa ds Lokfe;ksa vkSj vf/kHkksfx;ksas dk uxjikfydk dh ukfy;ksas esa mRlkj.k djus dk vf/kdkj-& uxjikfydk ds Hkhrj fdlh Hkou ;k Hkwfe dk Lokeh ;k vf/kHkksxh viuh ukyh uxjikfydk dh ey&ukfy;ksa esa fxjkus dk gdnkj gksxk] c'krsZ fd og igys uxjikfydk dh fyf[kr vuqKk izkIr dj ys vkSj ,slh 'krksZa dk ikyu djs tks uxjikfydk og <ax] ftlls vkSj v/kh{k.k] ftlds v/khu mu ukfy;ksas] tks uxjikfydk esa fufgr ugha gSa vkSj mu ukfy;ksa] tks uxjikfydk esa bl izdkj fufgr gSa] ds chp lapkj dks fofgr djsA 204- ey vkSj o"kkZ&ty dh ukfy;ksa dk i`Fkd~&i`Fkd~ gksuk-& tc dHkh vf/kfu;e esa ;g micaf/kr gks fd fdlh ifjlj ds izHkkoh ty&fudkl ds fy, dk;Zokgh dh tk;s rks uxjikfydk ;g vis{kk dj

9 ¼214½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ldsxh fd ,d ukyh ?k`.kksRiknd inkFkZ vkSj ey ds fy, gks vkSj nwljh ukyh o"kkZ&ty vkSj vnwf"kr v/kkse`nk&ty ds fy, gks vkSj muesa ls izR;sd ukyh] uxjikfydk dh i`Fkd~&i`Fkd~ ukfy;ksa esa ;k uxjikfydk }kjk ty&fudkl ds fuLlkj.k ds fy, vU; LFkkuksa esa ;k vU; mi;qDr LFkkuksa esa fxjsA

205- vU; O;fDRk dh Hkwfe ij ls ;k mldh ukyh esa ls ukyh ys tkus dk vf/kdkj-&uxjikfydk }kjk dSls vkSj fdu 'krksZa ij izkf/kd`r fd;k tk;sxk-& ¼1½ ;fn fdlh Hkou ;k Hkwfe dk Lokeh ;k vf/kHkksxh] uxjikfydk ds lek/kkuizn :i esa ;g lkfcr dj ns fd og fdlh vU; O;fDr dh ;k mlds vf/kHkksx esa ;k mi;ksx eas dh fdlh Hkwfe esa gksdj ukyh cukus ls vU;Fkk mls uxjikfyd ukyh ls lalDr ugha dj ldrk rks uxjikfydk] ,sls vU; O;fDr dks ml vkosnu ds laca/k esa dksbZ vk{ksi djus dk ;qfDr;qDr volj nsus ds i'pkr~ vkSj ;fn dksbZ vk{ksi u fd;k tk;s vkSj ;fn dksbZ vk{ksi fd;k tk;s rks ,slk vk{ksi uxjikfydk dh jk; esa vi;kZIr gks] fyf[kr vkns'k }kjk izFke&of.kZr Lokeh ;k vf/kHkksxh dks viuh ukyh mDr Hkwfe esa] mlesa ls gksdj] ;k mlds uhps ls ;k] ;FkkfLFkfr] mDr ukyh esa ys tkus ds fy, fdjk, ;k izfrdj ds lank; ds fo"k; esa vkSj mDr ukyh ds j[k&j[kko] ejEer] ¶yf'kax] lQkbZ vkSj

[kkyh djus ds i{kdkjksa ds vius&vius mRrjnkf;Roksa ds fo"k; esa ,slh jhfr ls vkSj ,slh 'krksZa ij] tks mls i;kZIr vkSj lerk;qDr izrhr gksa] ys tkus ds fy, izkf/kd`r dj ldsxhA ¼2½ ,slk izR;sd vkns'k] ,sls O;fDr ds fy, ftlds i{k esa og fd;k tk;s ;k mlds }kjk bl iz;kstu ds fy, fu;ksftr fdlh vfHkdrkZ ;k vU; O;fDr ds fy,] mDr Hkwfe ;k ukyh ds Lokeh ;k vf/kHkksxh dks mDr vkns'k esa fofufnZ"V izfrdj ;k fdjk;k ;fn dksbZ gks]

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼215½ nsus ;k fufonRr djus ds Ik'pkr~ vkSj mDr vkns'k dh 'krksZa dks ;FkklEHko vU;Fkk iwjh djus ij vkSj mDr Lokeh ;k vf/kHkksxh dks mDr vkns'k esa fofufnZ"V Hkwfe ij lw;kZsZn; vkSj lw;kZLr ds chp vius lgk;dksa vkSj deZdkjksa ds lkFk fdlh le; izos'k djus dk ;qfDr;qDr fyf[kr uksfVl nsus ds i'pkr~ vkSj bl vf/kfu;e ds leLr micU/kksa ds v/;/khu jgrs gq, ,sls lHkh dk;Z djus vkSj ,sls lHkh lafuekZ.k dk;Z fu"ikfnr djus dk iw.kZ izkf/kdkj gksxk tks&

¼d½ ukyh ds lafuekZ.k ;k mls lalDr djus ds fy,] tSlk mDr vkns'k }kjk izkf/kd`r fd;k tk;s(;k ¼k½ vkns'k ds fucU/kuksa ds v/khu mDr ukyh ;k mlds fdlh Hkkx ds j[k&j[kko] ejEer] ¶yf'kax] mldh lQkbZ ;k mls [kkyh djus laca/kh mlds fdlh mRrjnkf;Ro dk fuoZgu djus ds fy, vko';d gksaA 206- ladeZ fdl izdkj fd;k tkuk gS-& /kkjk 205 ds v/khu dksbZ ladeZ bl izdkj fu"ikfnr fd;k tk;sxk ftlls uqdlku ;FkklEHko de ls de gks vkSj ml Hkou ;k Hkwfe dk Lokeh ;k vf/kHkksxh] ftlds Qk;ns ds fy, ladeZ fd;k tkrk gS&

¼d½ ladeZ dks ;Fkklk/; vfoYkEc fu"ikfnr djok;sxk] ¼k½ mDr ladeZ dks fu"ikfnr djus ds iz;kstu ds fy, Hkwfe ;k fdlh Hkou ;k vU; lafuekZ.k ds [kksys x;s] rksMs+ x;s ;k gVk;s x;s fdlh Hkkx dks vius [kpsZ ls vkSj ;Fkklk/; vfoYkEc Hkjsxk] iqu% LFkkfir djsxk vkSj iwoZ n'kk esas yk;sxk] vkSj

¼x½ ,sls fdlh O;fDr dks] ftls mDr ladeZ ds fu"iknu ls uqdlku igqaps] izfrdj nsxkA

9 ¼216½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 207- ftl Hkwfe ij ls ukyh ys tk;h tk;s ml ij Ik'pkr~orhZ Hkou fuekZ.k ds laca/k esa mlds Lokeh dk vf/kdkj-& ;fn ,slh fdlh Hkwfe dk Lokeh] ftlesa] ftl ij ;k ftlds uhps ls /kkjk 205 ds v/khu dksbZ ukyh ml le; ys tk;h x;h gks tc ml Hkwfe ij dksbZ fuekZ.k ugha fd;k x;k Fkk] fdlh i'pkr~orhZ le; ij ml Hkwfe ij dksbZ Hkou fufeZr djuk pkgs rks uxjikfydk] ;fn og ,sls Hkou fuekZ.k dh eatwjh nsrh gS] ml Hkou ;k Hkwfe ds Lokeh ;k vf/kHkksxh dks] ftlds Qk;ns ds fy, og ukyh cuk;h x;h Fkh] ml ukyh dks cUn djus] gVkus ;k mldh fn'kk cnyus ds fy, rFkk izLrkfor Hkou dk fuekZ.k ;k mldk lqjf{kr miHkksx fuf'pr djus ds fy, ml Hkwfe dks ,slh jhfr ls] tks uxjikfydk vko';d le>s] Hkjus] iqu% LFkkfir djus rFkk iwoZ n'kk esa ykus dh vis{kk djrs gq, fyf[kr uksfVl ns ldsxh vkSj Hkou dk fuekZ.k djus dh bPNk j[kus okys O;fDRk ls Hkh mls fyf[kr uksfVl nsdj vis{kk dj ldsxh fd og ml ukyh dks /;ku

esa j[krs gq, Hkou ds LFky esa ;k Hkou ds fuekZ.k ds C;kSjksa esa ,sls ifjorZu ,sls fucU/kuksa ij dj ys tks uxjikfydk ukyh dks lalDr j[kus ds fy, vko';d le>sA

208- 'kkSpky;ksa vkfn dh O;oLFkk-& ¼1½ tgka uxjikfydk dh ;g jk; gks fd fdlh&fdlh Hkou esa ;k Hkwfe ij 'kkSpky; ;k eydwi ;k vfrfjDr 'kkSpky;ksa ;k eydwiksa dh O;oLFkk dh tkuh pkfg, ;k fdlh uxjikfydk esa] ftlesa ¶y'k 'kkSpky; i)fr vkjEHk dh x;h gS] fdlh Hkou esas ;k Hkwfe ij fo|eku 'kkSpky;ksa ;k eydwiksa ds LFkku ij ¶y'k 'kkSpky; izfrLFkkfir fd;s tkus pkfg, ;k muesa ;k mu ij vfrfjDr ¶y'k 'kkSpky;ksa dh O;oLFkk dh tkuh pkfg, ogka uxjikfydk] ,sls Hkou ;k Hkwfe ds Lokeh dks fyf[kr uksfVl nsdj ,sls 'kkSpky;ksa] eydwiksa ;k ¶y'k 'kkSpky;ksa dh] tks uxjikfydk mfpr le>s] O;oLFkk djus dh vis{kk dj ldsxhA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼217½ ¼2½ uxjikfydk fyf[kr uksfVl }kjk fdlh O;fDr ;k O;fDr;ksa ls tks chl ls vf/kd deZdkjksa ;k Jfedksa dks fu;ksftr djrs gksa ;k tks fdlh cktkj] fo|ky; ;k ukV~;'kkyk vFkok lkoZtfud lekxe ds fdlh vU; LFkku ds Lokeh vFkok izcU/kd gksa] ;g vis{kk dj ldsxh fd os ,sls rgkjrksa vkSj ew=ky;ksas dh O;oLFkk djsasa] tSlk uxjikfydk funs'k ns rFkk mudk mfpr izdkj ls j[k&j[kko djsa vkSj izfrfnol lkQ djk;saA

¼3½ uxjikfydk fyf[kr uksfVl }kjk fdlh ,slh Hkwfe ds] ftl ij dksbZ 'kkSpky; gks] Lokeh ;k vf/kHkksxh ls vis{kk dj ldsxh fd og iM+kSfl;ksa ;k ekxZ esa vkus tkus okys O;fDr;ksa ;k iM+ksl ds fuokfl;ksa dh n`f"V ls fNik gqvk j[kus ds fy, ,sls 'kkSpky; dks Ik;kZIr Nr ;k nhokj ;k ?ksjs }kjk cUn dj ns vFkok fdlh 'kkSpky; }kj ;k Nan }kj esa tks fdlh ekxZ dh vksj [kqyrk gks vkSj ftls og U;wlsUl le>rh gks] ,slk ifjorZu djs tSlk og funs'k nsA

¼4½ fdlh Hkh O;fDr dks mlds 'kkSpky; ls fo"Bk] uxjikfydk dh ukyh esa ;k mldh izkbosV ukyh esa cgkus dh vuqefr ugha nh tk;sxhA

¼5½ bl /kkjk ds v/khu fn;s x;s uxjikfydk ds funs'k dh voKk djus okyk dksbZ Hkh O;fDr bl /kkjk ds v/khu nks"kflf) ij ,sls lknk dkjkokl ls] tks ,d ekl ls de dk ugha gksxk fdUrq tks nks ekl rd dk gks ldsxk] vkSj tqekZus ls] tks nks gtkj #i;s ls de dk ugha gksxk fdUrq tks ikap gtkj #Ik;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

209- dkj[kkuksa] fo|ky;ksa vkSj lkoZtfud LFkkuksa esa rgkjr vkSj ew=ky; dk fuekZ.k-& ¼1½ uxjikfydk O;kolkf;d dkEIysDlksa] fo|ky;ksa] izkbosV vLirkyksa] gksVyksa] jsLVksjsaVksa] foJke x`gksa] cktkjksa] lkeqnkf;d

9 ¼218½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ dsUnzksa] fookg gkWyksa] flusek gkWyksa] lHkk Hkouksa] Dycksa] euksjatu dsUnzksa] euksjatu ikdksZa] vkSj vU; ,sls izkbosV LFkkuksa ds Lokeh] vf/kHkksxh ;k fu;a=d dks ,sls LFkkuksa ds mi;ksDrkvksa dh lqfo/kk ds fy, Ik;kZIr rgkjr vkSj ew=ky; fufeZr djus ds fy, uksfVl ns ldsxh] ftls uxjikfyd izkf/kdkjh mi;qDr le>sA ,sls rgkjr vkSj ew=ky; dks lkQ o xa/kghu cuk;s j[kus ;k j[kus ds fy, ,sls LFkkuksa ds izca/ku dks funsf'kr djuk Hkh eq[; uxjikfyd vf/kdkjh ds fy, fof/kiw.kZ gksxkA eq[; uxjikfyd vf/kdkjh dks ,sls LFkkuksa ds izca/ku dks efgykvksa ds fy, vyx ls rgkjrksa vkSj ew=ky;ksa ds j[k&j[kko ds fy, Hkh funs'k djuk pkfg,A

¼2½ eq[; uxjikfyd vf/kdkjh ;k mlds }kjk izkf/kd`r dksbZ Hkh vf/kdkjh le;≤ ij ,sls rgkjr@ew=ky; esa ;g lqfuf'pr djus ds fy, tk;saxs fd LoPNrk vkSj LokLF; ds fy, vko';d dne mBk;s tk jgs gSaA

¼3½ ,sls LFkkuksa dk izca/ku bl laca/k esa eq[; uxjikfyd vf/kdkjh ds vkns'kksa vkSj funs'kksa dk ikyu djus ds fy, vkc) gksxk A ¼4½ ,sls LFkkuksa dk izHkkjh O;fDr nks"kflf) gksus ij ,sls tqekZus ls nf.Mr fd;k tk;sxk] tks nl gtkj #Ik;s ls de dk ugha gksxk fdUrq tks eq[; uxjikfyd vf/kdkjh ds vkns'kksa ;k funs'kksa dh vuuqikyuk ds ekeys esa chl gtkj #Ik;s rd dk gks ldsxkA

210- 'kkSpky;ksa vkfn esa ifjorZu djus] mudh ejEer djus vkSj mudks Bhd n'kk esa j[kus dk [kpkZ-& ¼1½ uxjikfydk ds Hkhrj fLFkr leLr ey&ukfy;ka] ukfy;ka] 'kkSpky;] ¶y'k 'kkSpky;] x`g&ukfy;ka vkSj eydwi tc rd fd os uxjikfydk ds [kpsZ ls u cuk;s x;s gksa] ml Hkwfe ;k Hkou ds Lokeh] ftlds os gSa vFkok ftlds mi;ksx ds fy, os cuk;s x;s gksa ;k pkyw j[ks tkrs gksa] ds [kpsZ ls rFkk mlds izHkkjksa ij

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼219½ mUgsa ifjofrZr fd;k tk;sxk] mudh ejEer dh tk;sxh rFkk mUgsa Bhd n'kk esa j[kk tk;sxk vkSj uxjikfydk fyf[kr uksfVl }kjk ,sls Lokeh ls vis{kk dj ldsxh fd og] ,slh jhfr ls] tks uxjikfydk Bhd le>s] muesa ifjorZu djs] mudh ejEer djs rFkk mudks Bhd n'kk esa j[ksA ¼2½ uxjikfydk fyf[kr uksfVl }kjk Lokeh ls fdlh ,sls 'kkSpky; ;k eydwi dks rksM+ nsus ;k cUn djus dh vis{kk dj ldsxh] pkgs og bl vf/kfu;e ds izo`Ùk gksus ds iwoZ cuk;k x;k gks ;k Ik'pkr~] tks uxjikfydk dh jk; esa] U;wlsUl gks vFkok bl izdkj fufeZr gks fd ftls leqfpr :Ik ls lkQ ugha fd;k tk ldrk gks ;k ftls Bhd n'kk eas ugha j[kk tk ldrk gksA

211- fo|eku izkbosV ukfy;ksa dks cUn djus dh 'kfDr-& tc uxjikfydk ds Hkhrj fLFkr fdlh Hkou ;k Hkwfe dh dksbZ ukyh fdlh eydwi ;k ey&ukyh ls lalDr gks rks uxjikfydk] ;fn og le>s fd ,slh ukyh ;|fi ,sls Hkou ;k Hkwfe ds ty&fudkl ds fy, Ik;kZIr gks vkSj tks ;|fi vU;Fkk vkifRrtud u gks] uxjikfydk dh ey&ogu dh lkekU; i)fr ds vuqdwy ugha gS] rc ,sls Hkou ;k Hkwfe ds ty&fudkl ds fy, leku :i ls izHkkoh ukyh ;k ukfy;ksas dh O;oLFkk djds ,slh ukyh rFkk ,sls eydwi ;k ey&ukyh dks cUn dj ldsxh] pkgs og uxjikfydk esa fufgr Hkwfe esa gks ;k u gks vkSj uxjikfydk bl iz;kstu ds fy, vko';d dksbZ Hkh dk;Z dj ldsxhA

212- vizkf/kd`r jhfr ls fufeZr] iqufuZfeZr ;k tkjh j[kh tkus okyh ey&ukfy;ksa ds laca/k esa 'kfDr-& ;fn dksbZ uxjikfyd lhekvksa ds Hkhrj dh fdlh Hkwfe ij&

¼d½ uxjikfydk dh lEefr ds fcuk vFkok mlds vkns'kksa] funs'kksa] lk/kkj.k mi&fof/k;ksas ;k uxjikfydk dh mi&fof/k;ksa ds izfrdwy ;k ml le;] tcfd ey&ukyh

9 ¼220½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ dk ,slk fuekZ.k] iqufuZekZ.k ;k mls tkjh j[kus dk dke fd;k tk;s] izo`Rr fdlh fof/k ds mica/kksa ds izfrdwy]

vkSj

¼[k½ ,slh Hkwfe ds uxjikfydk dk Hkkx gksus ds i'pkr~] fdlh eyukyh] ukyh] 'kkSpky;] ¶y'k&'kkSpky;] x`gukyh ;k eydwi dk fuekZ.k ;k iqufuZekZ.k djs ;k mls tkjh j[ks rks uxjikfydk fyf[kr uksfVl }kjk izR;sd ,sls O;fDr ls] ftlus ,slk fuekZ.k] iqufuZekZ.k ;k tkjh j[kus dk dke fd;k gks] ;g vis{kk dj ldsxh fd og ,slh eyukyh] ukyh] 'kkSpky;ksa] ¶y'k&'kkSpky;] x`g&xyh ;k eydwi dks] tSlk Hkh uxjikfydk mfpr le>s] u"V] la'kksf/kr ;k ifjofrZr dj ns] Hkys gh ,slk O;fDr ,slk uksfVl izkIr djs ;k u djs] ;k mldk vuqikyu djs ;k u djs] ,slh 'kkfLr ftldk og ,sls vuuqikyu ds fy, nk;h gks] ds vfrfjDr ,sls tqekZus ls] tks ,d gtkj #i;s ls de dk ugha gksxk] fdUrq tks nks gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA 213- uxjikfydk dh ukfy;kas vkfn dk vfrØe.k-& ¼1½ tks dksbZ uxjikfydk dh fyf[kr iwoZ lEefr izkIr fd;s fcuk] uxjikfydk esa fufgr fdUgha eyukfy;ksa ;k ukfy;kas esa ls fdlh esa tkus okyh ;k mlds ckgj fudyus okyh dksbZ ukyh cukrk gS ;k cuokrk gS rks mls tqekZus ls] nf.Mr fd;k tk ldsxk] tks ,d gtkj #i;s rd dk gks ldsxk vkSj uxjikfydk fyf[kr uksfVl nsdj ml O;fDr ls ,slh ukyh dks rksM+us] ifjofrZr djus ;k iqufufeZr djus ;k mlds lEcU/k esa vU; dksbZ dkjZokbZ djus dh] tSlk fd uxjikfydk Bhd le>s] vis{kk dj ldsxhA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼221½ ¼2½ uxjikfydk dh fyf[kr lEefr ds fcuk uxjikfydk esa fufgr fdlh eyukyh] ukyh] iqfy;k ;k xVj ds Åij fdlh Hkou dk uofuekZ.k ;k iqufuZekZ.k ugha fd;k tk;sxk vkSj uxjikfydk fyf[kr uksfVl nsdj ml O;fDr ls] ftlus ,sls Hkou dk fuekZ.k ;k iqufuZekZ.k fd;k gks] ml Hkou dks fxjkus ;k mlds lEcU/k esa vU; fdlh izdkj dh dkjZokbZ djus dh] tSlk uxjikfydk Bhd le>s] vis{kk dj ldsxhA 214- ukfy;ksa vkfn dk fujh{k.k-& ¼1½ eq[; uxjikfyd vf/kdkjh ;k mlds }kjk ,sls iz;kstu ds fy, izkf/kd`r dksbZ vf/kdkjh] bl vf/kfu;e ds micU/kksa ds v/;/khu jgrs gq,] fdlh eyukyh] ukyh] 'kkSpky;] ¶y'k 'kkSpky;] x`gukyh ;k eydwi dk fujh{k.k dj ldsxk vkSj ml iz;kstu ds fy, lw;ksZn; rFkk lw;kZLr ds chp fdlh Hkh le; vius lgk;dksa vkSj deZdkjksas ds lkFk fdlh Hkh Hkwfe ij ;k Hkou esa izos'k dj ldsxk vkSj ;FkklaHko de ls de uqdlku djrs gq, ml txg tgka og Bhd le>s] Hkwfe dks [kqnok ldsxkA

¼2½ ,sls fujh{k.k dk rFkk tehu Hkjokus vkSj mls igys tSlh djkus dk [kpkZ tc rd fd eyukyh] ukyh] 'kkSpky;] ¶y'k&'kkSpky;] x`gukyh ;k eydwi vO;ofLFkr n'kk ;k [kjkc gkyr esa u ik;k tk;s vFkok mldk fuekZ.k rRle; izo`Rr fdlh vf/kfu;fefr ;k uxjikfydk dh fdlh Hkh mi&fof/k ds micU/kksa ds mYya?ku eas u fd;k x;k gks rks uxjikfydk }kjk mBk;k tk;sxk] vU;Fkk dqy [kpksZa ds nl izfr'kr dh nj ls iz'kklfud vkSj Ik;Zos{k.k izHkkjksa lfgr og [kpkZ ,slh eyukyh] ukyh] 'kkSpky;] ¶y'k&'kkSpky;] x`gukyh ;k eydwi ds Lokeh }kjk lanRr fd;k tk;sxk vkSj mlh jhfr ls olwyh; gksxk tSlk bl vf/kfu;e ds v/khu olwyh; fdlh dj ds e)s nkokd`r fdlh jde dh olwyh gksrh gSA

9 ¼222½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 215- dfri; ladeksZa dks Lokeh ls djkus ds ctk; Lo;a fu"ikfnr djus dh uxjikfydk dh 'kfDr-& ¼1½ uxjikfydk] ;fn og mfpr le>s rks bl izdkj dh izd`fr ds fdlh dk;Z dks ftl ij ;g v/;k; ykxw gksrk gS] ml O;fDr dks tks vU;Fkk mldk fu"iknu djrk] igys djus dk fodYi u nsdj vius vkns'kk/khu fdlh uxjikfyd ;k vU; vfHkdj.k }kjk fu"ikfnr djk ldsxhA

¼2½ bl izdkj fd;s x;s fdlh dk;Z dk] dqy [kpksZa ds nl izfr'kr dh nj ls iz'kklfud vkSj Ik;Zos{k.k izHkkjksa lfgr [kpkZ iwoksZDr O;fDRk }kjk lanRr fd;k tk;sxk] tc rd fd uxjikfydk fdlh lkekU; ;k fo'ks"k vkns'k ;k ladYi }kjk] ,sls dk;Z dk fu"iknu uxjikfyd fuf/k ls fd;s tkus dh eatwjh u ns] TkSlh eatwjh nsus ds fy, mls blds }kjk l'kDr fd;k tkrk gSA

¼3½ izkbosV Hkouksa ;k Hkwfe;ksa ds tyfudkl ds fy, ;k mlls lalDr dksbZ ikbi] fQfVaXl] vk/kku ;k vU; lkf/k=] ;fn os uxjikfydk ds [kpsZ ij iznRr fd;s] fufeZr fd;s ;k cuk;s x;s gksa rks os rc rd uxjikfydk dh lEifRr le>s tk;saxs tc rd fd uxjikfydk muesas vius fgr dks ,sls Hkouksa ;k Hkwfe;ksa ds ekfydksa dks vUrfjr ugha dj nsrhA

216- ty&iz.kky vkfn ys tkus dh 'kfDr-& jkT; ljdkj dk tyiznk; foHkkx ;k] ;FkkfLFkfr] uxjikfydk dks] ftlesa uxjikfydk dks tyiznk; djus ds fy, tyiznk; laca/kh dk;kZsa dk fuekZ.k rFkk j[k&j[kko dk drZO; fufgr gS] uxjikfydk ds Hkhrj ;k ckgj ty&iz.kky] ikbi vkSj iz.kkfydk ys tkus] mls uohd`r djus vkSj mldh ejEer djus ds ckjs esa ogh 'kfDr;ka izkIr gkasxh vkSj og mUgha fucZU/kuksas ds v/khu gksxh tks uxjikfydk ds Hkhrj ukfy;ksa dks ys tkus mUgsa uohd`r djus vkSj mudh ejEer djus ds fy, bl vf/kfu;e esa

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼223½ vUrfoZ"V

micU/kksa ds v/khu uxjikfydk dks izkIr gSa vkSj ftu mica/kksa ds v/khu uxjikfydk gSA

217- O;olkf;d cfg%Lkzko ds laca/k eas fof'k"V mica/k-& bl vf/kfu;e ds mica/kksa vkSj rn/khu cuk;h x;h mi&fof/k;ksa vkSj rRle; izo`Rr fdlh Hkh vU; fof/k ds v/;/khu jgrs gq,] fdlh Hkh O;olkf;d ifjlj dk vf/kHkksxh] uxjikfydk ds vuqeksnu ls ;k] bl vf/kfu;e ;k rn/khu cuk;h x;h mi&fof/k;ksas ;k rRle; izo`Rr fdlh Hkh fof/k }kjk tgka rd vuqKkr fd;k tk;s] ,sls vuqeksnu ds fcuk] uxjikfydk dh ukyh esa] ,sls ifjljksa ls gksus okys dksbZ O;olkf;d cfg%Lkzko dk fuLlkj.k dj ldsxkA

218- O;olkf;d cfg%lzko ds tyfudkl ls lacaf/kr fo'ks"k mica/k-& bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa ;k mi&fof/k;ksa ;k fdlh :f<+] izFkk ;k djkj esas fdlh ckr ds vUrfOkZ"V gksrs gq, Hkh] tgka eq[; uxjikfyd vf/kdkjh dh jk; esa&

¼i½ dksbZ Hkh O;olkf;d ifjlj izHkkoh tyfudkl ds leqfpr lk/kuksa vkSj O;olkf;d cfg%lzko ds i;kZIr mik; ds fcuk gS(;k

¼ii½ mldh ukfy;ka] ;|fi vU;Fkk vkifRrdkjd ugha gS] mUgsa uxjikfyd {ks= dh lkekU; tyfudkl iz.kkyh esa feyk;k

ugha x;k gS(;k

¼iii½ cfg%lzko fofufnZ"V 'kq)rk dk ugha gS]

ogka eq[; uxjikfyd vf/kdkjh] fyf[kr uksfVl }kjk ,sls ifjlj ds Lokeh ;k vf/kHkksxh ls vis{kk dj ldsxk fd&

¼d½ O;olkf;d cfg%Lkzko dk fuLlkj.k ,slh jhfr ls] ,sls le; ij] ,slh ukfy;ksa esa gksdj vkSj ,slh 'krksZa ds v/;/khu] tks uksfVl eas fofufnZ"V dh x;h

9 ¼224½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

gksa] fd;k tk;s vkSj uksfVl ds vuqlkj ls vU;Fkk cfg%Lkzko ds fuLlkj.k dks jksd ns]

¼[k½ fdlh uxjikfyd ukyh esa fuLlkj.k ls iwoZ

O;olkf;d cfg%lzko dk 'kks/ku djs vkSj O;olkf;d cfg%Lkzko ds 'kks/ku ds fy, ,sls Lkkf/k=] midj.k] fQfVax vkSj la;a= LFkkfir djs tks uksfVl esa fofufnZ"V fd;s tk;sa]

¼x½ ,slh lkexzh] vkdkj vkSj fooj.k dh ukyh dk

fuekZ.k djs] vkSj ,sls Lrj ij vkSj ,sls lajs[k.k ds vuqlkj vkSj ,sls <yku vkSj fudkl ds lkFk yxk;s] tSlk fd uksfVl esa fofufnZ"V fd;k tk;s] ¼?k½ fdlh 'kks/ku la;a=] fo|eku ukyh] midj.k]

la;a=&fQfVax ;k fdlh Hkh uxjikkfyd ;k x`g&ukyh ds laca/k esa iz;qDr oLrq esa ifjorZu] la'kks/ku] ejEer ;k uohdj.k djsA

219- ty&iz.kkyksa ;k uxjikfydk dh ukfy;ksa ij fcuk vuqKk ds Hkou] jsyos vkSj izkbosV ekxksZa dk ifjfuekZ.k ;k lafuekZ.k ugha fd;k tkuk-& ¼1½ uxjikfydk }kjk lafufeZr ;k j[k&j[kko dh x;h ;k mleas fufgr fdlh Hkh uxjikfydk dh ukyh ij eq[; uxjikfyd vf/kdkjh dh vuqKk ds fcuk] dksbZ Hkou] nhokj] ckM+ ;k vU; <kapk ifjfufeZr ugha fd;k tk;sxk vkSj fdlh jsYkos ;k izkbosV ekxZ dk lafuekZ.k ugha fd;k tk;sxkA

¼2½ fdlh Hkh ukyh ;k ty ladeZ ij fcuk mijksDr vuqKk ds ;fn dksbZ Hkou] nhokj] ckM+ ;k vU; <akpk fufeZr fd;k x;k gS ;k dksbZ Hkh jsyos ;k izkbosV ekxZ lafufeZr fd;k x;k gS rks eq[; uxjikfyd

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼225½ vf/kdkjh ,sls ifjfuekZ.k ;k lafuekZ.k dks ,slh jhfr ls] tks og Bhd le>s] gVk ldsxk ;k ml ij vU;Fkk dkjZokbZ dj ldsxkA

¼3½ eq[; uxjikfyd vf/kdkjh }kjk mi&/kkjk ¼2½ ds iz;kstuksa dks fØ;kfUor djus esa mixr fd;k x;k O;;] izkbosV ekxZ ;k Hkou] ckM+] nhokj ;k vU; <akps ds Lokeh }kjk ;k jsYkos iz'kklu ;k] ;FkkfLFkfr] mRrjnk;h O;fDr }kjk lanRr fd;k tk;sxk vkSj bl vf/kfu;e ds v/khu dj dh cdk;k ds :Ik esa olwyh; gksxkA

220- dfri; ekeyksa esa jsy iz'kklu dks lwfpr djuk-& ;fn eq[; uxjikfyd vf/kdkjh fdlh Hkh jsyos ykbu ds vkj&ikj dksbZ ikbi ;k ukyh j[kuk ;k ys tkuk ;k ty vkiwfrZ ls lacaf/kr dksbZ vU; dk;Z ;k tyfudkl djuk pkgrk gS rks og jsyos iz'kklu dks lwfpr djsxk] tks uxjikfydk ds [kpsZ ij mldk fu"iknu djsxkA

221- ifjlj ds Lokeh dks vU; O;fDr;ksa dh Hkwfe esas gksdj ikbi yxkus vkSj ukyh j[kus dh 'kfDr-& ¼1½ ;fn eq[; uxjikfyd vf/kdkjh dks ;g izrhr gksrk gS fd fdlh Hkh ifjlj ds ty&fudkl dk ,d ek= ;k lokZf/kd lqfo/kkiw.kZ ek/;e] vU; O;fDr dh LFkkoj lEifŸk ds Åij] uhps] lkFk&lkFk ;k vkj&ikj ikbi ;k ukyh ys tkuk gS rks eq[; uxjikfyd vf/kdkjh] fyf[kr vkns'k }kjk] ,sls ifjlj ds Lokeh dks ,slh LFkkoj lEifŸk ds Åij] uhps] LkkFk&lkFk ;k vkj&ikj ikbi ;k ukyh yxkus ;k ys tkus ds fy, izkf/kd`r dj ldsxk%

ijUrq ,slk dksbZ vkns'k nsus ds iwoZ] eq[; uxjikfyd vf/kdkjh] ,sls le; ds Hkhrj&Hkhrj] tSlk fd mlds }kjk fyf[kr vkns'k esa fofufnZ"V fd;k tk;s] LFkkoj laifRr ds Lokeh dks ;g gsrqd nf'kZr djus ds fy, ;qfDr;qDr volj nsxk fd vkns'k D;ksa ugha fd;k tk;s%

ijUrq ;g vkSj fd ,slh LFkkoj laifŸk ftlds Åij] uhps] lkFk&lkFk ;k vkj&ikj ,sls ikbi ;k ukyh j[kh x;h gS ;k ys tk;h

9 ¼226½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ x;h gS] esa ifjlj ds Lokeh dks mi;ksDrk ds vf/kdkj ds vykok dksbZ vf/kdkj vftZr ugha gksaxsA

¼2½ mi&/kkjk ¼1½ ds v/khu vkns'k ij] ifjlj dk Lokeh] mlds ,slk djus ds vk'k; dk ;qfDr;qDr uksfVl nsus ds i'pkr~ ,slh LFkkoj laifRr ds Åij] uhps] lkFk&lkFk] vkj&ikj ikbi j[kus ;k ukyh ys tkus ds iz;kstu ds fy, ;k ,sls ikbi ;k ukyh dh ejEer djus ds iz;kstu ds fy, lgk;dksa vkSj deZdkjksa ds lkFk lw;ksZn; vkSj lw;kZLr ds chp ,slh LFkkoj laifRr esa fdlh Hkh le; izos'k dj ldsxkA

¼3½ bl /kkjk ds v/khu ikbi ;k ukyh j[kus;k ys tkus esa] tgka rd laHko gks ,slh LFkkoj laifRr dks de ls de gkfu igaqpk;h tk;sxh vkSj ifjlj dk Lokeh&

¼d½ U;wure laHko foyac djrs gq, ikbi j[kok;sxk ;k

ukyh ys tk;sxk(

¼[k½ ,sls ikbi j[kus ;k ukyh ys tkus ds iz;kstu ds fy, dksbZ [kqnh gqbZ] rksM+h gqbZ ;k gVk;h x;h Hkwfe dks] Lo;a ds [kpsZ ij vkSj U;wure laHko foyaCk djrs gq, Hkjsxk] iqu% LFkkfir djsxk vkSj iwoZfLFkfr esa yk;sxk(vkSj

¼x½ ,slh LFkkoj laifÙk ds Lokeh vkSj ,sls vU; O;fDr dks]

ftldks ,sls ikbi ;k ukyh j[kus ;k ys tkus ls gkfu gqbZ gS] izfrdj dk lank; djsxkA

¼4½ ;fn ,slh LFkkoj laifŸk] ftlds Åij] uhps] lkFk&lkFk ;k vkj&ikj ikbi ;k ukyh bl /kkjk ds v/khu j[kh ;k ys tk;h tk pqdh gS] tc fd ,slh LFkkoj laifŸk ij dksbZ Hkou fufeZr ugha fd;k x;k Fkk] dk Lokeh ,slh LFkkoj lEifr ij dksbZ Hkou fufeZr djuk pkgrk gS rks eq[; uxjikfyd vf/kdkjh fyf[kr uksfVl }kjk ifjlj ds Lokeh ls

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼227½ ikbi ;k ukyh dks ,slh jhfr ls tSlh fd mlds }kjk vuqeksfnr dh tk;s] cUn djus] gVkus ;k eksM+us dh vis{kk dj ldsxk vkSj ,slh LFkkoj laifŸk dks Hkjus] iqu%LFkkfir djus vkSj iwoZfLFkfr esa ykus dh vis{kk dj ldsxk ekuks fd ikbi ;k ukyh ,slh LFkkoj laifr ds mij] uhps] lkFk&lkFk ;k vkj&ikj u j[ks ;k u ys tk;s x;s gksa%

ijUrq bl mi&/kkjk ds v/khu dksbZ dkjZokbZ rc rd ugha dh tk;sxh tc rd fd eq[; uxjikfyd vf/kdkjh dh jk; esa izLrkfor Hkou ds fuekZ.k ;k blds lqjf{kr miHkksx ds fy, ;g vko'd ;k lehphu u gks fd ikbi ;k ukyh dks cUn fd;k tk;s] gVk;k tk;s ;k mls eksM+k tk;sA

222- nk;h O;fDr dks uksfVl nsus ds i'pkr~ eq[; uxjikfyd vf/kdkjh dh dk;Z fu"ikfnr djus dh 'kfDRk-& ¼1½ tc bl vf/kfu;e ds mica/kksa ds v/khu] dksbZ O;fDr uxjikfyd {ks= ds Hkhrj tyfudkl vkSj ey&ogu ls lacaf/kr dk;Z fu"ikfnr djus ds fy, visf{kr ;k nk;h gS] rc eq[; uxjikfyd vf/kdkjh bl vf/kfu;e vkSj rn/khu cuk;h x;h mi&fof/k;ksa ds mica/kkas ds vuqlkj] ,sls O;fDr dks ,slk dk;Z',sls le; ds Hkhrj&Hkhrj] tks mlds }kjk bl iz;kstu ds fy, fofufnZ"V fd;k tk;s] fu"ikfnr'djus dk volj nsus ds i'pkr~ ,slk dk;Z fu"ikfnr djk;sxkA

¼2½ eq[; uxjikfyd vf/kdkjh }kjk ,sls dk;Z ds fu"iknu esa mixr O;; ;k laHkkfor mixr O;; ,sls O;fDr }kjk lans; gksaxs vkSj eq[; uxjikfyd vf/kdkjh }kjk ,sls dk;Z ds j[k&j[kko ;k ,sls dk;Z }kjk iznRr laHkkfor lqfo/kkvksa vkSj izlqfo/kkvksa ds laca/k esa mixr O;; ,slh lqfo/kkvksa vkSj izlqfo/kkvksa dk miHkksx djus okys O;fDr ;k O;fDr;ksa }kjk lans; gksaxkA

9 ¼228½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼3½ mi&/kkjk ¼2½ esa fufnZ"V O;; blds fy, nk;h O;fDr ;k O;fDr;ksa ls bl vf/kfu;e ds v/khu dj dh cdk;k ds :i esa olwyh; gksaxkA

223- dk;Z dk vuqKfIr/kkjh IyEcj }kjk fd;k tkuk-& ¼1½ uxjikfydk] vuqKfIr/kkjh IyEcj ds :Ik esa dk;Z djus ds fy, ,slh rduhdh vgZrk,a ;k vuqHko] ftUgsa mi&fof/k;ksa }kjk vo/kkfjr fd;k tk;s] j[kus okys fdlh O;fDr dks vuqKfIr iznku dj ldsxhA

¼2½ vuqKfIr/kkjh IyEcj ls fHké dksbZ Hkh O;fDr bl v/;k; esa of.kZr dksbZ Hkh dk;Z fu"ikfnr ugha djsxk] vkSj dksbZ Hkh O;fDr fdlh ,sls dk;Z dks fdlh vuqKfIr/kkjh IyEcj }kjk ds flok; fu"ikfnr fd;s tkus dh vuqefr ugha nsxk%

ijUrq ;fn eq[; uxjikfyd vf/kdkjh dh jk; esa dk;Z ekewyh izd`fr dk gS rks og vuqKfIr/kkjh IyEcj ls fHké fdlh O;fDr }kjk ,sls dk;Z ds fu"iknu ds fy, fyf[kr vuqKk eatwj dj ldsxkA

¼3½ uxjikfydk mi&fof/k;ksa }kjk fuEufyf[kr ds fy, miac/k djsxh&

¼d½ ,sls vuqKfIr/kkjh IyEcjksa ds fu;kstu ds fuca/ku vkSj 'krsZa]

¼[k½ muds drZO; vkSj mÙkjnkf;Ro] vkSj muds d`R;ksa ds fy, ekxZn'kZu]

¼x½ fofHkUu izdkj ds dk;ksZa ds fy, mUgsa lanŸk fd;s tkus okys izHkkj]

¼?k½ muds dk;Z ds laca/k esa fdlh ifjlj ds Lokfe;ksa ;k vf/kHkksfx;ksa }kjk dh x;h f'kdk;rksa dh lquokbZ vkSj mudk fuLrkj.k] vkSj

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼229½ ¼3½ fdlh Hkh ,sls IyEcj }kjk fdUgha ,slh mi&fof/k;ksa ds

mYya?ku ds ekeys esa ,slh vuqKfIr dk fuyEcu ;k jn~ndj.k] pkgs mls bl vf/kfu;e ds v/khu vfHk;ksftr fd;k tk;s ;k ughaA

224- dfri; dk;ksZa dk izfr"ks/k-& ¼1½ dksbZ O;fDr&

¼d½ eq[; uxjikfyd vf/kdkjh dh izkf/kdkfjrk ds v/khu] fdlh dk;Z dh :Ikjs[kk cukus esa ;k ,sls dk;Z dh :i js[kk cukus ds iz;kstu ls Hkwfe esa xkM+s x, fdlh LrEHk] [kEHks ;k 'kk¶V dks [khapus ;k gVkus okys O;fDr dks tkucw>dj dksbZ ck/kk ugha igqapk;sxk] ;k ,sls iz;kstu ds fy, fdUgha dk;ksZa dks fo:fir ;k u"V ugha djsxk, ;k

¼[k½ uxjikfydk ls lacaf/kr fdlh rkys] dkd] okYo] ikbi] ehVj ;k vU; dk;Z ;k midj.k dks tkucw>dj ;k mis{kkiwoZd u rksM+sxk] u gkfu igqapk;sxk] u ?kqek;sxk] u [kksysxk] u cUn djsxk] u ’kVvkQ djsxk ;k vU;Fkk gLr{ksi ugha djsxk] ;k

¼x½ uxjikfydk ls lacaf/kr fdlh ty ladeZ ;k fdlh ,sls ty&ekxZ] ftlds }kjk fdlh ,sls ty ladeZ dh vkiwfrZ dh tkrh gS] ds izokg ;k ¶y'k] Mªk&vkQ dks fof/kfo#)r;k ckf/kr ugha djsxk ;k ugha eksMs+xk ;k mlls ty ugha ysxk] ;k

¼?k½ uxjikfydk ls lacaf/kr eyokgh ladeZ ds izokg ;k ¶y'k] Mªk&vkQ dks fof/kfo#)r;k ckf/kr ugha

9 ¼230½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ djsxk ;k ugha eksM+sxk ;k ugha ysxk ;k uxjikfydk }kjk j[kh x;h fdlh fo|qr ikjs"k.k ykbu dks ugha rksM+sxk ;k {kfrxzLr ugha djsxk] ;k ¼3½ uxjikfydk dh fdlh ukyh ;k eyukyh esas IykfLVd dh FkSfy;ksa vkSj ik=ksa ;k Ms;fj;ksa] lqvj ikyu vkSj QkeksaZ ds vif’k"V lfgr dksbZ Hkh inkFkZ ugha Qsadsxk] ;k

¼p½ bl v/;k; ds v/khu vius drZO;ksa dk ikyu djus okys uxjikfydk ds fdlh vf/kdkjh ;k vU; deZpkjh dks ckf/kr ugha djsxk] ;k fdlh ty ;k ey laca/kh ladeZ ds laca/k esa dksbZ izos'k] fujh{k.k] ijh{kk ;k mlds v/khu tkap djus ds fy, vko';d lk/ku miyC/k djkus ls budkj ugha djsxk ;k tkuCkw>dj mis{kk ugha djsxk] ;k

¼N½ fdlh ty ladeZ esa] ij] ;k ml ij Luku ugha djsxk] ;k mlesas fdlh i'kq dks ugha /kks;sxk ;k ugha Qsadsxk ;k mldk izos'k ugha djok;sxk ;k fdlh ty&ladeZ esa dksbZ dwM+kdjdV] xanxh ;k dhpM+ ugha Qsadsxk] ;k mlesa dksbZ diM+k] Åu ;k peM+k ;k fdlh i'kq dh [kky dks ugha /kks;sxk ;k lkQ ugha djsxk] ;k fdlh flad ;k ukyh ;k ok"i&batu ;k ck;yj ;k fdlh Hkh iznwf"kr ty dks fdlh ty&ladeZ esa ugha eksMs+xk] ;k ugha yk;sxk] ;k ,slk dksbZ Hkh vU; dk;Z ugha djsxk ftlls ty ladeksZa esa ty nwf"kr gksrk gks ;k gksus dh laHkkouk gksA

230

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼231½ ¼2½ mi&/kkjk ¼1½ ds [k.M ¼[k½ esa dh dksbZ Hkh ckr miHkksDrk ds ifjlj dks ty dh vkiwfrZ djus okys lfoZl ikbi ij yxk;h x;h LVki&dkd dks cUn djus okys miHkksDrk ij ykxw ugha gksxh] tgka rd fd mlus ,sls fdlh vU; miHkksDrk dh lEefr izkIr dj yh gks ftldh ty&vkiwfrZ mlls izHkkfor gksxhA

225- eyokgh ladeksZa ds izorZu vkSj j[k&j[kko dk lkSaik tkuk vkSj ey&ogu izHkkjksa dk fcy cukuk vkSj mudk laxzg.k-& uxjikfydk] jkT; ljdkj ds vuqeksnu ls uxjikfyd {ks= esa ey&ogu ladeksZa dk dk;kZUo;u vkSj j[k&j[kko fdlh dks lkaSi ldsxh vkSj ey&ogu izHkkj ;k ey&ogu midj ds fcy cukus vkSj muds laxzg.k dk dk;Z] rRle; izo`Rr fdlh fof/k ds v/khu fdlh vfHkdj.k dks ;k fdlh izkbosV vfHkdj.k dks lkaSi ldsxhA

226- Bksl vif'k"V izca/k vkSj muds gLru ds laca/k esas uxjikfydk dk drZO;-&¼1½ /kkjk 4 ds mica/kksa ds v/;/khu jgrs gq, uxjikfydk] uxjikfyd {ks= ds Hkhrj] dsUnz ljdkj }kjk] i;kZoj.k ¼laj{k.k½ vf/kfu;e] 1986 ¼1986 dk dsUnzh; vf/kfue; la- 29½ }kjk iznRr 'kfDr;ksa dk iz;ksx djrs gq, uxjikfyd Bksl vif'k"Vksa ds izca/k vkSj gLru dks fofu;fer djus vkSj ,sls Bksl vif'k"Vksa ds laxzg.k] HkaMkj.k] ifjogu] izlaLdj.k vkSj O;;u ds fy,] volajpuk ds fodkl ds fy, cuk;s x;s fu;eksa ds fØ;kUo;u ds fy, mÙkjnk;h gksxhA ¼2½ /kkjk 4 ds mica/kksa ds v/;/khu jgrs gq,] uxjikfydk ;k rks Lo;a] ;k blds }kjk bl fufeRr izkf/kd`r fdlh vU; vfHkdj.k }kjk]& ¼d½ uxjikfyd Bksl vif'k"V dk laxzg.k fuEu esa ls fdlh ,d jhfr] tSls fd lkeqnkf;d fcu laxzg.k

¼dsUnzh; dpjk&ik=½] ?kj&?kj ls laxzg.k vkSj 9 ¼232½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

fu;fer iwoZ&lwfpr le;ksa vkSj dk;ZØeksa ij laxzg.k] ls djsxh]

¼[k½ gksVyksa] Hkkstuky;ksa] dk;kZy; dkEIysDlksa vkSj okf.kfT;d {ks=ksa dks lfEefyr djrs gq, xanh cfLr;ksa vkSj vuf/koklh {ks=ksa vkSj vU; bykdksa ls vif'k"Vksa ds laxzg.k dk mik; djsxh]

¼x½ bl izdkj [k.M ¼d½ vkSj ¼[k½ ds v/khu lax`ghr fd;s x;s leLr Bksl vif'k"V dks nSfud vk/kkj ij O;;u ds fy, fu;fer vUrjky ij gVk;sxh] vkSj ¼?k½ o/k'kkykvksa] ekal vkSj eNyh cktkjksa] vkSj Qy vkSj lCth cktkjksa ls tSo&O;kâklu ;ksX; vif'k"Vksa dk Ik;kZoj.kh; :i ls Lohdk;Z jhfr ls mi;ksx djus dh O;OkLFkk djsxhA

227- Bksl vif'k"Vksa dk izca/k vkSj gLru vkSj fcy cukus vkSj izHkkjksa ds laxzg.k dk lkSaik tkuk-& bl vf/kfu;e esa vU;= dgha Hkh vUrfoZ"V fdlh ckr ds gksrs gq, Hkh] uxjikfyd Bksl vif'k"Vksa ds izca/k vkSj gLru ds iz;kstuksa ds fy, vkSj ,sls Bksl vif'k"Vksa ds laxzg.k] HkaMkj.k] i`FkD~dj.k] ifjogu] izlaLdj.k vkSj O;;u ds fy, voaljpuk] ;fn dksbZ gks] ds fodkl ds fy, izHkkj mn~x`ghr fd;k tk;sxk vkSj mldk lank; ,slh nj ij fd;k tk;sxk] tks uxjikfydk le;≤ ij fu;r djs%

ijUrq ;Fkk&mijksDr izHkkj] tgka rd lk/; gks] ,slk gksxk tks uxjikfyd Bksl vif'k"Vksa ds izca/k vkSj gLru vkSj muds laxzg.k] HkaMkj.k] i`Fkd~dj.k] ifjogu] izlaLdj.k vkSj O;;u ds fy, voaljpuk] ;fn dksbZ gks] ds fodkl ds e)s gksus okys [kpZ dks vkSj _.k&lsok]

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼233½ la;= vkSj e'khuksa dk vo{k;.k] vkSj vU; izHkkj] ;fn dksbZ gks] ds [kpZ dks Hkh lekfo"V djs%

ijUrq ;g vkSj fd eq[; uxjikfyd vf/kdkjh] uxjikfydk ds iwoZ vuqeksnu ls] Bksl vif'k"Vksa ds lxzag.k] HkaMkj.k] i`Fkd~dj.k] ifjogu] izlaLdj.k vkSj O;;u ds fy, volajpuk ds fodkl vkSj uxjikfyd Bksl vif'k"Vksa ds izca/k vkSj gLru dk dk;Z vkSj fcy cukus vkSj mijksDr izHkkjksa ds laxzg.k dk dk;Z rRle; izo`Rr fdlh fof/k ds v/khu fdlh vfHkdj.k ;k vU; fdlh Hkh vfHkdj.k dks lkaSi ldsxhA

228- Bksl vif'k"Vksa dk uxjikfydk dh laifRr gksuk-& yksd ik=ksa] fMiks vkSj /kkjk 226 ds v/khu miyC/k djok;s x;s ;k fu;r fd;s x;s LFkkuksa esa tek leLr Bksl vif'k"V] vkSj uxjikfyd deZpkfj;ksa ;k Bsdsnkjksa ;k bl fufeRr izkf/kd`r fdlh vU; vfHkdj.k }kjk lax`ghr leLr Bksl vif'k"V uxjikfydk dh laifRr gksaxs vkSj uxjikfydk] tSlk og mfpr le>s] bldk O;;u dj ldsxhA

229- Bksl vif'k"Vksa ds O;;u vkSj vafre O;;u ds fy, LFkku fu;r djuk-& uxjikfydk] ;k rks Lo;a ;k vU; fdlh vfHkdj.k ds ek/;e ls Bksl vif'k"Vksa dk uxjikfyd {ks= ds Hkhrj ;k ckgj] ,sls LFkku ;k LFkkuksa ij vkSj ,slh jhfr ls] tSlh fd og mi;qDr le>s] O;;u djk ldsxh %

ijUrq ,sls fdlh Hkh LFkku dk] ftldk mi;ksx bl vf/kfu;e ds izkjaHk ds iwoZ] bl /kkjk esa fofufnZ"V iz;kstu ds fy, ugha fd;k x;k gS] bl izdkj mi;ksx ugha fd;k tk;sxk] flok; fd og&

¼i½ fodkl ;kstuk vkSj Hkw&mi;ksx fu;a=.k ls lacaf/kr fdlh Hkh jkT; fof/k ds mica/kksa ;k blls lacaf/kr rRle; izo`Rr fdlh vU; fof/k ds vuq:i gks] ;k

9 ¼234½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼ii½ ,slh fdlh fof/k ds vHkko esa] jkT; ljdkj ds vuqeksnu ls%

ijUrq ;g vkSj fd Bksl vif'k"Vksa dk vafre :i ls O;;u ,slh fdlh Hkh jhfr ls ugha fd;k tk;sxk ftldks jkT; ljdkj vuuqKkr djuk Bhd le>sA

230- ifjljksa ds Lokfe;ksa vkSj vf/kHkksfx;ksa dk Bksl vif'k"Vksa ds mRiUu gksus ds lzksr ij gh HkaMkj.k djus dk drZO;-& uxjikfyd {ks=ksa esa dh leLr Hkwfe;ksa vkSj Hkouksa ds Lokfe;ksa vkSj vf/kHkksfx;ksa dk ;g drZO; gksxk fd&

¼d½ ifjljksa esa fu;fer vk/kkj ij >kMw yxok;sas vkSj lQkbZ djok;sa]

¼[k½ ;g lqfuf'pr djus ds fy, fd fofHkUu izdkj ds vif'k"V vkil esa feysa ugha] fuEufyf[kr ds HkaMkj.k ds fy, i`Fkd ik= ;k fuLrkj.k FkSfy;ka miyC/k djok;sa&

¼i½ dkcZfud vkSj tSo&O;kgzkluh; vif'k"V]
¼ii½ iqu%izlaLdj.k ;ksX; vkSj xSj&tSo&O;kgzkluh;
vif'k"V] vkSj
¼iii½ ?kjsyw ifjladVe; vif'k"V]
¼x½ ,sls ik=ksa dks vPNh n'kk esa vkSj O;ofLFkr j[kuk]
vkSj
¼?k½ dwM+kdjdV] ?k`.kksRiknd inkFkZ, xanxh] O;olkf;d
dwM+k] e`r tkuojksa ds 'ko] tho&fpfdRlk vif'k"V
vkSj vU; iznwf"kr vkSj ?k`f.kr inkFkksaZ dks lfEefyr
djrs gq, ,sls leLr vif'k"V dks tks muds

vius&vius ifjljksa ls lax`ghr fd;s tkus gSa vkSj lkeqnkf;d dpjk ik= esa ;k ik=ksa esa ,sls le; vkSj ,sls LFkkuksa ij tek fd;s tkus gaS] tSlk fd eq[; uxjikfyd vf/kdkjh uksfVl }kjk fofufnZ"V djs] ,d= djukA

231- lgdkjh vkoklu lkslkbVh] vikVZesUV Lokeh laxe vkfn dk drZO;-& lgdkjh vkoklu lkslkbfV;ksa] vikVZesUV Lokeh laxeksa] fuoklh; vkSj xSj&fuoklh; Hkou dkEIysDlksa] 'kSf{kd Hkouksas] okf.kfT;d Hkouksa] vkS|ksfxd Hkouksa] HkaMkj.k Hkouksa vkSj ifjladVe; Hkouksa ds izca/kuksa dk ;g drZO; gksxk fd os vif'k"Vksa ¼iqu% izlaLdj.kh; vif'k"Vksa ds vykok½] ifjladVe; vif'k"Vkas] vkSj tho&fpfdRlk vif'k"Vksa ds vLFkk;h HkaMkj.k ds fy, vkSj muds i'pkr~orhZ laxzg.k rFkk uxjikfydk }kjk gVk;s tkus ds fy, muds ifjljksa esa lkeqnkf;d dpjk&ik= ;k ,sls leqfpr vkdkj dh fuLrkj.k FkSfy;ka miyC/k djok;sa] tSlh fd uxjikfydk }kjk fofufnZ"V fd;k tk;sA

232- izfr"ks/k-& dksbZ Hkh O;fDr vkSj fdlh Hkwfe ;k Hkou dk dksbZ Hkh Lokeh ;k vf/kHkksxh&

¼d½ fdlh lkoZtfud LFkku ij fdlh Hkh Bksl vif'k"V
dks ugha QSyk;sxk ;k tek ugha djsxk]
¼[k½ Hkou ds dwM+k djdV dks fdlh lkoZtfud ekxZ]
lkoZtfud LFkku ;k [kqyh Hkwfe ij tek ugha djsxk]
¼x½ lkoZtfud LFkkuksa ij fdlh xanxh okys inkFkZ dks
QSykus ugha nsxk] ;k
¼?k½ e`r tkuojksa ds 'ko ;k mlds fdlh Hkh Hkkx dks
,sls LFkku ij tek ;k vU;Fkk O;;u ugha djsxk

 tks ,sls iz;kstu ds fy, miyC/k ;k fu;r ugha fd;k x;k gSA

233- ekxksZa dks xank djus vkSj dksbZ Bksl vif'k"V tek djus ;k Qsadus ds fy, n.M-& tks dksbZ Hkh bl vf/kfu;e ds micU/kksa ds mYya?ku esa fdlh ekxZ ;k lkoZtfud LFkku dks xank djrk gS ;k fdlh Hkh LFkku ij dksbZ Bksl vif'k"V ;k Hkou dk dwM+kdjdV tek djrk gS ;k Qsadrk gS ;k tek djokrk gS ;k fQadokrk gS ;k tek djokuk ;k fQadokuk vuqKkr djrk gS ;k vius ifjlj ls fdlh xanxh okys inkFkZ dk

izokg vuqKkr djrk gS] og uxjikfydk }kjk bl fufeRr izkf/kd`r fdlh vf/kdkjh }kjk vf/kjksfir dh tkus okyh ikap lkS #i;s ls vuf/kd dh 'kkfLr ekSds ij gh lanRr djus dk nk;h gksxkA

234- tho&fpfdRlk vif'k"V-& ;g uxjikfydk dk drZO; gksxk fd ;k rks og Lo;a ;k bl fufeRr mlds }kjk izkf/kd`r fdlh vU; vfHkdj.k ds ek/;e ls dsUnzh; ljdkj }kjk Ik;kZoj.k ¼laj{k.k½ vf/kfu;e] 1986 ¼1986 dk dsUnzh; vf/kfu;e la- 29½ }kjk iznRr 'kfDr;ksa dk iz;ksx djrs gq, cuk;s x;s fu;eksa ds mica/kksa dk tho&fpfdRlk vif'k"Vksa ds izca/k vkSj gLru dks ml lhek rd tgka rd] ,sls fu;e uxjikfydk ij ykxw gksrs gksa] fofu;fer djus ds fy, fØ;kUo;u djkosA

235- ifjladVe; vif'k"V-& ;g uxjikfydk dk drZO; gksxk fd ;k rks og Lo;a ;k bl fufeŸk mlds }kjk izkf/kd`r fdlh vU; vfHkdj.k ds ek/;e ls dsUnzh; ljdkj }kjk Ik;kZoj.k ¼laj{k.k½ vf/kfu;e] 1986 ¼1986 dk dsUnzh; vf/kfu;e la- 29½ }kjk iznRr 'kfDr;ksa dk iz;ksx djrs gq, cuk;s x;s fu;eksa ds micU/kksa dk ifjladVe; vif'k"Vksa ds izca/k vkSj gLru dks ml lhek rd tgka rd

 ,sls fu;e uxjikfydk ij ykxw gksrs gksa] fofu;fer djus ds fy, fØ;kUo;u djkosA

236- dfri; cfgxZr Hkkxksa ds fy, vuqKk vko';d gS-& ¼1½ uxjikfydk] ;krk;kr dh cgqyrk vkSj yksd lqfo/kk dks /;ku esa j[krs gq, lkoZtfud ekxksZa esa ds Hkouksa ds Lokfe;ksa ;k vf/kHkksfx;ksa dks mDr Hkouksa dh fdlh Åij okyh eafty] ls bl fufeRr cuk;h xbZ mi&fof/k;ksa ds mica/kksa ds vuqlj.k esa [kqys cjkens] ckydfu;ka ;k dejs cuokus dh fyf[kr vuqKk ns ldsxhA

¼2½ ;Fkk&iwoksZDr izdkj ls ,sls fdlh cfgxZr Hkkx dk ,slh vuqKk ds fcuk ;k ,sls vkns'kksa ds mYya?ku esa fuekZ.k djus okyk Lokeh ;k vf/kHkksxh ,sls tqekZus ls nf.Mr fd;k tk;sxk tks ikap gtkj #i;s ls de dk ugha gksxk fdUrq tks nl gtkj #i;s rd dk gks ldsxk] vkSj ;fn ,slk Lokeh ;k vf/kHkksxh ;Fkk&iwoksZDr fdlh cfgxZr Hkkx dks] ftlds laca/k esa og bl /kkjk ds v/khu nf.Mr fd;k x;k gS] gVkus esa vlQy jgrk gS rks og ,sls vkSj tqekZus ls nf.Mr fd;k tk;sxk tks ,sls izR;sd fnol ds fy,] tc rd ,slh pwd ;k mis{kk pkyw jgs] ipkl #i;s ls de dk ugha gksxk fdUrq tks ,d lkS #i;s rd dk gks ldsxkA

¼3½ uxjikfydk fyf[kr lwpuk }kjk] fdlh Hkou ds Lokeh ;k vf/kHkksxh ls] fdlh cfgxZr Hkkx] vfrØe.k ;k vojks/k] tks pkgs ,sls Hkou ds {ks= ds uxjikfydk dk Hkkx cu tkus ds iwoZ ;k blds Ik'pkr cuk gks] ,sls Hkou ds lkeus ;k vkxs fufeZr ;k LFkkfir fd;k x;k gks] vkSj tks&

¼d½ fdlh lkoZtfud ekxZ esa bl izdkj eqM+k gqvk ;k

izf{kIr gks vFkok ml ij fdlh ,slh jhfr ls vkxs fudyk gqvk gks ;k vfrØe.k djrk gks ftlls fd

og ,sls ekxZ ij lqjf{kr vkSj lqfo/kktud vkokxeu

ds fy, vojks/k cu x;k gks] ;k

¼[k½ ,sls ekxZ esa ds fdlh vuko`r tylsrq] ukyh ;k

ey&ukyh esa ;k ml ij bl izdkj vkxs fudyk gqvk

gks vkSj vfrØe.k djrk gks ftlls fd ,sls tylsrq]
ukyh ;k ey&ukyh esa vFkok mlds mfpr jhfr ls
dk;Z djus esa vojks/k ;k ck/kk mRIkUu djrk gks ;k
fdlh Hkh :i esa Hkou js[kk dks de djus okyk gks] dks gVkus ;k ifjofrZr djus dh vis{kk dj ldsxh% ijUrq lnSo ;g fd ;fn ,slk cfgxZr Hkkx] vfrØe.k ;k vojks/k fdlh ,sls LFkku esa ml rkjh[k ls iwoZ ftldks fd ,slk LFkku fdlh uxjikfydk dk Hkkx cuk gks] ;k ,slh rkjh[k ds ckn esa uxjikfydk dh fyf[kr vuqKk ls fufeZr fd;k x;k gks rks uxjikfydk ,sls izR;sd O;fDr dks] ftldks ,sls gVk;s tkus ;k ifjorZu ls uqdlku igaqps] mfpr izfrdj nsxh vkSj ;fn ,sls izfrdj dh jde ds lEcU/k esa dksbZ fookn mRIkUu gks rks mldk vfHkfu'p; vkSj vo/kkj.k /kkjk 295 esa micfU/kr jhfr ls fd;k tk;sxkA

237- o"kkZ ty ds fy, nzks.kh vkSj ikbi-& ¼1½ uxjikfydk] fyf[kr uksfVl }kjk] fdlh ekxZ esa izR;sd Hkou ds Lokeh ls ,sls Hkou dh Nr vkSj vU; Hkkxksa ls ty ds xzg.k vkSj mldk ogu djus vkSj mls ,slh jhfr ls tks og mfpr le>s] fudkyus ds fy,] ftlls fd og ekxZ esa vkus tkus okys O;fDr;ksa ij u IkM+s ;k ekxZ dks uqdlku u igqapk;s] mfpr nzks.kh vkSj ikbi dh O;oLFkk djus vkSj vPNh n'kk esa j[kus dh vis{kk dj ldsxhA

¼2½ tgka Hkou dk dksbZ Lokeh ;k vf/kHkksxh mi&/kkjk ¼1½ ds v/khu uksfVl esa ifjdfYir vis{kkvksa dk vuqikyu djus esa foQy jgrk Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼239½ gS vkSj rn~}kjk mlds mica/kksa dk mYya?ku djrk gS rks og nks"kflf) ij ,sls tqekZus ls nf.Mr fd;k tk;sxk] tks ,d gtkj #i;s ls de dk ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxkA

238- o"kkZ ty laxzg.k lajpuk dk mica/k-& ¼1½ ljdkj] ;k ljdkj ds LokfeRok/khu ;k mlds }kjk fu;af=r fdlh dkuwuh fudk; ;k dEiuh ;k laLFkk ds LokfeRok/khu ;k mlds }kjk vf/kHkqDr izR;sd Hkou esa o"kkZ&ty laxzg.k lajpuk ljdkj }kjk ;k ,sls dkuwuh fudk;] ;k dEiuh ;k] ;FkkfLFkfr] laLFkk }kjk] ,slh jhfr ls vkSj ,sls le; ds Hkhrj tks fofgr fd;k tk;s] miyC/k djok;h tk;sxhA

¼2½ mi&/kkjk ¼1½ esa fufnZ"V ls fHkUu fdlh Hkou dk LOkkeh ;k vf/kHkksxh] Hkou esa o"kkZ&ty laxzg.k ljapuk ,slh jhfr ls vkSj ,slh dkykof/k ds Hkhrj] tks mi&fof/k;ksa eas ;k vU;Fkk fofgr dh tk;s] miyC/k djk;sxkA

Li"Vhdj.k-& tgka dksbZ Hkou ,d ls vf/kd O;fDr }kjk LokfeRok/khu ;k vf/kHkqDr gksa ogka izR;sd ,slk O;fDr bl mi&/kkjk ds v/khu nk;h gksxkA

¼3½ ,slh fdlh dkjZokbZ ij] tks bl vf/kfu;e ds v/khu dh tk;s] izfrdwy izHkko Mkys fcuk] tgka Hkou dk Lokeh ;k vf/kHkksxh mi&/kkjk ¼2½ ds v/khu fofgr dkykof/k ds Hkhrj&Hkhrj ml Hkou esa o"kkZ ty laxzg.k lajpuk miyC/k djkus esa foQy jgrk gS rks og nks"kflf) ij ,sls tqekZus ls nf.Mr fd;k tk;sxk] tks nl gtkj #i;s ls de dk ugha gksxk fdUrq tks chl gtkj #i;s rd dk gks ldsxkA ¼4½ fdlh yksd tyiznk; iz.kkyh ls] uofufeZr Hkou esa dksbZ Hkh ty&laca/k rc rd vuqKkr ugha fd;k tk;sxk tc rd fd mldk Lokeh ;k vf/kHkksxh lacaf/kr uxjikfydk dk bl vk'k; dk izek.ki=

9 ¼240½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ izLrqr u dj ns fd ml Hkou esa Ok"kkZ&ty laxzg.k lajpuk miyC/k djk nh x;h gSA

239- edkuksa ij czdsV bR;kfn yxkuk-& uxjikfydk] rsy ;k xSl ls tyk;s tkus okys ySEiksa ds fy, ;k] fctyh ds lEcU/k esa izo`Rr fdlh fof/k ds micU/kksa ds v/khu jgrs gq,] fctyh ls ;k vU;Fkk tyk;h tkus okyh cfRr;ksa ds fy,] ;k VsyhxzkQ ds laca/k esa izo`Rr fdlh fof/k ds mica/kksa ds v/khu jgrs gq,] VsyhxzkQ ds rkjksa ;k VsyhQksu ds rkjksa ds fy,] ;k yksdkseksfVo~t ds fy, fctyh ys tkus ;k vU; iz;kstuksa gsrq czdsV ;k ,sls Ikkbi] tks og ey&ukfy;ksa vkSj ty ladeksZa ds mfpr laokru ds fy, vko';d le>s] fdlh Hkou ds ckgj cuk ldsxh ;k vofLFkr dj ldsxh vkSj ,sls czdsV vkSj ikbIk bl izdkj cuk;s tk;saxs fd muls mDr Hkou ;k iM+kSl ds fdUgha vU; Hkouksa dks vlqfo/kk ;k U;wlsal u gksA

240- ekxksZa ds uke j[kuk vkSj edkuksa dk la[;kadu-& ¼1½ uxjikfydk] le;≤ ij izR;sd ekxZ vkSj lkoZtfud LFkku ds var esa ;k mlds lehi] dksus ij ;k izos'k ij fdlh Hkou ds fdlh lgtn`'; Hkkx ij og uke] ftlls fd ,sls ekxZ ;k lkoZtfud LFkku dks tkuk tk;s] yxk;s tkus ;k isaV fd;s tkus dh O;oLFkk dj ldsxh% ijUrq jkT; ljdkj }kjk uxjikfydk dks fdlh ekxZ] dkyksuh] eksgYyk] ekdsZV] cktkj] iqy] ¶ykbZvksoj] m|ku ;k fdlh Hkh vU; yksd LFkku ;k iFk dks fofufnZ"V uke ls vfHkfgr djus ds fy, funs'k nsuk fof/kiw.kZ gksxk vkSj ,slk funs'k uxjikfydk ij ck/;dkjh gksxkA

¼2½ uxjikfydk le;≤ ij Hkou ds ckgj eq[; izos'k }kj ij fdlh lgtn`'; LFkku ij la[;kad dh IysV yxk ldsxh vkSj ml IysV dk [kpkZ ml edku ds Lokeh }kjk ogu fd;k tk;sxkA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼241½ ¼3½ ;fn dksbZ O;fDr ,sls fdlh uke ;k la[;kad IysV dks u"V djs] gVk;s ;k fo:fir djs vFkok uxjikfydk }kjk yxk;s x;s uke ;k la[;kad ls fHkUu dksbZ uke ;k la[;kad yxk;s rks nks"kflf) ij og ,sls tqekZus ls] tks ,d gtkj #i;s ls de dk ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

241- ewfrZ;ksa dh LFkkiuk -& ¼1½ fdlh ekxZ ;k lkoZtfud LFkku ij dksbZ ewfrZ LFkkfir fd;s tkus ds fy, vuqefr ;k vuqKk] jkT; ljdkj ;k blds }kjk izkf/kd`r fdlh izkf/kdkjh ds iwoZ vuqeksnu ds fcuk ugha nh tk;sxhA

¼2½ dksbZ O;fDRk tks] uxjikfydk dh lhekvksa ds Hkhrj mi&/kkjk ¼1½ ds vuqlkj LFkkfir ;k ifjfufeZr dh x;h fdlh ewfrZ dks u"V djrk gS] fxjkrk gS ;k fod`r djrk gS ;k dksbZ O;fDr ;k izkf/kdkjh tks jkT; ljdkj ds iwoZ vuqeksnu ds fcuk ;k mlds }kjk fofgr 'krksaZ ds mYya?ku esa dksbZ ewfrZ LFkkfir djrk gS] nks"kflf) ij] ,sls lknk dkjkokl ls] tks nks ekl ls de ugha gksxk fdUrq tks Ng ekl rd dk gks ldsxk vkSj ,sls tqekZus ls] tks iPphl gtkj #i;s ls de ugha gksxk fdUrq tks ipkl gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

242- >kfM+;ksa] o`{kksa vkfn dk gVk;k tkuk vkSj mudh dkV&NkaV- &¼1½ uxjikfydk] fyf[kr uksfVl }kjk] fdlh Hkwfe ds Lokeh ;k vf/kHkksxh ls fdlh lkoZtfud ekxZ dh lhek ij fLFkr >kfM+;ksa dh NaVkbZ ;k dkV&NkaV bl izdkj djus ds fy, fd ftlls mDr >kM+h dh ekxZ ry ls ,slh Å¡pkbZ vkSj ,slh pkSM+kbZ mruh ls

vf/kd u gks tk;s ftruh fd uxjikfydk funs'k ns] vkSj ,sls lHkh o`+{k ;k >kfM+;ka] tks fdlh izdkj fdlh lkoZtfud ekxZ ij >qdrs gksa] [krjk iSnk djrs gksa ;k ck/kk mRiUu djrs gksa] ;k ftUgsa uxjikfydk lkoZtfud ekxZ ij

9 ¼242½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ lEHkor;k >qdus okys] [krjk iSnk djus okys ;k ck/kk mRiUu djus ;k lkoZtfud ekxZ dks uqdlku igqapkus okyk ekurh gS] ;k tks fdlh lkoZtfud rkykc] dq,a ;k ty iznk; dh vU; O;oLFkk ij bl izdkj >qdrs gSa ftlls fd mldk ikuh xUnk gksrk gks ;k mlds ikuh ds xUnk gksus dh lEHkkouk gks] dkV Mkyus] mudh 'kk[kk, dkVus ;k mudh N¡VkbZ djus dh vis{kk dj ldsxhA

¼2½

;fn Lokeh ;k vf/kHkksxh mi&/kkjk ¼1½ ds v/khu mls tkjh fd;s x;s uksfVl dk vuqikyu uksfVl esa fofufnZ"V dkykof/k ds Hkhrj&Hkhrj djus esa foQy jgrk gS rks uxjikfydk ,slh >kfM+;ksa dh NaVkbZ ;k dkV&NkaV djok ldsxh vkSj NaVkbZ ;k dkV&NkaV dk O;; mlh jhfr ls olwy dj ldsxh ftlls uxjikfyd cdk;kvksa dh olwyh dh tkrh gSA

243- [krjukd Hkou-& ¼1½ ;fn dksbZ Hkou ;k ml ij yxh gqbZ dksbZ oLrq uxjikfydk }kjk] /oLr gkyr esa ;k fxjus dh n'kk esa vFkok fdlh vU; izdkj ls ,sls Hkou ds fuoklh ds fy, ;k fdlh iM+ksl ds Hkou vFkok mlds vf/kHkksxh ds fy, ;k jkgxhjksa ds fy,] [krjukd le>h tk;s rks uxjikfydk] ;fn mls vko';d izrhr gks] jkgxhjksa dh j{kk ds fy, rqjUr mfpr izdkj dh ikM+ vFkok ckM+ yxok nsxhA bl mi&/kkjk ds v/khu uxjikfydk }kjk mixr fd;k x;k leLr O;; ,sls Hkou ds Lokeh vFkok vf/kHkksxh }kjk lanRr fd;k tk;sxk vkSj mlh rjg olwyh; gksxk ftl izdkj ls bl vf/kfu;e ds v/khu fdlh dj ds e)s nkokd`r jde olwyh; gksrh gS%

ijUrq ;g lnSo fd ;fn [krjk vfr vklUu u gks rks ;g uxjikfydk ds foosdk/khu gksxk fd og viuh vksj ls mfpr ikM+ vFkok ckM+ yxkus ds ctk; igys mlds Lokeh vFkok vf/kHkksxh dks mfpr ikM+ vFkok CkkM+ yxkus ds fy, fyf[kr uksfVl ns vkSj Lokeh vFkok vf/kHkksxh

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼243½ }kjk] ml ij ,slk uksfVl rkehy gks tkus ds nks fnol ds Hkhrj&Hkhrj] ikM+ vFkok ckM+] ftls fd uxjikfydk ekeys dh ifjfLFkfr;ksa esa i;kZIr le>s] yxk;s tkus esa foQy jgus ij] uxjikfydk Lor% rqjUr ,slh ikM+ vFkok ckM+ yxok nsxh vkSj rRi'pkr~ uxjikfydk }kjk mixr O;; dks olwy djus ds fy, tSlk fd bl mi&/kkjk esa micaf/kr gS] vxzlj gksxhA

¼2½ uxjikfydk] Lokeh vFkok vf/kHkksxh ls ;g vis{kk djrs gq, fd ,sls Hkou vFkok ml ij yxh gqbZ oLrq dks] tSlk fd ekeys esa visf{kr gks] rqjUr fxjk fn;k tk;s] lqjf{kr dj fn;k tk;s vFkok mldh ejEer dj nh tk;s] ,sls Lokeh vFkok vf/kHkksxh dks fyf[kr uksfVl Hkh nsxh] vkSj ;fn ,slk Lokeh vFkok vf/kHkksxh ,sls uksfVl dh rkehy gksus ls rhu fnol ds Hkhrj&Hkhrj vkSj vkikrdky ds ekeyksa esa rqjUr ,sls Hkou vFkok oLrq dh ejEer djuk] uhps fxjkuk vFkok lqjf{kr djuk 'kq: ugha djrk gS vkSj mls rRijrk ls iwjk ugha djrk gS rks uxjikfydk ,sls Hkou vFkok oLrq dks iw.kZr% vFkok mlds brus Hkkx dks] tks og vko';d le>s] uhps

fxjk nsxh] mldh ejEer djk nsxh vFkok mldks vU; izdkj ls lqjf{kr djk nsxhA

¼3½ ;fn Lokeh ;k vf/kHkksxh bl /kkjk ds v/khu tkjh uksfVl dk vuqikyu djus esa foQy jgrk gS vkSj og Hkou fxj tkrk gS rks Hkou dk Lokeh vkSj vf/kHkksxh] bl vf/kfu;e ;k rRle; izo`Rr fdlh Hkh fof/k ds mica/kksa ds v/khu muds fo#) dh tkus okyh fdlh Hkh dkjZokbZ ij izHkko Mkys fcuk] ,sls Hkou ds eycs ls dkfjr fdlh Hkh {kfr ds fy, la;qDrr% vkSj i`Fkdr% nk;h gksxkA

244- iVfj;ksa vkfn dks gVkuk-& ¼1½ tks dksbZ uxjikfydk dh vFkok vU; fof/kiw.kZ izkf/kdkjh dh fyf[kr lEefr ds fcuk fdlh lkoZtfud ekxZ dh iVjh] xVj] cjlkrh ikuh dh ukyh] iRFkj dh

9 ¼244½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ pkSfd;ksa ;k vU; lkefxz;ksa] vFkok mldh ckM+ksa] nhokjksa ;k [kEHkksa] ;k uxjikfydk ds fdlh ySEi] ySEi ds [kEHks] czsdsV] uy&LrEHk] fn'kk lwpd LrEHk] cEcs] ty ikbi dks vFkok mlesa dh] ml ij dh vFkok mlds uhps dh] uxjikfydk dh vU; fdlh lEifRr dks gVkrk gS] uqdlku igq¡pkrk gS] m[kkM+rk gS vFkok mlesa dksbZ ifjorZu djrk gS vFkok mlesa vU;Fkk gLr{ksi djrk gS rks og ,sls tqekZus ls] tks nks gtkj #Ik;s ls de ugha gksxk fdUrq tks ikap gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxk vkSj uxjikfydk dks okLrfod {kfr dh jde vkSj iz'kklfud izHkkjksa ds :i esa mldk nl izfr'kr lanRr djus dk Hkh nk;h gksxkA

¼2½ dksbZ O;fDr] tks fdlh lkoZtfud ekxZ dh ,slh iVjh] xVj] cjlkrh ikuh dh ukyh] iRFkj dh pkSfd;ksa vFkok vU; lkefxz;kas esa ;k ckM+ksa] nhokjksa] [kEHkksa] uxjikfydk ds ySEiksa] ySEiksa ds [kEHkksa] czsdsV~l] ty LrEHkksa] fn'kk lwpd LrEHkksa] cEcksa] ty ikbiksa vFkok uxjikfydk dh fdlh vU; lEifRr dks gVkus] uqdlku igqapkus] m[kkM+us vFkok ifjorZu djus ;k vU;Fkk gLr{ksi djus ds ckn mudks uxjikfydk ds lek/kkuizn :i esa okil Bhd djus esa] ,slk djus dk uksfVl feyus ij Hkh] foQy jgrk gS] og ,sls tqekZus ls] tks ,d gtkj #i;s ls de ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxk vkSj ,slk dksbZ Hkh O;; lanRr djsxk tks ekxZ dks iqu% igys okyh gkyr esa ykus esa mixr gks] vkSj ,slk O;; mlh jhfr ls olwyh; gksxk ftl izdkj ls bl vf/kfu;e ds v/khu fdlh Hkh dj ds e)s nkokd`r jde olwyh; gksrh gSA

245- lkoZtfud Hkwfe ij vfrØe.k ;k ck/kk-&¼1½ tks dksbZ Hkh ,slh fdlh Hkh Hkwfe ;k LFkku ij] tks fd futh lEifRr ughas gS] pkgs ,slh Hkwfe ;k LFkku uxjikfydk dk gks ;k ughas ;k mlesa fufgr gks ;k ugha]

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼245½ fdlh Hkh lkoZtfud ekxZ esas ukfy;ksa ds Åij cuk;h x;h lhf<+;ksa ds flok;] dksbZ vfrØe.k djrk gS] nks"kflf) ij] ,sls lknk dkjkokl ls] tks rhu ekl ls de ugha gksxk fdUrq tks rhu o"kZ rd dk gks ldsxk vkSj ,sls tqekZus ls] tks rhl gtkj #i;s ls de ugha gksxk fdUrq tks ipkl gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxk%

ijUrq U;k;ky; fu.kZ; esa mfYyf[kr fd;s tkus okys fdUgha Hkh Ik;kZIr ;k fo'ks"k dkj.kksa ls] rhu ekl ls de vof/k ds dkjkokl dk n.Mkns'k vf/kjksfir dj ldsxkA

¼2½ tks dksbZ Hkh uxjikfydk dh iwoZ vuqKk ds fcuk ,slh fdlh Hkh

Hkwfe ;k LFkku ij] tks fd futh lEifRr ugha gS] pkgs ,slh Hkwfe ;k LFkku uxjikfydk dk gks ;k ugha ;k mlesa fufgr gks ;k ugha] fdlh Hkh lkoZtfud ekxZ esa ukfy;ksa ds Åij cuk;h x;h lhf<+;ksa ds flok;] vLFkkbZ ck/kk mRIkUu djrk gS] nks"kflf) ij] ,sls lknk dkjkokl ls] tks ,d ekl rd dk gks ldsxk ;k ,sls tqekZus ls] tks ikap gtkj #i;s rd dk gks ldsxk] ;k nksuksa ls] nf.Mr fd;k tk;sxkA

¼3½ uxjikfydk ;k mlds }kjk bl fufeRr izkf/kd`r fdlh Hkh vf/kdkjh dks ,slh fdlh ck/kk ;k vfrØe.k dks gVkus dh 'kfDr gksxh vkSj ,sls gVk;s tkus dk O;; ml O;fDr }kjk lanRr fd;k tk;sxk ftlus mDr ck/kk ;k vfrØe.k dkfjr fd;k gSA

¼4½ bl fufeRr lE;d~ :i ls izkf/kd`r u gksrs gq, tks dksbZ Hkh ;FkkiwoksZDr fdlh Hkh Hkwfe ;k LFkku ls feV~Vh] jsr ;k vU; lkexzh dks gVkrk gS] nks"kflf) ij] ,sls dkjkokl ls] tks nks ekl ls de ugha gksxk fdUrq tks Ng ekl rd dk gks ldsxk ;k ,sls tqekZus ls] tks rhl gtkj #i;s ls de ugha gksxk fdUrq tks ipkl gtkj #i;s rd dk gks ldsxk] ;k nksuksa ls] nf.Mr fd;k tk;sxkA

9 ¼246½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼5½ iwoZxkeh micU/kksa esa vUrfoZ"V fdlh ckr ds gksus ij Hkh] uxjikfydk ;k mlds }kjk bl fufeRr izkf/kd`r vf/kdkjh dks] bl /kkjk esa ;Fkk micfU/kr dh x;h dkjZokbZ ds vfrfjDr] bl /kkjk esa fufnZ"V Hkwfe ;k LFkku ij vkStkjksa vkSj ;kuksa ds lkFk&lkFk ik;h x;h ;k] ;FkkfLFkfr] ,slh Hkwfe ;k LFkku ls layXu] ;k ,slh Hkwfe ;k LFkku ls layXu fdlh pht ls LFkk;h :i ls tdM+h gqbZ fdlh lEifRr dk vfHkxzg.k djus ;k mls dqdZ djus dh 'kfDr Hkh gksxhA

¼6½ tgka uxjikfydk }kjk izkf/kd`r fdlh vf/kdkjh }kjk dksbZ lEifRr vfHkx`ghr ;k dqdZ dh tkrh gS] ogka og uxjikfydk dks ,sls vfHkxzg.k ;k dqdhZ dh fjiksVZ rRdky djsxkA

¼7½ uxjikfydk] vf/kgj.k dh dk;Zokfg;ksas ds fu"d"kZ ds yfEcr jgrs] vfHkx`ghr ;k dqdZ lEifRr dh leqfpr vfHkj{kk ds fy, ,sls vkns'k dj ldsxh tks og mfpr le>s vkSj ;fn lEifRr 'kh?kzr;k vkSj izd`R;k {k;'khy gks ;k ,slk djuk vU;Fkk lehphu gks rks uxjikfydk mls foØ; ;k vU;Fkk O;;fur fd;s tkus ds vkns'k ns ldsxhA

¼8½ tgka dksbZ lEifRr ;FkkiwoksZDr foØhr dh tkrh gS rks mlds foØ; vkxe dk lank;] ,sls fdlh foØ; ds O;;ksa ;k mlls lEcfU/kr vU; vkuq"kafxd O;;ksa esa dVkSrh ds i'pkr~ &

¼d½ tgka uxjikfydk }kjk vf/kgj.k dk dksbZ vkns'k

vUrrksxRok ikfjr ugha fd;k x;k gks(;k

¼[k½ tgka vihy esa ikfjr fdlh vkns'k ds }kjk ,slk visf{kr gks]

mlds Lokeh dks ;k ml O;fDr dks fd;k tk;sxk ftlls og vfHkx`ghr ;k dqdZ dh x;h gSA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼247½ ¼9½ tgak mi&/kkjk ¼5½ ds v/khu dksbZ lEifRr vfHkx`ghr ;k dqdZ dh tkrh gS ogka uxjikfydk ,slh lEifRr ds vf/kgj.k dk vkns'k ns ldsxhA

¼10½ mi&/kkjk ¼9½ ds v/khu fdlh lEifRr ds vf/kgj.k dk vkns'k rc rd ugha fn;k tk;sxk tc rd fd ,slh lEifRr ds Lokeh dks ;k ml O;fDr dks] ftlls fd og vfHkx`ghr ;k dqdZ dh x;h gS]& ¼d½ mu vk/kkjksa dh mls lwpuk nsus okyk ,d

fyf[kr uksfVl] ftu ij lEifRr dk vf/kgj.k djuk izLrkfor gS(

¼[k½ vf/kgj.k ds vk/kkjksa ds fo#) ,sls ;qfDr;qDr le; ds Hkhrj] tks uksfVl esa fofufnZ"V fd;k tk;s] ,d fyf[kr vH;kosnu djus dk volj(vkSj

¼x½ ekeys esa lquokbZ dk ;qfDr;qDr volj] u ns fn;k tk;sA

¼11½ bl /kkjk ds v/khu fdlh vf/kgj.k dk vkSj fdlh vfrØe.k dks gVkus dk vkns'k ,sls fdlh Hkh n.M ds vf/kjksi.k dks fuokfjr ugha djsxk ftldk izHkkfor O;fDr bl vf/kfu;e ds v/khu nk;h gSA

¼12½ mi&/kkjk ¼7½ ;k mi&/kkjk ¼9½ ds v/khu fd;s x;s fdlh vkns'k ls O;fFkr dksbZ Hkh O;fDRk] ,sls vkns'k dh mls lalwpuk dh rkjh[k ls ,d ekl ds Hkhrj] mlds fo#) ml ftys ds ftyk U;k;k/kh'k dks vihy dj ldsxk ftlesa ,slh lEifRr vfHkx`ghr ;k dqdZ dh x;h gSA

¼13½ ,slh vihy ij ftyk U;k;k/kh'k] vihykFkhZ vkSj izR;FkhZ dks lquokbZ dk volj nsus ds i'pkr~] vihy ds fuiVkjs ds yafcr jgrs vkns'k ds jksds tkus dk funs'k ns ldsxk ;k vkns'k dks mikUrfjr]

9 ¼248½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ifjofrZr ;k ckfry dj ldsxk vkSj dksbZ ,slk vkSj vkns'k ns ldsxk tks U;k;ksfpr gksA

¼14½ tc dHkh dksbZ lEifRr bl /kkjk ds v/khu vf/kgj.k ds yafcr jgrs vfHkx`ghr ;k dqdZ dh tk;s rc] ,slh lEifRr ds dCts] ifjnku] O;;u] fueZqfDr ;k forj.k ds lEcU/k esa vkns'k djus dh vf/kdkfjrk uxjikfydk ;k ftyk U;k;k/kh'k dks gksxh vkSj rRle; izo`Rr fdlh vU; fof/k esa vUrfoZ"V fdlh izfrdwy ckr ds gksus ij Hkh] fdlh vU; U;k;ky;] vf/kdj.k ;k vU; izkf/kdj.k dks ugha gksxhA ¼15½ tgak dksbZ O;fDr mi&/kkjk ¼1½] mi&/kkjk ¼2½ ;k mi&/kkjk ¼4½ ds v/khu ds fdlh vijk/k ds fy, vfHk;ksftr fd;k tkrk gS] ogka ;g lkfcr djus dk Hkkj] fd og vijk/k mlus ugha fd;k gS] mlh O;fDr ij gksxkA

¼16½ bl /kkjk esa vUrfoZ"V dksbZ Hkh ckr] uxjikfydk dks] fdlh lkoZtfud ekxZ ij R;kSgkjksa vkSj lekjksgksa ds voljksa ij vLFkk;h vf/kHkksx djus vFkok ml ij vLFkk;h fuekZ.k djus vFkok xfy;ksa esa vkSj vkl&ikl dh txg esa ,sls le; ds fy, tks lkr fnol ls vf/kd ugha gks vkSj ftlls turk vFkok fdlh O;fDr dks dksbZ vlqfo/kk ugha gks] baZ/ku bdV~Bk djus dh vuqefr nsus ls ugha jksdsxhA

¼17½ bl /kkjk eas vUrfoZ"V dksbZ Hkh ckr] /kkjk 236 dh mi&/kkjk ¼1½ ds v/khu lE;d~ :i ls izkf/kd`r fdlh cfgxZr Hkkx ds fy, vFkok fdlh ,sls ekeys esa] tgka bl /kkjk dh mi&/kkjk ¼16½ ds v/khu vuqKk iznku dh x;h gks] ykxw ugha gksxhA

¼18½ vfrØe.k ;k ck/kk dks gVkus ;k cUn djus ;k jksdus ds drZO; ls fofufnZ"V :i ls U;Lr tks dksbZ Hkh uxjikfydk dk deZpkjh gksrs gq, ;k ljdkj ds fdlh foHkkx ls uxjikfydk esa izfrfu;qfDr ij jgrs gq, Lo;a vfrØe.k djrk gS ;k vfrØe.k esa nwljksa dh lgk;rk

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼249½ djrk gS] ;k ,sls vfrØe.k ;k ck/kk dks gVkus ;k cUn djus ;k jksdus esa tkucw>dj ;k tkurs gq, mis{kk djrk gS ;k tkucw>dj yksi djrk gS] nks"kflf) ij] ,slh vof/k ds dkjkokl ls] tks rhu ekl ls de ugha gksxh fdUrq tks rhu o"kZ rd dh gks ldsxh ;k ,sls tqekZus ls] tks rhl gtkj #i;s rd dk gks ldsxk] ;k nksuksa ls] nf.Mr fd;k tk;sxk % ijUrq dksbZ Hkh U;k;ky;] uxjikfydk dh iwoZ eatwjh ds flok;] ,sls deZpkjh ds fo#) bl mi&/kkjk ds v/khu n.Muh; vijk/k dk laKku ugha ysxkA

¼19½ bl /kkjk ds v/khu ds fdlh vijk/k dk dksbZ Hkh vUos"k.k iqfyl mi v/kh{kd dh jSad ls uhps ds fdlh vf/kdkjh ds }kjk ugha fd;k tk;sxkA rFkkfi] ,slk vUos"k.k] uxjikfydk dh vksj ls eq[; uxjikfyd vf/kdkjh ;k mlds }kjk izkf/kd`r in/kkjh }kjk izFke lwpuk fjiksVZ Qkby djus dh rkjh[k ls rhu ekl dh dkykof/k ds Hkhrj iwjk fd;k tk;sxk vkSj fjiksVZ U;k;ky; esa Qkby dh tk;sxhA

¼20½ /kkjk 298 ds mica/kkas vkSj bl vf/kfu;e ds vU; mica/kksa ij izfrdwy izHkko Mkys fcuk] eq[; uxjikfyd vf/kdkjh ds fy, ;g fof/kiw.kZ gksxk fd og ml O;fDr ds fo#) ftlds }kjk fdlh ljdkjh ;k uxjikfyd Hkwfe ij vfrØe.k fd;k tkuk laHkkfor gks] ,slk dksbZ vfrØe.k djus ls mls jksdus ds fy, lacaf/kr eftLVªsV ds le{k dk;Zokgh nkf[ky djs vkSj eq[; uxjikfyd vf/kdkjh dh vk'kadk dh ;qfDr;qDrrk ds ckjs esa lek/kku dj ysus ij eftLVªsV ,sls O;fDr ls mlds vPNs O;ogkj ds fy, ,d o"kZ ls vuf/kd dh ,slh dkykof/k ds fy,] tks eftLVªsV Bhd le>s] izfrHkqvksa lfgr ;k jfgr ca/ki= fu"ikfnr fd;s tkus dh vis{kk djus esa l{ke gksxkA n.M izfØ;k lafgrk] 1973 ¼1974 dk dsUnzh; vf/kfu;e la- 2½ ds v/;k; 8 esa vUrfoZ"V izfØ;k bl mi&/kkjk ds v/khu eftLVªsV ds le{k dk;Zokfg;ksa ij] ;Fkko';d

9 ¼250½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ifjorZuksa lfgr] ,sls ykxw gksxh ekuks ,slh dk;Zokfg;ka n.M izfØ;k lafgrk] 1973 ¼1974 dk dsUnzh; vf/kfu;e la- 2½ dh /kkjk 107 ds v/khu dk;Zokfg;ka gksaA

246- [krjukd [kqnkbZ-& ;fn uxjikfydk dh jk; esa fdlh [kku dh [kqnkbZ vFkok fdlh LFkku ij tehu ls iRFkj] feV~Vh ;k vU; inkFkZ fudkyuk] mlds iM+ksl esa jgus okys ;k ogak rd fof/klEer igaqp j[kus okys O;fDr;ksa ds fy, [krjukd gS] vFkok U;wlsal iSnk djrk gS vFkok lEHkor% dj ldrk gS rks uxjikfydk fyf[kr uksfVl }kjk mDr [kku ;k LFkku ds Lokeh ;k ml ij dk;Z djus vFkok inkFkZ dks gVkus ds fy, mRrjnk;h O;fDr ls ;g vis{kk dj ldsxh fd og ,slh [kku dh [kqnkbZ ;k ,sls inkFkZ dks gVkus dk dk;Z tkjh u j[ks vFkok bldh vuqefr u ns vFkok ,slh [kku ;k LFkku ds fy, ,slh O;oLFkk djs tSlk fd uxjikfydk [krjs ds fuokj.k ds fy, vFkok mlls mRiUu gksus okys ;k gks ldus okys U;wlsal dks de djus ds fy, funs'k ns%

ijUrq ;fn ,slh [kku vFkok LFkku jkT; ljdkj esa fufgr gks vFkok ;fn mldh bl izdkj [kqnkbZ vFkok ogka ls iwokZsDr izdkj ls inkFkksZa dks gVk;k tkuk jkT; ljdkj }kjk vFkok mldh vksj ls ;k jkT; ljdkj dh vuqKk ;k izkf/kdkj ds v/khu dk;Z djus okys fdlh O;fDr }kjk fd;k tk jgk gks rks uxjikfydk ,slh dkjZokbZ rc rd ugha djsxh tc rd fd jkT; ljdkj us mldks ,slk djus dh lEefr u ns nh gks%

ijUrq ;g vkSj fd ;fn bl /kkjk esa fufnZ"V fdlh ekeys esa fdlh vklUu ladV dks jksdus ds fy, vko';d izrhr gks rks uxjikfydk ,slh [kku vFkok LFkku ds ikl

vkus&tkus okyksas dh j{kk ds fy, mfpr ikM+ vFkok ckM+ rqjUr yxok nsxh] vkSj bl /kkjk ds v/khu dh x;h dkjZokbZ esa uxjikfydk }kjk mixr dksbZ O;; ,sls iwoksZDr

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼251½ Lokeh vFkok vU; O;fDr }kjk lanRRk fd;k tk;sxk vkSj bl vf/kfu;e ds v/khu fdlh dj dh cdk;k ds :Ik esa olwyh; gksxkA

247- ifjljksa dk vuqKfIr ds fcuk Ik'kq j[kus] ;k eqxhZ ikyu ds fy, mi;ksx esa ugha fy;k tkuk-& dksbZ Hkh O;fDr fdlh Hkwfe ;k ifjljksa dk <ksj] ?kksM+k] lqvj] dqRrk ;k vU; pkSik;k Ik'kqvksa dks j[kus ;k fdlh Hkh izdkj ds eqxhZ ikyu ds fy,] fdlh Hkh iz;kstu ds fy,] pkgs tks gks] uxjikfydk }kjk] ,slh Qhl ds lank; ij tks uxjikfydk }kjk mi&fof/k;ksas }kjk vo/kkfjr dh tk;s] eatwj dh x;h vuqKfIr ds fuca/kuksa ds fcuk ;k mlds vuq:i ls vU;Fkk mi;ksx ugha djsxk ;k mi;ksx fd;s tkus ds fy, vuqKkr ugha djsxk%

ijUrq uxjikfydk fdlh fyf[kr vkns'k }kjk Ik'kqvksa ;k if{k;ksa ds fdlh oxZ dks ,slh vuqKfIr ls ;k fdlh ,sls iz;kstu ls] ftlds fy, Ik'kqvksa ;k if{k;ksa ds ,sls oxZ j[ks tk ldsaxs] NwV iznku dj ldsxhA

248- dfri; i'kqvksa ;k if{k;ksa dk vfHkxzg.k-& ¼1½ ;fn dksbZ <ksj] ?kksM+k] lqvj] dqRrk ;k vU; pkSik;k i'kq ;k i{kh] bl v/;k; ds mica/kksa ds mYya?ku esa fdlh Hkwfe ;k ifjlj esa j[kk tkrk gS ;k fdlh ekxZ ;k lkoZtfud LFkku ij ?kwerk gqvk ;k HkVdk gqvk ;k jLlh ls ca/kk gqvk ik;k tkrk gS ;k turk ds fy, mRikr ;k [krjk dkfjr djrk gqvk ik;k tkrk gS rks eq[; uxjikfyd vf/kdkjh] uxjikfydk ds fdlh vf/kdkjh ;k deZpkjh dks ,sls <ksj] ?kksM+k] lqvj] dqRrk ;k vU; pkSik;k Ik'kq ;k i{kh dk vfHkxzg.k djus ds fy, funs'k ns ldsxk vkSj mldks ,sls LFkku ij] ifjc) djok;sxk ;k gVok;sxk vkSj j[kok;sxk] tks uxjikfydk }kjk bl iz;kstu ds fy, fu;r fd;k tk;s(vkSj ,sls

9 ¼252½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ vfHkxzg.k vkSj ifjc) djus ;k gVkus vkSj cuk;s j[kus dh ykxr ,sls Ik'kq ;k i{kh ds foØ; ;k] ;FkkfLFkfr] uhyke }kjk olwyh; gksxh%

ijUrq ,sls Ik'kq ;k i{kh dk nkok djus okyk dksbZ O;fDr] ,sls vfHkxzg.k ds lkr fnol ds Hkhrj] uxjikfydk }kjk ,sls Ik'kq ;k i{kh dk vfHkxzg.k] ifjc) djus ;k gVkus ;k cuk;s j[kus esa mixr fd;s x;s leLr O;; ds lank; ij vkSj mlds nkos ds leFkZu esa ,sls lk{; izLrqr djus ij] tSlk fd eq[; uxjikfyd vf/kdkjh i;kZIr le>s] mldks NqM+k ldsxkA

¼2½ fdlh Ik'kq ;k i{kh dh mi&/kkjk ¼1½ ds v/khu uhyke }kjk foØ; ls izkIr vkxe dks] ,sls Ik'kq ;k i{kh ds vfHkxzg.k] ifjc) djus ;k gVkus vkSj cuk;s j[kus vkSj ,slk foØ; djokus ds e)s mixr gksus okys O;;ksa dks iwjk djus esa dke esa fy;k tk;sxk] vkSj vf/k'ks"k] ;fn dksbZ gks] eq[; uxjikfyd vf/kdkjh }kjk tek dj fy;k tk;sxk vkSj ;fn ,sls Ik'kq ;k i{kh ds Lokeh }kjk ,sls foØ; dh rkjh[k ls UkCcs fnol dh dkykof/k ds Hkhrj nkok ugha fd;k tkrk gS rks uxjikfyd fuf/k esa tek djok fn;k tk;sxkA

249- laØfer dqRrksa ;k Ik'kqvksa ij dkjZokbZ djus dh 'kfDr-& eq[; uxjikfyd

vf/kdkjh&

¼d½ ,sls fdlh dqRrs ;k vU; Ik'kq dks] tks jscht ls xzflr gS ;k xzflr gksus dh ;qfDr;qDr :i ls laHkkouk gS] ;k ftls jscht ls xzflr ;k ftlds xzflr gksus okys laHkkfor fdlh dqRrs ;k vU; i'kq }kjk dkVk x;k gks] Uk"V djk ldsxk ;k ,slh vof/k ds fy,] tSlk og funs'k ns] ifjlhfer djk ldsxk(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼253½

¼[k½ yksd uksfVl }kjk ;g funs'k ns ldsxk fd ,slh rkjh[k ds i'pkr~] ftls uksfVl esas fofufnZ"V fd;k tk;s] dqRrs] tks vuqKfZIr ds fcuk gSa izkbosV lEifRr ds :Ik esa mUgsa vyx djrs gq, vkSj ekxksaZ ij ;k vius ekfydksa] ;fn dksbZ gksa] ds ?kjksa ds vgkrs ds ckgj HkVdrs gq, Ikk;s tkrs gSa] ifjlhfer fd;s tk;sa vkSj ;fn vko'd gks rks mu ij vU;Fkk dkjZokbZ dh tk;s ;k mUgsa Uk"V fd;k tk;sA

250- ifjljksa ds Hkhrj i'kqvksa ls U;wlasl jksdus dh 'kfDr-& ¼1½ tc dHkh Hkh eq[; uxjikfyd vf/kdkjh dh ;g jk; gks fd fdlh i'kq ;k i{kh dks j[kus ds fy, fdlh ifjlj dk mi;ksDrk] pkgs vuqKfIr/kkjh gks] U;wlsasl dkfjr djrk gS vkSj ,slk U;wlsal rqjUr jksdk tkuk pkfg, rks eq[; uxjikfyd vf/kdkjh vkns'k }kjk] ,sls ifjlj ds Lokeh ;k vf/kHkksxh ls ,slk U;wlsal] ,slh dkykof/k ds Hkhrj] tSlh fd vkns'k esa fofufnZ"V dh tk;s] jksdus dh vis{kk dj ldsxkA

¼2½ ;fn] ,slh dkykof/k dh lekfIr ij U;wlsal jksdk ugha tkrk gS rks eq[; uxjikfyd vf/kdkjh ;k mlds }kjk bl fufeRr izkf/kd`r dksbZ vU; vf/kdkjh] ,sls ifjlj ds ,sls mi;ksx dks ,sls lk/kuksa ls :dok ldsxk] ftUgsa og Bhd le>s vkSj ,sls Lokeh ;k vf/kHkksxh dks gsrqd nf'kZr djus ds fy,] fd D;ksa ugha ,sls Ik'kq ;k] ;FkkfLFkfr] i{kh dks j[kus dh vuqKfIr dks jn~n dj fn;k tk;s] funs'k ns ldsxkA

¼3½ ;fn ,slk Lokeh ;k vf/kHkksxh] eq[; uxjikfyd vf/kdkjh ds lek/kku ds fy, gsrqd nf'kZr ughas djrk gS ;k ;fn U;wlsal dk mi'keu ugha gksrk gS rks blds fy, vuqKfIr dks jn~n djus ds i'pkr~] ifjlj esa

9 ¼254½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ik;s x;s Ik'kq ;k i{kh ds vfHkxzg.k vkSj uhyke }kjk U;wlsal dks jksdk tk;sxkA

251- Ms;fj;ksa dks vuqKfIr nsuk-& ¼1½ dksbZ O;fDr O;kikj ds iz;kstuksa ds fy, fdlh LFkku dk] uxjikfydk ls vuqKfIr ds fuca/kuksa ds v/khu vkSj vuqlkj ds flok; nq/kk: i'kq ds fy, ;k nw/k ds HkaMkj.k ;k foØ; ds fy,] ;k eD[ku cukus] ;k foØ; ds fy, mi;ksx ugha djsxk ;k mi;ksx fd;s tkus ds fy, vuqKkr ugha djsxkA

¼2½ uxjikfydk ,slh vuqKfIr ,slh 'krksaZ ds v/;/khu jgrs gq,] ftUgsa og Bhd le>s] eatwj dj ldsxh] vkSj fdlh Hkh le; ,slh vuqKfIr dks] vuqKfIr/kkjh dks ,d ekg dk uksfVl nsdj] izR;kâr dj ldsxh%

ijUrq tgka vuqKfIr/kkjh us vuqKfIr dh 'krksZa esa ls fdlh Hkh 'krZ dk mYya?ku fd;k gS rks og ,sls fdlh uksfVl ds fcuk izR;kgj.k dj ldsxhA

¼3½ tks dksbZ Hkh mi;qZDr iz;kstuksa ds fy,] ,slh vuqKfIr ds fcuk ;k

bldh 'krksaZ esa ls fdlh 'krZ ds mYya?ku esa ;k blds izR;kgj.k ds i'pkr~ ;k blds fuyacu ds nkSjku] fdlh LFkku dk mi;ksx djrk gS ;k mi;ksx fd;s tkus ds fy, vuqKkr djrk gS rks og ,sls tqekZus ls nf.Mr fd;k tk;sxk tks ikap gtkj #i;s ls de ugha gksxk fdUrq tks nl gtkj #i;s rd dk gks ldsxk vkSj fujarj vijk/k dh n'kk esa ,sls vkSj tqekZus ls] tks ,sls izFke vijk/k ds fy, nks"kflf) dh rkjh[k ds i'pkr~ ,sls izR;sd fnol ds fy,] ftlesa ,slk vijk/k fujarj jgrk gS] ipkl #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

¼4½ mi&/kkjk ¼3½ ds v/khu fdlh LFkku ds laca/k esa nks"kflf) izkIr gksus ij] eq[; uxjikfyd vf/kdkjh ;k mlds }kjk izkf/kd`r fdlh Hkh vU; vf/kdkjh fdUrq vU;Fkk ugha] ds vkosnu ij eftLVªsV] ,sls

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼255½ LFkku dks cUn djus dk vkns'k nsxk vkSj ,sls LFkku dks bl izdkj mi;ksx esa fy;s tkus ls jksdus ds fy, ml ij O;fDr;ksa dks fu;qDr djsxk ;k vU; dne mBk;sxkA

252- dfri; izdkj ds ;krk;kr ds fy, lkoZtfud ekxksZa ds mi;ksx dks izfrf"k) djus dh 'kfDr-& ¼1½ uxjikfydk] fyf[kr esa uksfVl }kjk]&

¼d½ fdlh Hkh lkoZtfud ekxZ ;k mlds fdlh Hkkx esa okguksa ds ;krk;kr dks ;k rks vLFkk;h :i ls ;k LFkk;h :i ls izfrf"k) ;k fofu;fer dj ldsxh rkfd turk dks gksus okys [krjksa] ck/kk ;k vlqfo/kk dks jksdk tk lds ;k fdlh Hkh bykds esa 'kkfUr lqfuf'pr dh tk lds]

¼[k½ fdlh lkoZtfud ekxZ ;k mlds fdlh Hkkx ds laca/k esa ,sls izdkj] Lo:i] lajpuk] otu] mRltZu] ;k vkdkj ds fdlh Hkh ;ku dks] ;k ,slh Hkkjh ;k LFkwy oLrq ls yns gq, fdlh ;ku dks] ftlls lM+d ekxksZa dks ;k mu ij ds fdlh lafuekZ.k dks {kfr dkfjr gksus dh laHkkouk gks] ;k yksd lqfo/kk ds vk/kkj ij fdlh ;ku ds vfHkogu dk le;] d"kZ.k ;k lapyu dk <ax] lM+d ekxkaZas ds laj{k.k ds fy, midj.kksa dk mi;ksx] cfRr;ksa vkSj lgk;dksa dh la[;k] vkSj vU; lk/kkj.k iwokZo/kkfu;ksa ds ckjs esa] ,slh 'krksaZ ds v/khu vkSj ,sls izHkkjksa ds lank; ij] tks uxjikfydk }kjk izR;sd ekeys esa lk/kkj.kr;k ;k fof'k"Vr;k 9 ¼256½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ fofufnZ"V fd;s tk;sa] ds flok;] izfrf"k) dj ldsxhA

¼x½ fdlh Hkh ;ku ds vkokxeu ds izos'k dks iwjs le; ds fy, ;k fdUgha Hkh fof'k"V ?kaVksa ds fy, izfrf"k) dj ldsxh] ;k ,sls vkokxeu okys fdlh Hkh fof'k"V lkoZtfud ekxZ ls fdlh ifjlj esa ,sls ;ku ds vkokxeu ds fudkl dks izfrf"k) dj ldsxh(

¼?k½ ty&fudkl] ty&vkiwfrZ ;k izdk'k O;oLFkk ls lacaf/kr fdlh dk;Z dks iwjk djus ;k ejEer ds fy, ;k bl vf/kfu;e ds fdUgha Hkh iz;kstuksa ds fy, fdlh Hkh ekxZ dks ;krk;kr ds fy, vLFkk;h :i ls can dj ldsxh%

ijUrq ,slk dk;Z ;qfDr;qDr xfr ds lkFk iwjk fd;k tk;sxk vkSj ,slk ekxZ ;krk;kr ds fy,

iqu% [kksyk tk;sxkA

¼2½ mi&/kkjk ¼1½ ds v/khu dksbZ uksfVl] ;fn ,slk uksfVl fdlh fof'k"V lkoZtfud ekxZ dks ykxw gksrk gS rks ,sls lkoZtfud ekxZ ;k mlds fdlh Hkkx ij ftl ij ,slk uksfVl ykxw gksrk gS] lqLi"V LFkkuksa ij ;k nksuksa vafre fljksa ij fpidk;k tk;sxk ;k] ;fn ,slk uksfVl lkekU; :i ls lHkh lkoZtfud ekxksZa ij ykxw gksrk gS rks foKkfir fd;k tk;sxkA

¼3½ mi&/kkjk ¼1½ esa varfoZ"V fdlh ckr ds gksrs gq, Hkh] uxjikfydk fyf[kr esa uksfVl }kjk ?kksf"kr dj ldsxh fd dksbZ Hkh iSny jkLrk ;k mldk Hkkx lkbZfdy vkSj iSny iFk ds :i esa mi;ksx esa fy;k tk;sxkA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼257½

¼4½ mi&/kkjk ¼3½ esa fufnZ"V uksfVl] ,sls lkoZtfud ekxZ ;k mlds fdlh Hkkx ij] ftl ij mi&/kkjk ¼3½ ds mica/k ykxw gksrs gSa] lqLi"V LFkku ij ;k nksuksa fljksa ij fpidk;k tk;sxkA

253- lkoZtfud LFkkuksa ij futh ;kuksa dh ikfdZax dk fofu;eu-& uxjikfydk] ;krk;kr ds ljy cgko dks lqfuf'pr djus vkSj lkekU; turk dh vlqfo/kk dh jksd&Fkke ds fy,] QqVikFkksa vkSj lM+d ds fdukjkas lfgr lkoZtfud LFkkuksa ij ;kuksa dh ikfdZax dk fofu;eu djsxhA fdlh Hkh n'kk esa lkoZtfud LFkkuksa ij ikfdZax rc rd vuqKkr ughas dh tk;sxh tc rd fd Ik;kZIr LFkku miyC/k ugha gks%

ijUrq uxjikfydk] i;kZIr LFkku dh miyC/krk dks /;ku esa j[krs gq,] ,slh nj ij dksbZ ikfdZax Qhl] tks uxjikfydk }kjk fofgr dh tk;s] ds lank; ds v/;/khu jgrs gq, lk/kkj.k ;k fo'ks"k vkns'k }kjk lkoZtfud LFkkuksa ij ikfdZax vuqKkr dj ldsxhA

254- lkoZtfud eSnkuksa ij ;kuksa ;k tkuojksa dks Bgjkuk-& tgka uxjikfydk esas fdlh Hkwfe dks ;k fdlh lkoZtfud LFkku dks uxjikfydk dh fyf[kr vuqKk ds fcuk fdlh ;ku vFkok tkuoj dks Bgjkus ds LFkku ds :Ik esa ;k iM+ko LFky ds :Ik esa mi;ksx esa yk;k tkrk gS rks ml ;ku ;k tkuoj dk Lokeh ;k ikyd ;k] ;FkkfLFkfr] iM+ko Mkyus okyk O;fDr nks"kflf) ij ,sls tqekZus dk] tks ,d gtkj #Ik;s ls de ugha gksxk fdUrq tks nks gtkj #Ik;s rd dk gks ldsxk vkSj fujarj mlds Hkax dh n'kk esa ,sls vkSj tqekZus dk] tks izFke nks"kflf) dh rkjh[k ds i'pkr~ ,sls izR;sd fnol ds fy,] ftlds fy, vijk/kh ds fy, ;g fl) gks fd og yxkrkj vijk/k djus esa layXu jgk gS] ipkl #i;s ls de ugha gksxk fdUrq tks ,d lkS #i;s rd dk gks ldsxk] nk;h gksxkA

9 ¼258½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 255- vfZXu dh jksdFkke ds fy, O;oLFkk-& uxjikfydk] mi&fof/k;ksa }kjk] uxjikfyd {ks= esa ds leLr ;k fdUgha ifjljksa ds Lokeh ;k vf/kHkksxh ls] ,slh O;OkLFkk,a djus dh vis{kk dj ldsxh tks og uxjikfyd {ks= esa vfXu dh jksdFkke vkSj vfXu lqj{kk ds fy, og vko';d le>s vkSj Lokeh ;k vf/kHkksxh ls ,d vukifRr izek.ki= ,slh jhfr esa vkSj ,sls izkf/kdkjh ls] tks ,slh mi&fof/k;ksa }kjk fofufnZ"V fd;k tk;s] izkIr djus dh vis{kk Hkh dj ldsxhA

256- vfXu'keu ny dh LFkkiuk vkSj mldk j[k&j[kko-& uxjikfydk vfXu'keu ny dh LFkkiuk vkSj mldk j[kj[kko dj ldsxh vkSj fdUgha vkStkjksa] e'khuksa vFkok

vklwpuk nsus ds lk/kuksa dh] ftUgsa og vkx ds fuokj.k vkSj cq>kus ds fy, vko';d le>s] O;oLFkk dj ldsxhA

257- vkx cq>kus ds fy, vfXu'keu ny vkSj vU; O;fDr;ksa dh 'kfDr;ka-& ¼1½ fdlh uxjikfyd {ks= esa vkx yxus ds volj ij dksbZ Hkh eftLVªsV] uxjikfydk dk dksbZ lnL;] eq[; uxjikfyd vf/kdkjh] uxjikfydk dk dksbZ Hkh vU; vf/kdkjh] vfXu'keu ny dh dkjZokbZ ds lapkyu dk funs'ku djus okyk mldk dksbZ lnL; vFkok dkaLVscy dh jSad ls Åij dk dksbZ Hkh iqfyl vf/kdkjh&
¼d½ fdlh O;fDr dks] tks fd viuh mifLFkfr ls vkx cq>kus vFkok tku ;k eky dh j{kk djus dh izfØ;k esa gLr{ksi djrk gS vFkok vM+pu Mkyrk gS] gVk ldsxk ;k gVk;s tkus dk vkns'k ns ldsxk(
¼[k½ fdlh ekxZ vFkok jkLrs dks] ftlesa ;k ftlds ikl vkx ty jgh gks] cUn dj ldsxk(
¼x½ vkx dks cq>kus ds iz;kstu ds fy, fdlh Hkou vFkok Hkwfe esa izos'k dj ldsxk vFkok mlesa ls gksdj ikj fudy
Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼259½ ldsxk vFkok mls fxjk ldsxk ;k mlesa izos'k djok ldsxk vFkok mlesa gksdj ikj fudyok ldsxk ;k mldks fxjok ldsxk] vFkok mUgsa edkuksa ;k vU; lkf/k=ksa ls xqtjus ds fy, mi;ksx esa yk ldsxk(
¼?k½ eq[; iz.kkyksa rFkk ikbiksa dks cUn djok ldsxk rkfd ml LFkku esa vFkok ml LFkku ds ikl] tgka ij vkx yx x;h gS] rst ncko ls ty igqapk;k tk lds(
¼3½ ,slh lgk;rk tks lEHko gks] nsus ds fy, vfXu'keu batu ds Hkkjlk/kd O;fDr dh ekax dj ldsxk(vkSj
¼p½ lkekU;r% ,sls mik; dj ldsxk tks tku vkSj eky ds ifjj{k.k ds fy, vko';d gksaA
¼2½ dksbZ Hkh O;fDr mi&/kkjk ¼1½ ds v/khu vius }kjk ln~Hkkkouk ls fd;s x;s fdlh dk;Z ds fy, uqdlkuh lanRr djus dk nk;h ugha gksxkA

258- IykfLVd FkSfy;ksa ds fofuekZ.k vkfn dks fucZaf/kr djus ;k ml ij ikcanh yxkus dh 'kfDr-& ¼1½ rRle; izo`Rr fdlh vU; fof/k vkSj jkT; ljdkj ds fdlh lk/kkj.k ;k fo'ks"k vkns'k ds v/;/khu] uxjikfydk dks] jkti= esa vf/klwpuk }kjk] lEiw.kZ uxjikfyd {ks= esa ;k mlds fdlh Hkkx esa fdlh Hkh izdkj dh IykfLVd FkSfy;ksa ds fofuekZ.k] foØ; ;k mi;ksx dks fucZaf/kr djus ;k ml ij ikcanh yxkus dh 'kfDr gksxhA
¼2½ tks dksbZ Hkh mi&/kkjk ¼1½ ds v/khu vf/kjksfir fucZa/ku ;k ikcanh dk mYya?ku djrk gS] nks"kflf) ij] lknk dkjkokl ls] tks rhu ekl rd dk gks ldsxk] ;k tqekZus ls] tks ,d lkS #i;s ls de ugha gksxk fdUrq tks ,d gtkj #i;s rd dk gks ldsxk] ;k nksuksa ls] rFkk

9 ¼260½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ,sls vkSj tqekZus ls] tks IkzR;sd ,sls fnol ;k] ;FkkfLFkfr] jkf= ds fy,] ftl ij ,slk vijk/k izFke nks"kflf) dh rkjh[k ds i'pkr~ tkjh jgrk gS] ipkl #i;s rd dk gks ldsxk] n.Muh; gksxkA
259- dusD'ku ugha ysuk ;k ey vkfn cgkuk-& tks dksbZ vius fu;a=.kk/khu fdlh Hkou vFkok Hkwfe ls /kkjk 202 esa ;Fkk micaf/kr ey&ogu iz.kkyh ls dusD'ku

ugha ysrk gS ;k uxjikfydk dh fyf[kr vuqKk ds fcuk fdlh gksnh vFkok ey&ukyh ds ikuh dks] fdlh vU; rjy inkFkZ vFkok vU; oLrq dks] tks nqxZU/kiw.kZ gS vFkok ftlds nqxZU/kiw.kZ gks tkus dh lEHkkouk gS] fdlh ekxZ ;k [kqys LFkku esa cgkrk gS] fudkyrk gS ;k Qsadrk gS] ;k fdlh ckgjh nhokj esas lks[kus nsrk gS vFkok bu dk;kZsa dh vuqKk nsrk gS ;k fdlh ey&ukyh vFkok 'kkSpky; ls fdlh nqxZU/kiw.kZ inkFkZ dks fdlh ekxZ esa lrg ij dh ukyh esa cgkrk gS] fudkyrk gS ;k Qsadrk gS] ;k ,slk djus dh vuqKk nsrk gS] ;k tks ,slh vuqKk esa fofgr fdUgha 'krksZa ds ikyu esa foQy jgrk gS og tqekZus ls] tks ikap gtkj #i;s ls de ugha gksxk] n.Muh; gksxkA

260- xUns Hkou vkfn-& ¼1½ tks dksbZ] fdlh Hkou vFkok Hkwfe dk Lokeh ;k vf/kHkksxh gksrs gq, mls xUnh rFkk vLokLF;dj gkyr esa j[krk gS vFkok uxjikfydk dh jk; esa iM+ksl esa jgus okyksa ds fy, U;wlsal gksus nsrk gS] ;k mlesa ukxQuh vFkok mxzxU/k rFkk nqxZU/kiw.kZ ouLifr mxus nsrk gS vkSj uxjikfydk }kjk mls lkQ djus vFkok dVok Mkyus vFkok mls vU;Fkk vPNh gkyr esa djus ds fyf[kr uksfVl ds i'pkr~ ;qfDr;qDr le; esa ,sls uksfVl esa vUrfoZ"V v/;is{kk dh ikyuk ugha djrk gS rks og ,sls tqekZus ls] tks ,d gtkj #i;s ls de ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxk] rFkk ,sls vkSj tqekZus ls] tks izFke nks"kflf) dh rkjh[k ds Ik’pkr~ mDr uksfVl ds vuqikyu esa foQyrk tkjh jgus ds izR;sd fnol ds fy, ipkl #i;s

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼261½ ls de ugha gksxk fdUrq tks ,d lkS #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

¼2½ ;fn fdlh Hkou dh gkyr ,slh gks fd og uxjikfydk dh foosdcqf) esa ekuo fuokl ds fy, vuqi;qDr gS rks og fyf[kr uksfVl }kjk mls rc rd iz;ksx esa ykus dk] tc rd fd mls jgus ;ksX; u cuk fn;k tk;s] izfr"ks/k Hkh dj ldsxhA

¼3½ ;fn dksbZ Hkou] th.kkZoLFkk esa] misf{kr] ifjR;Dr vFkok viz;qDr vFkok fdjk;snkj foghu n’kk esa jgrk gS rFkk ml dkj.k& ¼d½ csdkj rFkk minzoh O;fDr;ksa dk vFkok ,sls O;fDr;ksa dk] ftuds thfodk fuokZg dk dksbZ n`';eku lk/ku u gks vFkok tks Lo;a dk ifjp; lek/kkuizn :i ls ugha ns ldrs gksa] vkJ; LFky cu tkrk gS(;k ¼k½ fdUgha vLokLF;dj vFkok vuSfrd mn~ns’;ksa ds fy, mi;ksx esas vkus yxk gks(;k

¼x½ liksZa] pwgksa ;k vU; [krjukd vFkok larkidkjh thoksa dk 'kj.k LFky gks x;k gks]

rks mlds ckjs esa ;g vkifRr mBk;h tk ldrh gS fd og iM+ksl vFkok ,sls Hkou ds ikl ls xqtjus okys O;fDr;ksa ds fy, U;wlsal gks x;k gS] bl :i esa vLokLF;dj ;k Hkn~nk gks fd mlds dkj.k rdyhQ] vlqfo/kk ;k {kksHk gks rks ;fn uxjikfydk] ;g le>s fd ,slh vkifRr dk] bl vf/kfu;e ds fdlh vU; micU/k ds v/khu] vU;Fkk fuokj.k ugha fd;k tk ldrk gS rks ;fn uxjikfydk ds Hkhrj dksbZ ,slk Kkr O;fDr vFkok fuoklh gks tks ,sls Hkou dk Lokeh gksus dk nkok j[krk gks rks ,sls O;fDr dks funsf'kr fyf[kr uksfVl }kjk] vFkok vU; fdlh n’kk esa] ml Hkou ds ckgj ds njokts ij vFkok vU; fdlh lgtn`'; LFkku ij fyf[kr uksfVl fpidkdj] mlesa fgrc) leLr O;fDr;ksa ls uksfVl

9 ¼262½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ esa mfYyf[kr dkykof/k ds Hkhrj ,sls Hkou ds laca/k esas ,slh O;oLFkk] tSlh fd uksfVl esa fofufnZ"V dh tk;s] djus dh vis{kk dj ldsxkA ¼4½ uksfVl esa mfYyf[kr vof/k ds Hkhrj mldh vis{kkvksa ds vuuqikyu dh n'kk esa uxjikfydk] uksfVl esa fofufnZ"V ,sls vkns'k dks iz'uxr Hkou ds Lokeh vFkok mlesa fgrc) O;fDr;ksa ds [kpsZ ij fØ;kfUor djok;sxh vkSj ;fn og Hkou fxjk;k tkrk gS rks mlds leLr eycs dks ogka ls gVok nsxh rFkk rqjUr foØ; djok nsxhA ¼5½ fdlh Hkou ds eycs dk foØ; fd;s tkus dh n'kk esa] foØ; vkxeksa dks] uxjikfydk }kjk izFker% ml Hkou dks fxjkus rFkk mlds eycs dks gVokus rFkk cspus esa mixr O;; dks pqdkus esa mi;ksftr fd;k tk;sxk vkSj bl rjg u pqd ldus okys leLr O;; mlh jhfr ls olwyh; gksaxs ftl izdkj fdlh dj ds isVs nkokd`r jde bl vf/kfu;e ds v/khu olwy dh tkrh gS%

ijUrq ,sls leLr O;; pqdkus ds ckn ;fn dksbZ jde vf/k'ks"k jgs rks og foØ; dh rkjh[k ls Ng ekl ds Hkhrj vkosnu fd;s tkus ij Lokeh dks vFkok mlesa fgrc) O;fDr;ksa dks lans; gksxhA

261- ugkus ds LFkku-& ¼1½ uxjikfydk] ugkus ds fy, mi;ksx esa ykus ds mn~ns'; ls i;kZIr lkoZtfud LFkku vyx ls fu;r dj ldsxh vkSj fuokfl;ksa ds ugkus ds fy, i;kZIr la[;k esa lqfo/kktud rkykcksa vFkok ty&izokgksa dk izcU/k Hkh dj ldsxh vFkok mudks vyx ls fu;r dj ldsxh(vkSj tkuojksa vFkok dIkM+kas dks /kksus ds fy, vkSj fuokfl;ksa ds LokLF;] lQkbZ rFkk lq[k ls lacaf/kr leLr iz;kstuksa ds fy, vyx rkykc ;k tyk'k; ;k ty&izokg Hkh fu;r dj ldsxh vkSj bl /kkjk esa mfYyf[kr fdlh iz;kstu ds fy, uxjikfydk ds Hkhrj fdlh lkoZtfud LFkku dks vFkok leLr lkoZtfud LFkkuksa dks mi;ksx esa ykus dk izfr"ks/k dj ldsxhA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼263½ ¼2½ ,sls leLr vkns'kksa vkSj uksfVlksa dh izfr;ka] tks uxjikfydk }kjk ikfjr vkSj tkjh fd;s x;s gSa vkSj tks rRle; bl /kkjk ds v/khu izo`Rr gSa] uxjikfydk ds dk;kZy; esa j[kh tk;saxh vkSj leLr ;qfDr;qDr le; ij turk ds fujh{k.k ds fy, miyC/k jgasxhA

262- dyqf"kr ty-& ¼d½ tks dksbZ /kkjk 261 ;k fdlh vU; mi&fof/k ds v/khu uxjikfydk ds fdlh vkns'k dh voKk djrs gq, uxjikfydk ds LokfeRo ds fdlh tydq.M] rkykc] tyk'k;] dq,a] gkSt] uyds ;k tylsrq esa ugkrk gS ;k mlds vUnj fdlh tkuoj ;k vU; fdlh oLrq] pkgs tks dksbZ Hkh gks] dks /kksrk gS ;k /kqyokrk gS vFkok fdlh tkuoj ;k vU; oLrq dks mlesa Qsadrk] Mkyrk ;k cgkrk gS ;k mlesa izos'k djokrk gS ;k mlds vUnj dksbZ ,slh phtsa] tks U;wlsal gkas ;k U;wlsal gks ldrh gaS] Mkyrk] izokfgr djrk ;k ykrk gS ;k ,slk dksbZ Hkh dke djrk gS] pkgs tks dksbZ Hkh gks] ftlls mlesa mldk ikuh fdlh Hkh lhek rd xank ;k nwf"kr gks tk;s] vkSj

¼k½ tks dksbZ uxjikfydk dh vuqKk ds fcuk uxjikfydk ds Hkhrj ;k mldh lhek ij fdlh rkykc ;k [kkbZ esa fdlh tkuoj] lCth ;k [kfut inkFkZ dks Mkyrk gS] tks ,sls rkykc ;k [kkbZ ds ikuh dks larkidkjh vFkok U;wlsaldkjh cuk ns] ,sls tqekZus ls] tks ,d gtkj #i;s ls de ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

263- dqavksa vkfn ls iSnk gksus okys U;wlsal dk mi'keu-& ¼1½ ;fn uxjikfydk

dh jk; esas&

¼d½ dksbZ tydq.M] [kkbZ] [kku] xM~<k] xrZ] rkykc] dqvka] tyk'k;] ukyh] ty&izokg vFkok dksbZ ty laxzg] ;k

9 ¼264½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

¼[k½ dksbZ gkSt vFkok ty dk dksbZ vU; ik= pkgs og fdlh Hkou ds vUnj gks ;k ckgj] ;k

¼x½ dksbZ Hkwfe] ftl ij ikuh bdV~Bk gksrk gS vkSj tks fdlh fuokl x`g ds :i esa mi;ksx esa yk;s tkus okys fdlh Hkou ls lkS ehVj ds Qklys ds vUnj fLFkr gS] tks ePNjksa ds iSnk gksus dh txg gS ;k mlds ,slk cu tkus dh lEHkkouk gS ;k og vU; :i ls U;wlsal gS]

rks uxjikfydk fyf[kr lwpuk }kjk mlds Lokeh ls mls Hkjus] <dus vFkok mls bl <ax ls vkSj ,slh lkexzh ds lkFk cgkus vFkok U;wlsal dks gVkus ;k mldk mi'keu djus ds fy, ,slh O;oLFkk djus dh tks uxjikfydk fufn"V djs] vis{kk dj ldsxhA

¼2½ ¼d½ uxjikfydk dh fyf[kr iwoZ vuqKk ds fcuk dksbZ u;k rkykc ;k tyk'k; [kksnk ;k cuk;k ugha tk;sxk] vkSj

¼[k½ ;fn ,slh vuqKk ds fcuk ,slk dksbZ dk;Z 'kq: fd;k tkrk gS vFkok iwjk fd;k tkrk gS rks uxjikfydk ;k

rks&

¼i½ fyf[kr uksfVl }kjk mlds Lokeh ls ;k vU; O;fDr ls ftlus fd og dk;Z fd;k gS] mldks ml jhfr ls Hkjus ;k fxjkus dh vis{kk dj ldsxh] tSlk fd uxjikfydk fufn"V djs(;k

¼ii½ ,sls dk;Z ds cus jgus dh fyf[kr vuqKk iznku dj ldsxh] fdUrq ,slh vuqKk ,sls Lokeh dks bl mi&/kkjk ds [k.M ¼d½ ds

mica/kksa dk mYya?ku djus ds fy, dh tkus okyh dk;Zokfg;ksa ls eqDr ugha djsxhA

264- dfri; izdkj dh [ksrh dk fu;eu ;k izfr"ks/k-& funs'kd] fpfdRlk ,oa LokLF; lsok] eq[; fpfdRlk ,oa LokLF; vf/kdkjh ;k LFkkuh; fpfdRlk vf/kdkjh dh bl fjiksVZ ij fd uxjikfydk dh lhekvksa ds Hkhrj fdlh LFkku esa fdlh mit fo'ks"k dh [ksrh vFkok fdlh izdkj ds [kkn dk mi;ksx vFkok Hkwfe dh flapkbZ tu LokLF; ds fy, gkfudkjd gS rks uxjikfydk jkT; ljdkj dh iwoZ eatwjh ls] lkoZtfud uksfVl }kjk ,slh gkfudkjd crk;h x;h [ksrh] [kkn ds mi;ksx ;k flapkbZ dk fofu;eu vFkok izfr"ks/k dj ldsxh%

ijUrq tc ,slh [ksrh] mi;ksx ;k flapkbZ ,sls lkoZtfud uksfVl dh rkjh[k ls fiNys ikap o"kksZa esa ,sls vuojr :i ls] tks d`f"k ds lkekU; vuqØe ds vuqlkj laHko gks] dh x;h gS rks ,sls iw.kZ izfr"ks/k ls mudks gq, fdlh izdkj ds uqdlku ds fy,

mlesa fgrc) leLr O;fDr;ksa dks uxjikfyd dh fuf/k ls izfrdj lanRr fd;k tk;sxkA

265- nqxZU/kiw.kZ [kkn vkfn dks mi;ksx esa ykuk-& tks dksbZ uxjikfydk dh fyf[kr vuqKk vkSj ,slh vuqKk esa crk;s x;s fdlh rjhdk] ;fn dksbZ gks] ds flok; ey vFkok larkidkjh nqxZU/k mRlftZr djus okyk vU; [kkn ,df=r djrk gS vFkok mi;ksx esa ykrk gS] og ,sls tqekZus ls] tks ,d gtkj #i;s ls de ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

266- dksbZ {kksHkdkjh [ksy [ksyuk-& tks dksbZ Hkh] mis{kk ls irax mM+krk gS] ;k iVk[ks vFkok vfXu xqCckjs NksM+rk gS ;k tykrk gS ;k fdlh [ksy esas ,slh jhfr ls yxrk gS fd ogka ls xqtjus okys ;k iM+ksl esa fuokl djus okys ;k dk;Z djus okyksa dks [krjk ;k {kksHk dkfjr gksrk gS ;k dkfjr gksus dh laHkkouk gS ;k laifRr dhs {kfr dk tksf[ke dkfjr

9 ¼266½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ djrk gS og ,sls tqekZus ls] tks ,d lkS #i;s ls de ughas gksxk fdUrq tks ikap lkS #i;s rd dk gks ldsxk] n.Muh; gksxkA

267- vU; U;wlsalksa dk izfr"ks/k-& ¼1½ fdlh uxjikfydk esa dksbZ Hkh O;fDr]&

¼d½ fdlh lkoZtfud ekxZ esa vFkok lkoZtfud LFkku ij&

¼i½ ey ew= foltZu ugha djsxk ;k mlds izHkkj esa jgus okys cPps dks eyew= foltZu ugha djk;sxk(;k

¼ii½ ekal dks fcuk <ads bl rjg ugha ys tk;sxk fd vke yksxksa dh ml ij utj iMs+(;k

¼iii½ Ik'kqvksa ;k NdM+ksa dks bdV~Bk ugha djsxk(;k

¼iv½ bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa ;k mi&fof/k;ksa ds vuqlkj yxk;s gq, ;k iznf'kZr fdlh foKkiu] uksfVl vFkok vU; nLrkost dks ugha gVk;sxk] u"V ugha djsxk] fod`r ugha djsxk ;k vU;Fkk ugha feVk;sxk(;k

¼v½ [kqys ;ku esa dksbZ vif'k"V inkFkZ ugha ys tk;sxk(;k

¼[k½ fdlh ,sls LFkku ij tks ,sls iz;kstu ds fy, vyx ls fu;r ugha fd;k x;k gS] dksbZ dcz] lekf/k ;k Lekjd ugha cuk;sxk] u fdlh 'ko dks tyk;sxk ;k nQuk;sxk(;k

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼267½ ¼x½ fdlh tkuoj dks bl izdkj [kqyk ugha NksM+sxk fd og fdlh O;fDRk dks {kfr] [krjk] Hk; vFkok {kksHk mRiUu djs] u mis{kkiwoZd fdlh tkuoj dks ,slk djus nsxk] ;k

¼?k½ fdlh ,sls LFkku dks tks ,sls iz;kstu ds fy, vk'kf;r ugha gS] 'kkSp&LFkku ds :i esa mi;ksx ugha djsxk] u ,slk mi;ksx fd;s tkus dh vuqKk nsxkA

¼2½ tks dksbZ mi&/kkjk ¼1½ ds micU/kksa esa ls fdlh dk Hkh mYya?ku djrk

gS] ,sls tqekZus ls] tks ,d gtkj #i;s ls de ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxk] n.Muh; gksxkA

268- /kq,a dks [kik nsuk-& ¼1½ uxjikfydk ds fy, lkoZtfud uksfVl }kjk ,slk funs'k nsuk fof/kiw.kZ gksxk fd uxjikfydk dh lhekvksa ds Hkhrj fdUgha ladeksZa vFkok Hkouksa esa fdlh O;olk; vFkok fofuekZ.k tks Hkh gks] ds iz;kstu ds fy, mi;ksx esa yk;h tkus ds fy, yxk;h x;h vFkok yxk;h tkus okyh izR;sd HkV~Bh] pkgs mlesa ok"Ik batu mi;ksx esa vFkok dke esa yk;k tk;s vFkok ugha] izR;sd n'kk esa bl izdkj cuk;h] vuqiwfjr ;k ifjofrZr dh tk;s rkfd ,slh HkV~Bh esa ls fudyus okys /kq,a dks ;Fkklk/; [kik;k vFkok u"V ;k de fd;k tk ldsA

¼2½ ,sls funs'k ds i'pkr~ ;fn dksbZ O;fDr bl izdkj vfufEkZr vuuqiwfjr ;k vifjofrZr HkV~Bh dk mi;ksx djsxk ;k mldk mi;ksx djus dh vuqefr nsxk ;k bruh mis{kk ls ,slh fdlh HkV~Bh dk mi;ksx djsxk vFkok mi;ksx djus dh vuqefr nsxk fd mlls fudyus okyk /kqvka izHkkodkjh <ax ls ugha [kik;k tk;s vFkok ;Fkklk/; u"V u fd;k tk;s rks mDr dk;kZsa vFkok Hkouksa dk Lokeh ;k vf/kHkksxh gksrs gq, bl

9 ¼268½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ izdkj dk vijk/k djus okyk izR;sd O;fDr vFkok mldk izcU/k djus gsrq ,sls Lokeh vFkok vf/kHkksxh }kjk fu;ksftr dksbZ vfHkdrkZ vFkok vU; O;fDr ,sls tqekZus ls] tks ,d gtkj #i;s ls de ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxk] vkSj blds i'pkr~orhZ fdlh nks"kflf) ij nks gtkj #i;s ls de ugha gksxk fdUrq tks ikap gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxk%

ijUrq bl /kkjk dh dksbZ ckr fdlh jsyiFk ij ;krk;kr ds iz;kstu ds fy, ;k lM+dksas dh ejEer ds fy, mi;ksx esa yk;s tkus okys yksdkseksfVo batu ds fy, ykxw ugha le>h tk;sxhA

269- cktkjksa] o/k'kkykvksa vkSj dfri; dkjckj ds fy, vuqKfIr nsuk-& ¼1½ uxjikfydk ds fy, ;g funs'k djuk fof/kiw.kZ gksxk fd mlls vlacaf/kr vFkok mlesa vfufgr dksbZ LFkku /kkjk 340 dh mi&/kkjk ¼1½ ds [k.M ¼´½ esa fofufnZ"V iz;kstuksa ds fy,] uxjikfydk ls izkIr vuqKfIr ds v/khu vkSj mldh 'krksZa ds vuqlkj ls vU;Fkk] mi;ksx esa ugha yk;k tk;sxk ftls uxjikfydk ;k rks lkekU; :i ls vFkok oS;fDrd izdj.kkas esas ,slh vuqKfIr;ka le;≤ ij eatwj] fuyfEcr] fo/kkfjr vFkok izR;kâr dj ldsxhA

¼2½ tks dksbZ ,sls funs'k ds izfrdwy ;FkkiwoksZDr visf{kr vuqKfIr ds fcuk ;k mldh fdlh 'krZ ds mYya?ku esa] ;k mlds fuyEcu dh vof/k esa ;k ,slh vuqKfIr ds okil fy;s tkus ds i'pkr~ fdlh LFkku dk mi;ksx djrk gS vFkok mi;ksx djus dh vuqKk nsrk gS rks ,sls tqekZus ls] tks ,d gtkj #i;s ls de ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

¼3½ bl /kkjk dh mi&/kkjk ¼2½ ds v/khu fdlh LFkku ds laca/k esa nks"kflf) ij] uxjikfydk ds vkosnu ij] u fd vU;Fkk] eftLVªsV] ,sls LFkku dks cUn djus dk vkns'k nsxk] vkSj rRi'pkr~ ,sls LFkku dks

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼269½ bl izdkj mi;ksx eas ykus ls jksdus ds fy, O;fDr;ksa dks fu;qDr djsxk ;k vU; dne mBk;sxk vkSj ,slk izR;sd O;fDr tks mlds cUn fd;s tkus ds vkns'k fd;s tkus ds i'pkr~ ,sls LFkku dks bl izdkj mi;ksx eas yk;s ;k mi;ksx eas ykus dh vuqKk ns] ,sls izR;sd fnol ds fy,] ftlds nkSjku og ml LFkku dks bl izdkj cUn fd;s tkus dk vkns'k fn;s tkus ds i'pkr~ bl izdkj mi;ksx esa ysuk tkjh j[ks ;k ,sls mi;ksx dh vuqKk ns] ,sls tqekZus ls] tks ipkl #i;s ls de ugha gksxk fdUrq tks ,d lkS #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA ¼4½ mi&/kkjk ¼1½ ds v/khu fdlh vuqKfIr dks eatwj djus] mldk fuyEcu djus] mldks jksdus vFkok okil ysus ds uxjikfydk ds vkns'k ls O;fFkr dksbZ O;fDr ,sls vkns'k dh rkjh[k ls] mldh izfr izkIr djus ds fy, vko';d le; dks de djds] rhl fnol ds Hkhrj dyDVj dks vihy dj ldsxk vkSj vihy izkf/kdkjh dk vkns'k vfUre gksxk vkSj fdlh Hkh U;k;ky; esa iz'uxr fd;s tkus ds nkf;Ro ds v/khu ugha gksxkA

270- cktkjksa vkSj o/k'kkykvksa dk [kksyk tkuk] cUn fd;k tkuk RkFkk fdjk;s ij fn;k tkuk-& ¼1½ uxjikfydk le;≤ ij dksbZ lkoZtfud cktkj vFkok o/k'kkyk [kksy ldsxh vFkok cUn dj ldsxhA og ;k rks fdlh O;fDr }kjk fdlh ,sls cktkj vFkok o/k'kkyk ds mi;ksx ds fy, LVkyksa ds fy, izHkkj vFkok vU; fdjk;k ;k Qhl Hkh ys ldsxh vFkok lkoZtfud uhyke ds }kjk ;k vU;Fkk le;≤ ij ,sls cktkj ;k o/k'kkyk esas ds fdlh ,sls LVkWy ;k LFkku ds] ;k vU;Fkk mi;ksx ds] vf/kHkksx ds fo'ks"kkf/kdkj dk foØ; dj ldsxhA

¼2½ dksbZ O;fDr] tks uxjikfydk dh vuqKk ;k vuqKfIr ds fcuk mDr cktkj esa dksbZ oLrq foØ; djsxk vFkok foØ; djus ds fy, iznf'kZr djsxk ;k mDr o/k'kkyk dk mi;ksx djsxk og ,sls tqekZus ls]

9 ¼270½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ tks ,d gtkj #i;s ls de ugha gksxk fdUrq tks nks gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

¼3½ uxjikfydk ds fy, ,d le; ij ,d o"kZ ls vuf/kd dh dkykof/k ds fy, lkOkZtfud uhyke }kjk vFkok futh lafonk }kjk fdlh fdjk;s vFkok Qhl ds laxzg.k dk] tks mi&/kkjk ¼1½ ds v/khu vf/kjksfir dh tk;s] iV~Vk nsuk fof/kiw.kZ gksxkA

271- uxjikfyd lhekvksa ds ckgj o/k'kkyk,a vkfn-& jkT; ljdkj }kjk bl fufeRr fu;qDr vFkok izkf/kd`r ,sls vf/kdkjh dh eatwjh ls uxjikfydk ds fy,] uxjikfydk dh lhekvksa ds ckgj o/k'kkyk,a vFkok Ik'kqvksa ds 'koksa dk fuoZrZu djus ds LFkku LFkkfir djuk fof/kiw.kZ gksxk] vkSj uxjikfyd lhekvksa ds Hkhrj ,sls LFkkuksa ls lEcfU/kr bl vf/kfu;e vkSj rn/khu izo`Rr mi&fof/k;ksa ds leLr mica/k muesa ,sls izo`Rr gksaxs ekuks os LFkku uxjikfyd lhekvksa ds Hkhrj gksaA

272- u;h o/k'kkykvksa dk [kksyk tkuk-& bl vf/kfu;e esa vUrfoZ"V fdlh ckr ds gksus ij Hkh] uxjikfydk u;h o/k'kkyk dh LFkkiuk djrs le; ;k LFkkiuk dh vuqKk nsrs le; lkoZtfud lqfo/kk vkSj lk/kkj.k turk dh jk; dks /;ku esa j[ksxh vkSj turk ls izkIr ;qfDr;qDr vk{ksiksa ij fopkj djsxhA

273- os 'kfDr;ka ftudk [krjukd jksxksa dks jksdus ds fy, iz;ksx fd;k tk ldsxk-& ¼1½ izR;sd uxjikfydk] ,slh ifjlhekvksa] fucZU/kuksa vkSj 'krksZa ds v/;/khu]

tks bl laca/k esa fofgr dh tk;sa] mi&/kkjk ¼2½ esa fofufnZ"V leLr vFkok fdlh 'kfDr dk iz;ksx [krjukd chekfj;ksa dks jksdus ds fy, dj ldsxhA

¼2½ 'kfDr;ka] tks iwoZorhZ mi&/kkjk ds v/khu iz;ksx esa yk;h tk ldsaxh] fuEufyf[kr gaS&

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼271½ ¼d½ vkns'k }kjk] tks ;k rks fo'ks"k ;k lkekU; rkSj ij ykxw gksrs gksa] ,slk funs'k nsus dh 'kfDr] fd izR;sd fpfdRlk O;olk;h tks ;g tkurk gS vFkok ftlds ikl ,slk fo'okl djus dk dkj.k gS fd dksbZ O;fDr ftls og fdlh fuokl x`g eas] tks fd vLirky ugha gS] viuh O;kolkf;d gSfl;r ls ns[kus x;k Fkk vFkok fdlh dkj[kkus ;k 'kSf{kd laLFkk dk izR;sd izcU/kd vFkok dqVqEc dk izR;sd eqf[k;k tks ;g tkurk gS vFkok ftlds ikl ;g fo'okl djus dk dkj.k gS fd dksbZ O;fDr tks ,sls izcU/kd ;k dqVqEc ds eqf[k;k dh O;oLFkk vFkok fu;U=.k ds v/khu fdlh fuokl x`g esa jgrk gS] fdlh [krjukd jksx ls ihfM+r gS] mldh lwpuk ;Fkklk/; vfoyEc ,sls O;fDr dks nsxk ftls bl laca/k eas uxjikfydk }kjk vfHkfgr fd;k tk;s(

¼[k½ fdlh LFkku dk] ftlesa dksbZ [krjukd jksx gksus dh fjiksVZ gks vFkok mldk lansg fo|eku gks] fujh{k.k djus rFkk ,sls LFkku ds ijs ,sls jksx ds izlkj dks jksdus ds mik; djus ds fy, funsf'kr vFkok izkf/kd`r O;fDr dks fcuk lwpuk ds vFkok ,slh lwpuk nsdj] tks ;qfDr;qDr izrhr gks] fujh{k.k djus dk funs'k nsus vFkok izkf/kd`r djus dh 'kfDr(

¼x½ fdlh ,sls dq,a] rkykc ;k vU; LFkku ls] tks uxjikfydk dks] fpfdRlk vkSj LokLF; foHkkx ds izkf/kdkfj;ksa] LokLF; vf/kdkjh dh lykg ij] fdlh [krjukd jksx dk izlkj djus dh laHkkouk okyk 9 ¼272½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ izrhr gksrk gks] ihus ds fy, ty ysus dks izfrf"k) djus dh 'kfDr(

¼?k½ uxjikfydk ds LokLF; vf/kdkjh ;k uxjikfydk }kjk bl fufeRr izkf/kd`r fdlh lE;d~ :i esa vfgZr fpfdRlk O;olk;h }kjk gLrk{kfjr izek.ki= ij fdlh O;fDr dks tks fd fcuk leqfpr vkokl vFkok okl&lqfo/kk ds gks vFkok tks ,d ls vf/kd dqVqEc }kjk vf/kHkqDr fdlh dejs vFkok d{k lewg esa vkokflr gks] vFkok ,sls LFkku esas tgka ij mldh mifLFkfr vkl&iM+ksl ds fy, [krjk gks] rFkk tks fdlh laØked jksx ls ihfM+r gks] fdlh vLirky vFkok ,sls LFkku ls] tgka mDr jksx ls ihfM+r O;fDr fpfdRlk laca/kh mipkj ds fy, HkrhZ fd;s tkrs gSa] gVkus dk vkns'k nsus vFkok gVokus dh 'kfDr vkSj bl izdkj gVk;s x;s O;fDr dks ,sls vLirky vFkok LFkku ls uxjikfydk dh vuqKk ds fcuk NksM+us ij izfrcU/k yxkus dh 'kfDr(

¼3½ fyf[kr uksfVl }kjk fdlh Hkou ;k Hkou ds fdlh Hkkx ds LOkkeh vFkok vf/kHkksxh ls ;k mlesa dh fdlh oLrq ds Lokeh vFkok izHkkjh O;fDr ls ,sls Hkou vFkok mlds Hkkx dks ;k oLrq dks vius Lo;a ds O;; ij ;k xjhch dh gkyr esa ;k fdlh vU; dkj.k ls] ftls fd

uxjikfydk ekeys dh ifjfLFkfr esa ;qfDr;qDr le>s] uxjikfydk ds O;; ij mls lkQ djus vkSj jksxk.kqjfgr djus dh vis{kk djus dh 'kfDRk(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼273½ ¼p½

fdlh gksVy] /keZ'kkyk ;k eqlkfQj[kkus esa dksbZ O;fDr fdlh [krjukd jksx ls ihfM+r jgk gS ;k ;g fo'okl djus dk dkj.k gS fd mlesa ,slk ihfM+r O;fDr jgk gS rks ,slh okl&lqfo/kk dks fdjk;s ij nsus ;k fdlh dks mlesa txg nsus dk rc rd izfr"ks/k djus dh 'kfDr] tc rd fd ,slh okl&lqfo/kk dks bl izdkj fdjk;s ij nsus vFkok mlesa txg nsus dh bPNk j[kus okyk O;fDr uxjikfydk ;k mlds }kjk bl fufeRr fu;qDr ,sls vf/kdkjh dk bl fo"k; esa lek/kku u dj ns fd Hkou ;k mlds fdlh Hkkx vkSj mlesa dh fdlh oLrq dks] ftlds laØfer gksus dh lEHkkouk gks] jksxk.kqjfgr dj fn;k x;k gS(

¼N½ izR;sd ekeys esa eftLVªsV dh iwoZ vuqKk ls fdUgha xUnh >ksaifM+;ksa ;k 'ksMksa dks] ftuds fy, ;g fo'okl djus dk dkj.k gks fd buesa O;fDr fdlh [krjukd jksx ls ihfM+r jgs gSa] u"V djus dh 'kfDr(

¼t½ diM+ksa vFkok ,slh vU; oLrqvksa dks tks fdlh [krjukd jksx ls laØe.k ds fy, [kqyh jgh gSa] jksxk.kqjfgr djus vFkok /kksus ds fy, lk/ku miyC/k djkus vkSj LFkku fofgr djus ;k muds u"V djus dk funs'k nsus dh 'kfDr(

¼>½ ¼i½ [krjukd jksxksa ls ihfM+r O;fDr;ksa dks fu%'kqYd ys tkus ds fy, mi;qDr okguksa dh O;oLFkk djus rFkk mudk la/kkj.k djus dh 'kfDr(

9 ¼274½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

¼ii½ tgka ,slh O;oLFkk dj nh x;h gS ogka ,sls O;fDr;ksa dks leLr ;k fdlh lkoZtfud okgu esa ys tkuk izfrf"k) djus dh 'kfDr(vkSj

¼iii½ ;g funs'k nsus dh 'kfDr fd ,sls okgu tks ,sls O;fDr;ksa dks ys tkus ds fy, fdlh le; iz;qDr fd;s tk;as] rqjUr jksxk.kqjfgr fd;s tk;saxs(

¼´½ ¼i½ [krjukd jksx ls xzLr fdlh O;fDr dks fdlh ekxZ esa vFkok fdlh fo|ky; ;k dkj[kkus esa ;k fdlh gksVy] /keZ'kkyk] eqlkfQj[kkuk ;k yksd vkokxeu ds vU; LFkku esa mDr jksx ds QSyus ds fo#) leqfpr iwokZo/kkuh cjrs fcuk vius vkidks tkucw>dj vfHknf'kZr djus ls izfrf"k) djus dh 'kfDr(vkSj

¼ii½ ,sls jksxxzLr O;fDr ds izHkkjh O;fDr dks jksxh dks bl izdkj vfHknf'kZr djus ls izfrf"k) djus dh 'kfDr(vkSj

¼V½ fdlh ,slh oLrq dks] jksxk.kqjfgr djus ds iz;kstu ls

vU;Fkk fdlh vU; LFkku ij gVkus ;k fdlh vU; O;fDr dks varfjr djus ls fdlh Hkh O;fDr dks izfrf"k) djus dh 'kfDr] ftlds ckjs esa izfrf"k) fd;k x;k O;fDr ;g tkurk gS ;k mlds ikl ;g fo'okl djus dk dkj.k gS fd og oLrq fdlh [krjukd jksx ls fdlh Hkh izdkj ls laØfer gksus ds fy, [kqyh jg pqdh gSA

¼3½ uxjikfydk ,sls fdlh O;fDr dks] ftls bl /kkjk ds v/khu] fdlh lEifRr ds Uk"V gksus ls lkjHkwr {kfr mBkuh iM+h gks] izfrdj ns

274

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼275½ ldsxh fdUrq uxjikfydk }kjk ;Fkk vuqKkr ds flok; mlesa fofufnZ"V 'kfDr;ksa ds fdlh iz;ksx ls gqbZ fdlh gkfu ;k {kfr ds fy, izfrdj dk dksbZ nkok ugha gksxkA

¼4½ uxjikfydk esa dksbZ O;fDr] rRle; izo`Rr fdlh ,sls vkns'k dh] tks bl /kkjk }kjk mls iznRr fdUgha 'kfDr;ksa dk iz;ksx djrs gq, uxjikfydk }kjk ikfjr fd;k x;k gS] voKk djrk gS ;k uxjikfydk ds fdlh vf/kdkjh ;k uxjikfydk ds izkf/kdkj ds vUrxZr dk;Z djus okys vU; O;fDr }kjk ,sls fdlh vkns'k dh fØ;kfUofr fd;s tkus esa ck/kk Mkyrk gS] ,sls tqekZus ls] tks nks gtkj #i;s ls de ugha gksxk fdUrq tks ikap gtkj #i;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA ¼5½ jkT; ljdkj fdlh Hkh le;&

¼d½ bl /kkjk ds }kjk ;k blds v/khu fdlh uxjikfydk dks iznRr dksbZ 'kfDr okil ys ldsxh] ;k

¼[k½ ,slh fdlh 'kfDr ds laca/k esas fofgr fdlh ifjlhek] fucZU/ku ;k 'krZ dks jn~n ;k mikUrfjr dj ldsxh] ;k

¼x½ ,slh fdlh 'kfDr dk iz;ksx djrs gq, fdlh uxjikfydk }kjk ikfjr fdlh vkns'k dks jn~n dj ldsxhA

274- jkT; ljdkj }kjk vf/klwfpr vfr HkhM+ okys {ks=kas ds laca/k esa fo'ks"k 'kfDr;ka] tks jkT; ljdkj }kjk iznRr dh tk ldsaxh-& ¼1½ ;fn jkT; ljdkj dh ;g jk; gS fd ;k rks fdlh {ks= ds fdlh vf/kHkksxh ds fy, ;k ml {ks= ds iM+ksl ds fdUgha fuokfl;ksa ds fy, fuEufyf[kr nks"kksa esa ls fdlh ds dkj.k jksx dk [krjk iSnk gks x;k gS vFkok iSnk gksus dh lEHkkouk gS] vFkkZr~&

9 ¼276½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

¼d½ og <ax ftlesa ;k rks Hkou vFkok Hkou&Cykd] tks igys ls fo|eku ;k muesa cfgxZr gSa] HkhM+;qDr gSa vFkok HkhM+;qDr cu ldrs gSa] ;k

¼[k½ igys ls fo|eku ;k ifj;ksftr fdUgha ,sls Hkouksa vFkok Cykdksa dks lkQ djus dh vlk/;rk] ;k

¼x½ ty&fudkl vFkok eSyk lkQ djus dh O;oLFkk dh deh vFkok iwoksZDr fdUgha ,sls Hkouksa vFkok Cykdksa esa ty&fudkl ;k eSyk lkQ djus ds izcU/k esa dfBukbZ] ;k

¼?k½ ekxksZaZ vFkok Hkouksa ;k Hkouksa ds lewgksa esa raxh] lehirk] dqizcU/k vFkok [kjkc gkyr]

rks jkT; ljdkj jkti= esa vf/klwpuk }kjk uxjikfydk dks mi&/kkjk ¼2½ esa fofufnZ"V leLr vFkok dksbZ 'kfDr iznRr dj ldsxh vkSj bl laca/k esa fofgr ifjlhekvksa] fucZU/kuksa] mikUrj.kksa] 'krksZa vFkok mi&fof/k;ksa] ;fn dksbZ gksa] ds v/;/khu ml {ks= ds Hkhrj uxjikfydk bl izdkj iznRr 'kfDr;kas dk iz;ksx dj ldsxh A

¼2½ os leLr ;k dksbZ 'kfDr;ka tks mi&/kkjk ¼1½ ds v/khu uxjikfydk dks iznRr dh tk ldsaxh] fuEufyf[kr gSa%&

¼d½ tc fdlh Hkou vFkok Cykd tks igys ls fo|eku gSa vFkok fuekZ.kk/khu gS] mi&/kkjk ¼1½ esa fofufnZ"V fdlh nks"k ds dkj.k iwoksZDr izdkj dk dksbZ tksf[ke iSnk gks x;k gS vFkok uxjikfydk dh jk; esa tksf[ke iSnk gksus dh laHkkouk gS] ,sls Hkou vFkok Hkou lewg ds fdlh lgtn`'; HkkXk ij fyf[kr uksfVl fpidkdj rFkk ;k rks mlds Lokfe;ksa ls ;k

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼277½ ,slh Hkwfe ftl ij ,sls Hkou vFkok Cykd [kMs+ gSa vFkok fufeZr gks jgs gSa] ds Lokfe;ksa ls] tks Hkh uxjikfydk mfpr le>s] ;g vis{kk djus dh 'kfDr fd bl izdkj lEcksf/kr O;fDr uksfVl esa fofufnZ"V ;qfDr;qDr le; ds Hkhrj mDr Hkou vFkok Cykd dks ;k rks fxjk ns ;k gVk ns ;k ,sls ladeksZa dks fu"ikfnr djs vFkok mlds lEcU/k esa ,slh dkjZokbZ djs tks uxjikfydk jksx ds ,sls leLr tksf[keksa dh jksdFkke ds fy, vko';d le>s(+

¼[k½ ;fn mDr uksfVl }kjk lEcksf/kr O;fDr mlesa fofufnZ"V le; ds Hkhrj mDr Hkou vFkok Cykd dks fxjkus vFkok gVkus vFkok ,sls ladeZ fu"ikfnr djus ;k ,slh dkjZokbZ djus esa mis{kk djs] rks uxjikfydk vFkok vU; vfHkdj.k }kjk ,slk djus dh 'kfDr(¼x½ fdlh vf/kdkjh dks ftls bl laca/k esa jkT; ljdkj }kjk l'kDr fd;k tk;s vkSj ftldk fu.kZ; fu'pk;d gksxk] vihy djus ds vf/kdkj ds v/;/khu] ,sls fdlh LFky vFkok LFkku ds Lokeh rFkk vf/kHkksxh dks lacksf/kr fyf[kr uksfVl }kjk rFkk vke uksfVl }kjk fuEufyf[kr ij fdlh Hkou ds fuekZ.k vFkok fdlh Hkou ds fofufnZ"V ifjek.k ls vf/kd fuekZ.k dks izfrf"k) djus dh 'kfDr &

¼i½ fdlh ,sls Hkou ds LFky ij tks [k.M ¼d½ esa fofufnZ"V 'kfDr ds iz;ksx ls iw.kZr% vFkok vkaf'kd :Ik ls fxjk fn;k x;k gS] ;k

9 ¼278½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

¼ii½ fdlh LFkku ij ftl ij Hkou u gks pkgs ,slh txg futh lEifRr gks vFkok u gks vkSj og vgkrk;qDr gks vFkok u gks]

;fn uxjikfydk dk ;g er gks fd ;FkkiwoksZDr ,sls tksf[ke dks jksdus ds fy, ,sls LFky vFkok LFkku ij fuekZ.k ugha fd;k tkuk pkfg,] rks ;k rks&

¼d½ ,sls LFky vFkok LFkku dk vtZu djus dh 'kfDr] ;k ¼[k½ ,slh 'krsZa] ftUgsa mlds Lokeh vFkok vf/kHkksxh }kjk mldk mi;ksx djus vFkok mi;ksx dh vuqKk nsus ds laca/k esa uxjikfydk vko';d le>s] fofgr djus dh 'kfDr%

ijUrq izR;sd ekeys esa fdlh ,sls O;fDr dks ftlds vf/kdkj ,sls izfr"ks/k ds dkj.k izHkkfor gq, gSa] izfrdj fn;k tk;sxk] fookn ds ekeys esa ftldh jde dk vfHkfu'p; rFkk vo/kkj.k] /kkjk 295 esa micaf/kr jhfr ls fd;k tk;sxkA

¼3½ mi&/kkjk ¼2½ ds v/khu fdlh uksfVl ds vuqlj.k esa tc dksbZ Hkou fxjk;k tkrk gS rks] ;fn og bl vf/kfu;e ;k rn/khu izo`Rr fdUgha mi&fof/k;ksa ds mica/kksa ds izfrdwy ugha cuk;k x;k gks rks uxjikfydk ,sls Lokeh vFkok vf/kHkksxh dks] ftldks mlds }kjk uqdlku gqvk gS] ;qfDr;qDr izfrdj lanRr djsxh vkSj fookn ds ekeys esa bl jde dk vfHkfu'p; ;k vo/kkj.k /kkjk 295 esa micaf/kr jhfr ls fd;k tk;sxkA

¼4½ jkT; ljdkj bl /kkjk ds v/khu mlds }kjk iznRr fdUgha 'kfDr;ksa dks ,slh gh vf/klwpuk }kjk] fdlh Hkh le; okil ys ldsxh ;k ,slh 'kfDr ds laca/k esa fdlh ifjlhek] fucZU/ku] mikUrj.k] 'krZ ;k fofu;e dks jn~n ;k mikUrfjr dj ldsxh A

275- 'ko xkM+uk vkSj dfczLrku-& uxjikfydk] fuEufyf[kr ds fy, mRrjnk;h gksxh&

¼d½ dfczLrkuksa vkSj 'e'kkuksa dk lafuekZ.k vkSj j[k&j[kko(vkSj

¼[k½ e`rd ds fuoZrZu ds fy, LFkkuksa dk vtZu] j[k&j[kko] cnyko vkSj fu;euA

276- dfczLrkuksa vkSj 'e'kkuksa ds laca/k esa 'kfDr-&¼1½ uxjikfydk] lkoZtfud uksfVl }kjk uxjikfyd lhekvksa esa vFkok mlls ,d fdyksehVj ds Hkhrj fLFkr fdlh dfczLrku vFkok 'e'kku Hkwfe dks] ftls funs'kd] tu LokLF; vFkok ftyk fpfdRlk ,oa LokLF; vf/kdkjh }kjk iM+ksl esa jgus okys O;fDr;ksa ds LokLF; ds fy, [krjukd izekf.kr fd;k x;k gS] lwpuk esa fofufnZ"V rkjh[k ls cUn fd;s tkus dk vkns'k ns ldsxh vkSj ,sls ekeys esa ;fn ;qfDr;qDr nwjh ds Hkhrj nQukus vFkok tykus ds fy, dksbZ mi;qDr LFkku u gks rks iwoksZDr rkjh[k ls igys bl iz;kstu ds fy, mfpr LFkku dh O;oLFkk djsxhA

¼2½ uxjikfydk dh fyf[kr vuqKk ds fcuk vkSj ,slh vuqKk dh 'krksZa vkSj fucU/kuksa ds vuqlkj ls vU;Fkk dksbZ u;k dfczLrku vFkok 'e'kku Hkwfe ugha cuk;h tk;sxhA

¼3½ ;fn dksbZ O;fDr uxjikfydk dh vuqKk ds fcuk] fdlh LFkku ij tks dfczLrku vFkok 'e'kku Hkwfe ugha gS vFkok tykus ;k nQukus ds ,sls fdlh LFkku esa tks bl /kkjk ds micU/kksa ds izfrdwy cuk;k ;k dke esa yk;k x;k gS ;k mldks cUn djus ds fy, muds v/khu fu;r rkjh[k ds i'pkr~ fdlh 'ko dks nQukrk gS ;k tykrk gS vFkok nQukus ;k tykus dh vuqKk nsrk gS rks og ,sls tqekZus ls] tks

¼4½ bl /kkjk }kjk iznRr 'kfDr ds v/khu uxjikfydk }kjk fd;s x;s fdUgha vkns'kksa ls O;fFkr dksbZ O;fDr] ,sls vkns'k dh rkjh[k ls mldh izfr izkIr djus ds visf{kr le; dks de djds rhl fnol ds Hkhrj] dyDVj dks vihy dj ldsxk vkSj ,sls vkns'k dks ,slh vihy ls vU;Fkk iz'uxr ugha fd;k tk;sxkA

¼5½ vihy izkf/kdkjh ;fn mfpr le>s rks mi&/kkjk ¼4½ ds v/khu vihy ds fy, vuqKkr le; dh dkykof/k dks c<+k ldsxkA ¼6½ uksfVl ;k vkns'k] ftlds fo#) vihy dh x;h gS] ij vihy izkf/kdkjh dk iq"V] vikLr ;k mikUrfjr djus okyk vkns'k vfUre gksxk%

ijUrq uksfVl vFkok vkns'k dks rc rd mikUrfjr ;k vikLr ugha fd;k tk;sxk tc rd fd vihykFkhZ vkSj uxjikfydk dks lqus tkus dk ;qfDr;qDr volj ugha ns fn;k x;k gksA

¼7½ tc mi&/kkjk ¼4½ ds v/khu dksbZ vihy lafLFkr dj nh x;h gks rks ,sls vkns'k dks izofrZr djus dh leLr dk;Zokfg;ka vkSj mlds fdlh Hkax ds lEcU/k esa leLr vfHk;kstu] vihy ds fu.kZ; rd fuyfEcr dj fn;s tk;saxs] rFkk ;fn ,slk vkns'k vihy ij vikLr dj fn;k tkrk gS rks mldh voKk vijk/k ugha le>h tk;sxhA

277- 'koksa dks ys tkus dk fofu;eu-&¼1½ uxjikfydk] lkoZtfud uksfVl }kjk] ,sls ekxZ fofgr dj ldsxh] dsoy ftu ekxksZa ls fofHkUu dfczLrkuksa ;k 'e'kku Hkwfe;ksa esa 'koksa dks ys tk;k tk ldsxkA

¼2½ tks dksbZ Hkh fdlh 'ko dks bl izdkj fofgr ekxZ ls fHkUu fdlh ekxZ ls dfczLrku ;k 'e'kku Hkwfe dks ys tkrk gS rks og ,sls

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼281½ tqekZus ls] tks ,d gtkj #Ik;s ls de ugha gksxk fdUrq tks nks gtkj #Ik;s rd dk gks ldsxk] n.Muh; gksxkA

278- 'e'kku Hkwfe;ksa ij bZa/ku dh nqdkuksa ds fy, vuqKfIr nsus dh 'kfDr-& ¼1½ uxjikfydk vuqKfIr ds fy, vkosnu i= nsus okys O;fDr;ksa dks vkSj ,slh Qhl dk] tks uxjikfydk fu;r djs] lank; djus ij] leLr 'e'kkuksa vFkok muesa ls fdlh esa bZa/ku rFkk vU; oLrqvksa ds] tks 'koksa dks tykus ds fy, visf{kr ;k iz;qDr gksa] foØ; ds fy, /kkjk 340 esasa vf/kdfFkr vFkok mlds v/khu fofgr jhfr ls mlds }kjk cuk;h tkus okyh mi&fof/k;ksa ds vuqlkj] vuqKfIr ns ldsxh rFkk mldk uohdj.k dj ldsxhA

¼2½ uxjikfydk mfpr vkSj Ik;kZIr dkj.k crk;s tkus ij] mi&/kkjk ¼1½ ds v/khu eatwj vFkok uohd`r fdlh vuqKfIr dks izfrlaâr vFkok izR;kâr dj ldsxhA

¼3½ ;fn fdlh 'e'kku Hkwfe ds laca/k esa mi&/kkjk ¼1½ ds v/khu dksbZ vuqKfIr eatwj dh x;h gks vFkok mldk uohdj.k dj fn;k x;k gks rks&

¼d½ uxjikfydk 'koksa dks tykus ds fy, visf{kr ;k iz;qDr bZa/ku vkSj vU; oLrqvksa ds foØ; ds fy,] le;≤ ij] njksa dk ekieku fofgr djsxh] vkSj

¼[k½ dksbZ O;fDr] ftls bl izdkj ls izkf/kd`r ugha fd;k x;k gks] ,slh 'e'kku Hkwfe ls rhu lkS ehVj ds Hkhrj dksbZ ,slk bZa/ku ;k vU; oLrqvksa dk foØ; ugha djsxk ;k foØ; ds fy, izLFkkiuk ugha djsxkA ¼4½ tks dksbZ&

9 ¼282½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼d½ mi&/kkjk ¼1½ ds v/khu eatwj dh x;h vFkok uohd`r 'e'kku Hkwfe ds laca/k esa fdlh vuqKfIr dk /kkjd gksrs gq, 'e'kku Hkwfe ij foØ; fd;s tkus okys baZ/ku ;k vU; oLrqvksa dk mi&/kkjk ¼3½ ds v/khu uxjikfydk }kjk fu;r nj ls Åaph nj ij foØ; djrk gS] ;k

¼[k½ mi&/kkjk ¼2½ ds v/khu mldh vuqKfIr dk izfrlagj.k vFkok izR;kgj.k gks tkus ij Hkh ,sls foØ; dks tkjh j[krk gS] ;k

¼x½ bl izdkj izkf/kd`r fd;k x;k O;fDr u gksrs gq, dksbZ O;fDr ,sls 'e'kku ds rhu lkS ehVj ds Hkhrj] ftlds laca/k esa mi&/kkjk ¼1½ ds v/khu eatwj vFkok uohd`r dh x;h vuqKfIr izo`Rr gS] dksbZ ,slk bZa/ku vFkok vU; oLrq dk foØ; djrk gS] ,sls tqekZus ls] tks ,d gtkj :Ik;s ls de ugha gksxk fdUrq tks nks gtkj #Ik;s rd dk gks ldsxk] n.Muh; gksxk vkSj [k.M ¼d½ ds vUrxZr vkus okys ekeys esa] vuqKfIr ds jn~n fd;s tkus dk vkSj Hkkxh gksxkA

279- 'koksa dks nQu djokus ;k tyokus dh 'kfDr -& ¼1½ uxjikfydk vnkokd`r 'koksa dh n'kk esa ml O;fDr dh e`R;q gks tkus ds pkSchl ?kaVs ls vU;wu le; ds i'pkr~ vkSj vizkd`frd e`R;q dh n'kk esa] rRle; izo`Rr fdlh fof/k ds v/khu vkSipkfjdrk,a iw.kZ gksus ds i'pkr~ fdlh O;fDr ds 'ko dks nQu djok ;k tyok ldsxhA

¼2½ ,slh n'kk esa] tgka rd lEHko gks] 'ko dh e`rd ds /kkfeZd fu;eksa ds vuqlkj] tgka rd os Kkr fd;s tk ldsa] vaR;sf"V dh tk;sxhA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼283½ ¼3½ mi&/kkjk ¼4½ esa vURkfoZ"V micU/k ds v/;/khu jgrs gq,] bl /kkjk ds v/khu e`rd O;fDr ds 'ko dks nQu djkus ;k mls tyokus esa uxjikfydk }kjk mixr O;; ,sls O;fDr dh lEink ls 'kks/; _.k ds :i esa olwyh; gksxkA

¼4½ uxjikfydk viuh lhekvksa ds Hkhrj vfdapuksa ds 'koksa ds fu%'kqYd nQu ;k nkg ds fy, uxjikfyd fuf/k esa ls le;≤ ij mica/k dj ldsxhA

280- uxjikfyd {ks= esa e`r Ik'kqvksa ds 'koksa dk gVk;k tkuk-& ¼1½ izR;sd uxjikfyd {ks= esa uxjikfydk i'kqvksa ds 'koksa ds fuoZrZu gsrq mi;qDr ,oa lqfo/kktud LFkkuksa dh O;oLFkk djsxhA

¼2½ tc dHkh fdlh O;fDr ds izHkkj esa dk dksbZ Ik'kq] foØ;kFkZ vFkok /kkfeZd iz;kstu ds fy, ekjs tkus ls fHkUu izdkj ls ej tkrk gS rks ,slk O;fDr pkSchl ?kaVkas ds Hkhrj] ;k rks &

¼d½ mi&/kkjk ¼1½ ds v/khu miyC/k djk;s x;s vFkok fu;r LFkku ij ;k uxjikfyd lhekvksa ;k vkcknh {ks= ls] tks Hkh nwj gks] nks fdyksehVj ds ckgj fdlh LFkku ij 'ko dks ys tk;sxk] ;k

¼[k½ e`R;q dh lwpuk uxjikfydk dks nsxk tks rnqijkUr 'ko dks gVok;sxh rFkk mldk fuoZrZu djok;sxhA ¼3½ ,sls fdlh ifjlj dk] ftlesa ;k ftl ij dksbZ i'kq ej tk;s vFkok ftlesa ;k ftl ij fdlh i'kq dk 'ko ik;k tk;s] vf/kHkksxh Hkh mi&/kkjk ¼2½ ds vuqlkj ,sls 'ko ds laca/k esa dkjZokbZ djsxkA

¼4½ uxjikfydk] mi&/kkjk ¼2½ ds [k.M ¼[k½ ds v/khu vFkok mi&/kkjk ¼3½ ds v/khu gVk;s ;k fuoZfrZr fd;s x;s ,sls izR;sd e`r i'kq ds 'ko ds laca/k esa uxjikfydk mldh e`R;q dh lwpuk nsus okys O;fDr ls] ,slh Qhl tks uxjikfydk fofgr djs] izHkkfjr dj ldsxh vkSj ;fn

9 ¼284½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ,slh Qhl dk vfxze lank; u fd;k tk;s rks uxjikfydk lwpuk nsus okys O;fDr ls mDr Qhl uxjikfyd nkoksa ds fy, bl vf/kfu;e ds v/khu micaf/kr jhfr ls olwy dj ldsxhA

¼5½ tks dksbZ bl /kkjk dh mi&/kkjk ¼2½ vFkok mi&/kkjk ¼3½ ds vuqlkj dk;Z djus ds fy, ck/; gksrs gq,] ,slk dk;Z djus ls pwd djsxk] rks ,sls tqekZus ls] tks ,d gtkj #Ik;s ls de ugha gksxk fdUrq tks nks gtkj #Ik;s rd dk gks ldsxk] n.Muh; gksxkA

281- dfri; fodkjkas ls ihfM+r O;fDr;ksa }kjk fd;s x;s dk;ksZa ds fy, 'kkfLr-& tks dksbZ] tcfd og fdlh laØked vFkok lkalfxZd fodkjksa ls ihfM+r gks&

¼d½ fdlh [kk| vFkok is; inkFkZ dks vFkok fdlh vkS"k/k ;k vks"kf/k dks ekuo miHkksx gsrq foØ; ds fy, cukrk ;k izLrqr djrk gS] ;k

¼[k½ fdlh ,slh oLrq] vks"kf/k vFkok vkS"kf/k dks] tcfd og nwljksa }kjk foØ; ds fy, izLrqr dh xbZ gks] tkucw>dj Nwrk gS] ;k

¼x½ xans diMs+ /kksus vFkok mUgas ys tkus ds dkjckj esa Hkkx ysrk gS]

rks og nks"kflf) ij tqekZus dk] tks ,d gtkj #i;s ls de ugha gksxk fdUrq tks nks gtkj #Ik;s rd dk gks ldsxk] nk;h gksxkA

282- dfri; O;olk;ksa dk fofu;eu-& ¼1½ ;fn uxjikfydk dk lek/kku gks tk;s fd dksbZ Hkou ;k LFkku fdlh O;fDr }kjk fuEufyf[kr dk;ksZa ds fy, mi;ksx esa yk;k tkrk gS vFkok mi;ksx esa yk;s tkus ds fy, vk'kf;r gS]&

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼285½ ¼d½ ekalkof'k"V] jDr] gfM~M;kas] tkuojksa dh vkarksa ;k fpFkM+ksa dks mckyus ;k laxzg djus ds fy,]

¼[k½ eNfy;ksa dks NkaVus] lkQ djus ;k laxzg djus ds fy,]

¼x½ [kkyksa] lhaxksa ;k peM+ksa dk laxzg djus ds fy,]

¼?k½ peM+kas dk 'kks/ku djus ds fy,]

¼3½ peM+s ds lkeku ds fofuekZ.k ds fy,]

¼p½ jaxkbZ ds fy,]

¼N½ lkcqu cukus ds fy,]

¼t½ Åu ;k ckyksa dks /kksus ;k lq[kkus ds fy,]

¼>½ rsy mckyus ds fy,]

¼¥½ pchZ ;k xU/kd fi?kykus ds fy,]

¼V½ bZaVksa] feV~Vh ds crZuksa] pwuk ;k lq[khZ dks tykus ;k idkus ds fy,]

¼B½ lw[kh ?kkl] Hkwlk] pkjk] ydM+h] dks;yk ;k vU;

Toyu'khy inkFkksZa dk laxzg djus ds fy,]

¼M½ O;olk; ds iz;kstukFkZ vukt dk laxzg djus ds fy,] ¼<½ [kku ds :Ik esa]

¼.k½ xkfM+;ksa ds Bgjus ds LFkku ds :i esa]

¼r½ rsy fey ds :Ik esa] ¼Fk½ fo|qr~ 'kfDr ls vU;Fkk] vU; izdkj ls pyk;h tkus okyh vkVs dh pDdh ds :Ik esa]

¼n½ vklouh ds :Ik esa] ;k

¼/k½ fdlh vU; izdkj ds dkj[kkus ;k dkjckj ds LFkku ds :Ik esa tgka ls larkidkjh ;k vLokLF;dj xa/k] /kwe]

9 ¼286½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

dkfy[k ;k xnZ fudyrh gks ;k ftlls vkx yxus dk tksf[ke gks]

,sls mi;ksx ds dkj.k rFkk mldh fLFkfr ds dkj.k vkl&iM+ksl ds fy, U;wlsal gksus dh lEHkkouk gS ;k bl izdkj ls mi;ksx esa yk;k tkrk gS ;k bl izdkj ls fLFkr gS fd og thou] LokLF; ;k lEifRr ds fy, [krjukd gks ldrk gS rks uxjikfydk fyf[kr uksfVl }kjk mlds Lokeh ;k vf/kHkksxh ls vis{kk dj ldsxh fd og &

¼i½ ml LFkku dk] ,slk mi;ksx rqjUr cUn djs] ;k ,slk mi;ksx fd;s tkus ls ;k fd;s tkus ds fy, bl izdkj ds vk'k; ls fojr gks] ;k

¼ii½ mldks ,slh jhfr ls ;k mlesa lajpuk laca/kh ,sls ifjorZu djus ds Ik'pkr~ tSlk fd uxjikfydk ,sls uksfVl esa fofgr djs] mi;ksx esa yk;s rkfd og thou]LokLF; ;k lEifRr ds fy, U;wlsaldkjh ;k [krjukd u cu tk;s ;k u jgs] ;k

¼iii½ mldks ,sls LFkku ij] tks lhekafdr fd;k tk;s] gVk;s(

ijUrq [k.M ¼i½ esa fofufnZ"V fdlh izdkj dh v/;is{kk [k.M ¼d½ ls ¼¥½ rd fofufnZ"V mithfodk esa ls fdlh ds laca/k esa ugha dh tk;sxh tc og Lokeh ;k vf/kHkksxh }kjk Lo;a ;k mlds ifjokj ds fdlh lnL; }kjk dqVhj m|ksx ds :Ik esa fd;k tkrk gks] tc rd fd uxjikfydk ,slh mithfodk pykus ds fy, fdlh vU; LFkku dh O;oLFkk u dj nsA

¼2½ tks dksbZ] mi&/kkjk ¼1½ ds v/khu uksfVl fn;s tkus ds Ik'pkr~] fdlh LFkku dk] bl rjhds ls ftlls og iM+ksl ds fy, U;wlsaldkjh gks ;k thou] LokLF; ;k lEifRr ds fy, [krjukd gks] mi;ksx djrk gS vFkok mi;ksx djus dh vuqKk nsrk gS rks og ,sls

 tqekZus ls] tks nks gtkj #Ik;s ls de ughsa gksxk fdUrq tks ikap gtkj #Ik;s rd dk gks ldsxk rFkk ,sls vkSj tqekZus ls] tks izFke nks"kflf} dh rkjh[k ds Ik'pkr~ ,sls mi;ksx vFkok mi;ksx dh vuqKk ds tkjh jgus okys izR;sd fnol ds fy, ,d LkkS #Ik;s rd gks ldsxk] nf.Mr fd;k tk;sxkA

¼3½ bl /kkjk ds v/khu nks"kflf} gks tkus ij] uxjikfydk ds izkFkZuk&i= ij] fdUrq vU;Fkk ugha] eftLVsªV ,sls LFkku dks cUn fd;s tkus ds fy, vkns'k nsxk

vkSj rnqijkUr ,sls LFkku dks mi&/kkjk ¼1½ esa mfYyf[kr fdlh iz;kstu ds fy, mi;ksx esa ykus ls jksdus ds fy, O;fDr;ksa dh fu;qfDr djsxk ;k vU; dne mBk;sxkA

¼4½ tks dksbZ fcuk fdlh vuqKfIr ds vFkok mlds fuyEcu ds nkSjku vFkok vuqKfIr ds izR;kgj.k ds Ik'pkr~ fdlh uxjikfydk esa ftlesa] os 'krsZa] ftu ij vkSj ftuds v/;/khu vkSj os ifjfLFkfr;ka] ftuesa vkSj os {ks= rFkk cfLr;ka ftuds lEcU/k esa ,sls mi;ksx dks fofgr djus okyh rRle; mi&fof/k;ka izo`Rr gksa] ftuds v/;/khu vuqKfIr eatwj] vLohd`r ;k fuyfEcr vkSj izR;kâr dh tk;s] mi&/kkjk ¼1½ esa mfYyf[kr fdlh iz;kstu ds fy, fdlh LFkku dk mi;ksx djrk gS] rks og ,sls tqekZus ls] tks ,d gtkj #Ik;s ls de ugha gksxk fdUrq tks nks gtkj #Ik;s rd dk gks ldsxk rFkk ,sls vkSj tqekZus ls] tks izFke nks"kflf) dh rkjh[k ds Ik'pkr~ ,slk mi;ksx tkjh jgus okys izR;sd fnol ds fy, ,d lkS #i;s ls de ugha gksxk fdUrq tks ikap lkS :Ik;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

¼5½ mi&/kkjk ¼1½ ds v/khu fn;s x;s uxjikfydk ds fdlh vkns'k ls O;fFkr dksbZ O;fDr] ,sls vkns'k dh rkjh[k ls rhl fnol ds Hkhrj] mldh izfrfyfi izkIr djus gsrq vko';d le; dks de djds

9 ¼288½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ dyDVj ds ;gka vihy dj ldsxk vkSj vihy izkf/kdkjh dk vkns'k vfUre gksxk vkSj mls fdlh U;k;ky; esa iz'uxr ugha fd;k tk;sxkA 283- etnwjkas dks cqykus ;k mudh NqV~Vh djus ds fy, lk;ju dk mi;ksx-& ¼1½ etnwjksa ;k fu;ksftr O;fDr;ksa dks cqykus vFkok mudh NqV~Vh djus gsrq] uxjikfydk dh vuqKfIr dh 'krkasZ ds v/khu rFkk muds vuqlkj ls vU;Fkk fdlh lk;ju dk mi;ksx ugha fd;k tk ldsxkA

¼2½ uxjikfydk ,slh 'krkasZ ds v/;/khu] tks og mi;qDr le>s] ,slh vuqKfIr iznku dj ldsxh vkSj vuqKfIr/kkjh dks ,d ekg dk uksfVl nsdj rFkk izLrkfor okilh ds fo#) mldh lquokbZ djus ds i'pkr~] ;fn og ,slk pkgs] fdlh Hkh le; ,slh vuqKfIr okil ys ldsxhA

¼3½ tks dksbZ] ,slh vuqKfIr ds fcuk ;k mldh fdlh 'krZ dk mYya?ku djds ;k okil ysus ds i'pkr~] ,sls fdlh Hkh lk;ju dk mi;ksx djrk gS vFkok dke esa ysrk gS] ,sls tqekZus ls] tks nks gtkj #i;s ls de ugha gksxk fdUrq tks ikap gtkj :Ik;s rd dk gks ldsxk] nf.Mr fd;k tk;sxkA

284- O;f"V dks lEcksf/kr uksfVlksa vkfn dh rkehy-& ¼1½ bl vf/kfu;e ds v/khu ;k rn/khu cuk;s x;s fdlh fu;e ;k mi&fof/k ds v/khu fdlh O;fDr dks] ;k ,sls O;fDr dks ftls uke ls lEcksf/kr fd;k x;k gks] izR;sd uksfVl ;k vkns'k dh rkehy rFkk izR;sd fcy dh izLrqfr] ;fn mlesa mlds fy, fof'k"V :Ik ls vU;Fkk micU/k ugha fd;k x;k gks] izR;sd n'kk esa fdlh uxjikfyd vf/kdkjh ;k deZpkjh ;k uxjikfydk }kjk bl laca/k esa izkf/kd`r vU; O;fDr }kjk fuEufyf[kr dk;Z djrs gq, dh tk;sxh&

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼289½ ¼d½ ml O;fDr dks] ftls og lEcksf/kr fd;k x;k gS] ,slk uksfVl] vkns'k ;k fcy nsdj ;k fufonRr djds(;k

¼[k½ ;fn ,slk O;fDr u feys rks ml uksfVl] vkns'k ;k fcy dks mlds vkokl ds vfUre Kkr LFkku ij

NksM+dj ;k ml uksfVl] vkns'k ;k fcy dks mlds
dqVqEc ds o;Ld iq:"k lnL; ;k ukSdj dks nsdj
;k mldks fufonŸk djds(;k
¼x½ ;fn ,slk O;fDr uxjikfyd lhek esa ugha jgrk gks
vkSj mlds LFkku dk irk uksfVl] vkns'k ;k fcy tkjh djus okys uxjikfydk ds v/;{k vFkok in/kkjh dks ekywe gks rks uksfVl] vkns'k ;k fcy] ,sls O;fDr dks jftLVªhd`r Mkd ls fyQkQs }kjk]
ftl ij mDr irk fy[kk gks] Hkstdj(;k
¼?k½ ;fn iwoksZDr lk/kuksa esa ls dksbZ Hkh miyC/k u gks] ;k
O;fDr ysus ls budkj dj ns rks ml fcy] vkns'k ;k uksfVl dks ml {ks= ds nks O;fDr;ksa dh mifLFkfr esa ml Hkou ;k Hkwfe] ;fn dksbZ gks] ftlls fd ,slk fcy] vkns'k ;k uksfVl lacaf/kr gS]
ds fdlh lgtn`'; LFkku ij fpidkdjA
¼2½ tc fdlh uksfVl] vkns'k ;k fcy dk fdlh Hkou ;k Hkwfe ds Lokeh ;k vf/kHkksxh ij rkehy fd;k tkuk bl vf/kfu;e ds v/khu ;k rn/khu cuk;s x;s fdlh fu;e ;k mi&fof/k }kjk visf{kr ;k vuqKkr gks rks mlesa Lokeh ;k vf/kHkksxh dks ukfer djuk vko';d ugha gksxk] vkSj ,sls ekeyksa esa ftuds fo"k; esa vU;Fkk fo'ks"k mica/k ugha gS] mudh rkehy fuEufyf[kr jhfr ls dh tk;sxh vFkkZr~ ;k rks & 9 ¼290½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼d½ Lokeh ;k vf/kHkksxh dks] ;k ;fn ,d ls vf/kd Lokeh ;k vf/kHkksxh gksa rks muesa ls fdlh ,d dks uksfVl] vkns'k ;k fcy nsdj ;k fufonRr djds(;k
¼[k½ ;fn ,slk Lokeh ;k vf/kHkksxh ugha feys rks
;FkkiwoksZDr ,sls fdlh Lokeh ;k vf/kHkksxh ds dqVqEc
ds fdlh o;Ld iq:"k lnL; ;k ukSdj dks uksfVl] vkns'k ;k fcy nsdj ;k fufonRr djds(;k
¼x½ ;fn iwoksZDr lk/kuksa esa ls dksbZ Hkh miyC/k u gks rks ml uksfVl] vkns'k ;k fcy dks nks O;fDr;ksa dh
mifLFkfr esa ml Hkou ;k Hkwfe ds] ftlls fd og lacaf/kr gS] fdlh lgtn`'; LFkku ij fpidkdjA ¼3½ ,slk izR;sd uksfVl] ftls lkoZtfud uksfVl ds :Ik esa] ;k lkekU; rkSj ij] ;k ,sls mica/kksa }kjk] tks ,sls uksfVl dks mlesa fofufnZ"V O;fDr;ksa dks O;fDr'k% fn;s tkus dh vis{kk u djrs gksa] fn;s tkus ;k rkehy fd;s tkus ds fy, bl vf/kfu;e ;k rn/khu cuk;s x;s fdlh fu;e ;k mi&fof/k }kjk uxjikfydk dks l'kDr fd;k x;k gS] ml n'kk esa bls i;kZIr :Ik ls fn;k x;k ;k rkehy fd;k x;k le>k tk;sxk ;fn mldh ,d izfr] ,slh dkykof/k ds nkSjku vkSj ,slh vU; jhfr ls] tks uxjikfydk funs'k ns ;k mi&fof/k;ksa }kjk fofgr djs] uxjikfyd dk;kZy; ds fdlh ,sls lgtn`'; Hkkx ij yxk nh tk;sA ¼4½ iz:Ik dh fdlh =qfV ds dkj.k dksbZ uksfVl] vkns'k ;k fcy vfof/kekU; ugha gksxkA
¼5½ tc dksbZ uksfVl ;k vkns'k fdlh ,sls dk;Z dks fd;s tkus dh vis{kk djrk gks] ftlds fy, bl vf/kfu;e ;k rn/khu cuk;s x;s fdlh fu;e ;k mi&fof/k }kjk dksbZ le; fuf'pr ugha fd;k tk;s rks

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼291½ ml uksfVl ;k vkns'k esa mls djus ds fy, ;qfDr;qDr le; fu;r fd;k tk;sxkA

¼6½ uksfVl ;k vkns'k ds fuca/kuksa dk vuqikyu u fd;s tkus dh n'kk esa uxjikfydk ds fy, ,slh dkjZokbZ djuk ;k ,sls dne mBkuk tks ml dk;Z dks] ftlds fd;s tkus dh vis{kk mlds }kjk dh x;h gS] iwjk djus ds fy, vko';d gks] fof/kiw.kZ gksxk rFkk mlesa uxjikfydk }kjk mixr fd;k x;k leLr O;; ml O;fDr ;k mu O;fDr;ksa }kjk lanRRk fd;k tk;sxk ftu ij uksfVl ;k vkns'k dh rkehy dh x;h Fkh vkSj ,slk O;; /kkjk 296 esa micaf/kr jhfr ls olwyh; gksxkA

285- O;f"V uksfVl dh voKk-& ;fn bl vf/kfu;e ;k rn/khu cuk;s x;s fdlh fu;e ;k mi&fof/k ds micU/kksa ds v/khu] fdlh O;fDr ls fdlh taxe vFkok LFkkoj rFkk lkoZtfud vFkok futh lEifRr ds laca/k esa fdlh dk;Z dk fu"iknu djus dh] vFkok uksfVl ;k vkns'k esa fofufnZ"V le; esa mldh O;oLFkk djus dh] ;k mls lEiUUk djus ;k ,slk djus ls fojr jgus dh vis{kk djrs gq, dksbZ uksfVl ;k vkns'k fn;k x;k gS vkSj ;fn ,slk O;fDr ,sls uksfVl ;k vkns'k dk vuqikyu djus esa foQy jgrk gS] rks &

¼d½ uxjikfydk ,slk dk;Z fu"ikfnr djok ldsxh ;k ,slk dk;Z fd;s tkus dh O;oLFkk djok ldsxh ;k ,slk dk;Z lEiUu djok ldsxh rFkk mlds }kjk

ml isVs fd;k x;k leLr O;; mDr O;fDr ls bl vf/kfu;e ds v/khu micaf/kr jhfr ls olwy dj ldsxh] vkSj

¼[k½ mDr O;fDr fdlh eftLVsªV }kjk nks"kflf) ij ,sls tqekZus dk] tks nks gtkj #i;s rd dk gks ldsxk vkSj Hkax ds pkyw jgus dh fLFkfr esa ,sls vkSj tqekZus

9 ¼292½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ dk] tks izFke nks"kflf) dh rkjh[k ds Ik'pkr~ izR;sd fnol ds fy,] tc rd fd vijk/kh ds fo#) Hkax djrs jguk fl) gksrk gS] ipkl #i;s rd dk gks ldsxk] nk;h gksxkA

286- lkoZtfud uksfVl dh voKk-& tc bl vf/kfu;e ;k blds v/khu tkjh fd;s x;s fdlh uksfVl ;k vkns'k }kjk turk ls fdlh ckr dks djus ;k djus ls fojr jgus dh vis{kk dh tk;s] dksbZ O;fDr] tks ,slh v/;is{kk dh vuqikyuk djus esa foQy jgrk gS] ;fn ,slh foQyrk fdlh vU; /kkjk ds v/khu n.Muh; vijk/k ugha gS rks og fdlh eftLVsªV }kjk] nks"kflf) ij ,sls tqekZus dk] tks nks gtkj #i;s ls de ugha gksxk fdUrq izR;sd ,slh foQyrk ds fy, ikap gtkj #i;s rd dk gks ldsxk rFkk] Hkax ds pkyw jgus dh n'kk esa ,sls vkSj tqekZus dk] tks izFke nks"kflf) dh rkjh[k ds i'pkr~ izR;sd fnol ds fy,] tc rd fd vijk/kh ds fo#) Hkax djrs jguk fl) gksrk gS] ipkl #i;s ls de ugha gksxk fdUrq tks ,d lkS #i;s rd dk gks ldsxk] nk;h gksxkA 287- Lokeh vFkok vf/kHkksxh }kjk O;frØe djus ij uxjikfydk fdlh dk;Z dks fu"ikfnr dj ldsxh vkSj mldk O;; olwy dj ldsxh-&¼1½ tc dHkh Hkh bl vf/kfu;e ds micU/kksa ds v/khu fdlh Hkou vFkok Hkwfe ds Lokeh vFkok vf/kHkksxh }kjk fdlh dk;Z ds fu"ikfnr fd;s tkus dh vis{kk dh tkrh gS vkSj ,sls dk;Z ds fu"iknu esa O;frØe fd;k tkrk gS rks pkgs ,sls O;frØe ds fy, fdlh 'kkfLr dk micU/k fd;k x;k gks vFkok ugha] uxjikfydk ,slk dk;Z fu"ikfnr djok ldsxh(vkSj mlds }kjk mixr O;;] U;wure ,d gtkj :Ik;s ds v/;/khu jgrs gq,] dqy O;; ds nl izfr'kr ds lkFk] ,sls O;fDRk ls] ftlds }kjk

,slk dk;Z fu"ikfnr fd;k tkuk Fkk] olwy dj ldsxh] vkSj ,slh jhfr ls] tSls fdlh dj ds isVs nkokd`r dksbZ jde bl vf/kfu;e

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼293½ ds v/khu olwyh; gS ;k rks ,deq'r ;k fd'rksa esa] tSlk uxjikfydk Bhd le>s] olwyh; gksxh%

ijUrq&

¼d½ tc uxjikfydk }kjk dksbZ ty&fudkl Ldhe vkjEHk dh x;h gks rks bl vf/kfu;e ds fdlh mica/k ds v/khu mldh 'kfDr;ksa ij foijhr izHkko Mkys fcuk uxjikfydk ds fy,] fdlh Hkou vFkok Hkwfe ds Lokeh ds lkFk ty&fudkl vFkok ty dusD'ku dh jhfr vkSj ,slh vkfFkZd vFkok vU; lgk;rk] ;fn dksbZ gks] tks uxjikfydk djs] ds laca/k esa fo'ks"k djkj djuk fof/kiw.kZ gksxk vkSj ;fn Lokeh dksbZ lank; djus dk djkj djs rks ,slh jde dks ,sls djkj ds fucU/kuksa ds vuqlkj ;k O;frØe gksus ij mi&/kkjk ¼2½ vkSj ¼3½ esa of.kZr jhfr ls olwy fd;k tk;sxk(vkSj

¼[k½ tc dksbZ vkns'k /kkjk 194 ;k /kkjk 200 ;k /kkjk 202 ;k /kkjk 207 ;k /kkjk 210 ds v/khu ikfjr fd;k x;k gks] ;k tc dksbZ vuqKk /kkjk 203 ds v/khu nh x;h gks] ;k bl mi&/kkjk ds ijUrqd ¼d½ ds v/khu dksbZ djkj fd;k x;k gks] rks uxjikfydk bl vf/kfu;e ds v/khu fdlh vU; 'kfDr ij izfrdwy izHkko Mkys fcuk] ;fn og mfpr le>s] uxjikfydk }kjk ;FkkiwoksZDr fd;s x;s fdlh fdlh O;; dks] U;wure ,d gtkj #i;s ds v/;/khu jgrs gq,] iz'kklfud izHkkjksa ds :i esa dqy O;; ds nl izfr'kr lfgr

9 ¼294½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ lq/kkj O;; ?kksf"kr dj ldsxh tks fd Hkou ;k Hkwfe ij izHkkj gksxk vkSj izfro"kZ iUnzg izfr'kr dh nj ls C;kt lfgr mn~x`ghr fd;k tk;sxk vkSj mi&/kkjk ¼2½ rFkk ¼3½ esa of.kZr jhfr ls olwyh; gksxkA

¼2½ ;fn O;frØeh Hkou ;k Hkwfe dk Lokeh gks rks vfrfjDr mik; ds :Ik esa] pkgs ,sls Lokeh ds fo#) dksbZ okn pyk;k x;k gks vFkok dk;Zokgh dh x;h gks vFkok ugha] uxjikfydk mi&/kkjk ¼3½ ds mica/kksa ds v/;/khu ml le; Lokeh }kjk lans; leLr O;; ;k mlds fdlh Hkkx dks ml O;fDr ls tks ml le; ;k mlds Ik'pkr~ fdlh Hkh le;] ,sls Lokeh ds v/khu Hkou vFkok Hkwfe dk vf/kHkksxh gS] lank; dh vis{kk dj ldsxh] vkSj ,sls vf/kHkksxh ls ekaxs tkus ij mlds lank; esa O;frØe gksus dh n'kk esa ,sls vf/kHkksxh ls mn~x`ghr dh tk ldsxh vkSj bl izdkj mn~x`ghr izR;sd jde mlh jhfr ls olwyh; gksxh ftl izdkj fdlh dj ds isVs nkokd`r dksbZ jde bl vf/kfu;e ds v/khu olwyh; gS(vkSj ,slk izR;sd vf/kHkksxh] vius }kjk Hkw&Lokeh dks fn;s tkus okys fdjk;s esa ls bruh jde] ftruh fd ,sls fdlh O;; ds laca/k eas mlds }kjk lanr dh x;h gS vFkok tks ,sls vf/kHkksxh ls olwy dh x;h gS] dkV ysus dk gdnkj gksxkA

¼3½ fdlh Hkou ;k Hkwfe dk dksbZ vf/kHkksxh] ml Hkou ;k Hkwfe ds Lokeh ij bl vf/kfu;e }kjk izHkkfjr fdUgha O;;ksa ds laca/k esa ,sls fdjk;s ij dh jde ls] vf/kd /ku dk lank; djus dk nk;h ugha gksxk tks ml Hkou ;k Hkwfe ds fy,]

ftlds laca/k esa ml ij dh x;h ekax ds le; ,slk O;; lans; gS] vf/kHkksxh ls 'kks/; gS ;k tks ,slh ekax ds Ik'pkr~ vkSj mlds Hkw&Lokeh dks mldk lank; u djus ds uksfVl ds i'pkr~ fdlh le; izksn~Hwkr gks x;k gS vkSj ,sls vf/kHkksxh }kjk lans; gks x;k gS] flok; ml n'kk ds tc fd og lR;rkiwoZd vius fdjk;s dh

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼295½ jde vkSj ml O;fDr dk] ftls ,slk fdjk;k lans; gS] uke o irk] uxjikfydk }kjk ml iz;kstu ds fy, mls vkosnu fd;s tkus ij] crkus esa mis{kk djs ;k crkus ls bUkdkj djs] fdUrq ;g lkfcr djus dk Hkkj ,sls vf/kHkksxh ij gksxk fd ,sls fdlh vf/kHkksxh ls ekaxh xbZ jkf'k] ml fdjk;s ls vf/kd gS] tks ,slh ekax ds le; vf/kHkksxh }kjk ns; Fkh ;k tks rc ls izksn~Hkwr gks x;h gS%

ijUrq blesa vUrfoZ"V dksbZ ckr ,sls fdlh vf/kHkksxh rFkk Lokeh ds chp iwoksZDr ,sls fdUgha ladeksZa ds O;; ds lank; laca/kh fdlh fof'k"V lafonk dks izHkkfor ugha djsxhA

288- Lokeh }kjk O;frØe fd;s tkus ij vf/kHkksxh ladeZ fu"ikfnr dj ldsxk vkSj fdjk;s esa ls O;; dkV ldsxk-& tc fdlh Hkou vFkok Hkwfe ds Lokeh }kjk] fdlh dk;Z dks] ftlds fu"ikfnr fd;s tkus dh uxjikfydk }kjk mlls vis{kk dh tk;s] djus esa O;frØze fd;k tkrk gS rks ,sls Hkou vFkok Hkwfe dk vf/kHkksxh uxjikfydk ds vuqeksnu ls ,slk dk;Z fu"ikfnr djok ldsxk vkSj mldk O;; mls Lokeh }kjk lanRr fd;k tk;sxk vFkok mldh jde ,sls Lokeh dks mlls ns; gksus okys fdjk;s esa ls dkVh tk ldsxhA 289- dk;Zokfg;ka] ;fn dksbZ vf/kHkksxh vf/kfu;e ds fu"iknu dk fojks/k djrk gS-& ;fn fdlh Hkou vFkok Hkwfe dk vf/kHkksxh mlds Lokeh dks] ,slh Hkwfe ;k Hkou ds laca/k esa bl vf/kfu;e ds fdUgha micU/kksa dks fØ;kfUor djus ls] ,sls vf/kHkksxh dks Lokeh }kjk mudks fØ;kfUor djus ds vius vk'k; dk uksfVl fn;s tkus ds Ik'pkr~ jksdrk gS rks dksbZ eftLVsªV] Lokeh }kjk mldk lcwr vkSj vkosnu fn;s tkus ij ,sls vf/kHkksxh ls] ml Hkou vFkok Hkwfe ds laca/k esa bl vf/kfu;e ds mica/kksa dks fØ;kfUor djkus esa vko';d ,sls leLr ladeksZa dk fu"iknu djus ds fy, Lokeh dks vuqKk nsus dh vis{kk djrs gq, fyf[kr vkns'k

9 ¼296½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ns ldsxk vkSj ;fn og mfpr le>s rks vf/kHkksxh dks ,sls vkosnu ;k vkns'k ls lacaf/kr [kpsZ dk lank; Lokeh dks djus dk vkns'k Hkh ns ldsxk vkSj ;fn ,sls vkns'k dh rkjh[k ls] vkB fnol dh lekfIr ds Ik'pkr~ ,slk vf/kHkksxh ,sls Lokeh dks ,sls ladeZ fu"ikfnr djus dh vuqKk ls bUkdkj djrk jgrk gS rks ,slk vf/kHkksxh tc rd fd og bUkdkj tkjh j[krk gS] ,sls tqekZus ls] tks izR;sd fnol ds fy, ,d gtkj #i;s ls de ughsa gksxk fdUrq tks nks gtkj #Ik;s rd dk gks ldsxk] nf.Mr fd;k tk;sxk vkSj izR;sd ,slk Lokeh] ,sls bUkdkj ds tkjh jgus ds nkSjku mu 'kkfLr;ksa ls foeqDr jgsxk ftuds fy, ,sls ladeksZa ds fu"iknu esa O;frØe ds dkj.k og vU;Fkk nk;h gqvk gksRkk A 290- uxjikfydk }kjk fu;ksftr O;fDr;ksa ds dke esa ck/kk Mkyus ds fy, 'kkfLr-& ¼1½ tks dksbZ bl vf/kfu;e ds v/khu uxjikfydk }kjk fu;ksftr vFkok mlds lkFk dh x;h lafonk ij j[ks x;s fdlh O;fDr dks vius drZO; ds ikyu esa vFkok lafonk dks iwjk djus esa ck/kk Mkyrk gS vFkok mls mRihfM+r djrk gS vFkok bl vf/kfu;e }kjk

izkf/kd`r dk;Z dk fu"iknu djus ds fy, vko';d fdlh Lrj ;k fn'kk ds funs'k dks minf'kZr djus ds iz;kstu ds fy, fdlh fpUà dks feVkrk gS] nks"kflf) ij ,sls tqekZus dk] tks nks gtkj #i;s ls de ugha gksxk fdUrq tks ikap gtkj #Ik;s rd dk gks ldsxk] nk;h gksxkA

¼2½ ,sls iqfyl vf/kdkjh dks] ftldh n`f"V esas mi&/kkjk ¼1½ ds v/khu vijk/k dkfjr fd;k tk;s] ,sls vijk/kh dks fxj¶rkj djus dh 'kfDr gksxhA

291- vf/kfu;e] fu;eksa vkSj mi&fof/k;ksa ds Hkax ds fy, 'kkfLr] tks vU;Fkk micfU/kr ugha gS-& tks dksbZ bl vf/kfu;e ;k mlds v/khu fdlh fu;e] mi&fof/k ;k vkns'k ds fdlh mica/k dk mYya?ku djrk gS

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼297½ ;k blds v/khu tkjh fd;s x;s ;k fn;s x;s fdlh uksfVl] vkns'k ;k funs'k dh vuqikyuk djus esa foQy jgrk gS] ftlds mYya?ku ;k foQyrk ds fy, bl vf/kfu;e] ;k rn/khu cuk;s x;s fu;eksa ;k mi&fof/k;ksa esa fdlh 'kkfLr dk mica/k ugha fd;k x;k gS] nks"kflf) ij tqekZus dk] tks nks gtkj #i;s ls de ugha gksxk fdUrq tks ikap gtkj #i;s rd dk gks ldsxk] nk;h gksxkA

292- vf/kfu;e ds iz;kstuksa ds fy, izos'k-& eq[; uxjikfyd vf/kdkjh ;k uxjikfydk }kjk bl fufeRr izkf/kd`r fdlh Hkh vf/kdkjh ds fy,] bl vf/kfu;e ;k blds v/khu cuk;s x;s fdlh Hkh fu;e ;k mi&fof/k ds fdlh Hkh iz;kstu ds fy,] fdlh Hkh Hkou ;k Hkwfe esa vkSj ml ij] lw;ksZn; vkSj lw;kZLr ds chp ,sls lgk;dksa lfgr] ftUgsa og vko';d le>s] izos'k djuk fof/kiw.kZ gksxk%

ijUrq blesa vU;Fkk micaf/kr ds flok; fdlh Hkh ,sls Hkou ;k Hkwfe esa] tks ml le; vf/kHkksxk/khu gks] mlds vf/kHkksxh dh vuqefr ds flok; rc rd izos'k ugha fd;k tk;sxk] tc rd bldk pkSchl ?k.Vs dk fyf[kr uksfVl mDr vf/kHkksxh dks u ns fn;k tk;s%

ijUrq ;g vkSj fd ekuo&vkokl ds :Ik esa mi;ksx esa fy;s tkus okys Hkouksa ds ekeys esa vf/kHkksfx;ksa dh lkekftd vkSj /kkfeZd :f<+;ksa dk lE;d~ /;ku j[kk tk;sxkA

293- fuokjd fujh{k.k-& tgka ;g fo'okl djus dk dkj.k gks fd fdlh Hkou esa ;k fdlh Hkwfe ij] bl vf/kfu;e ds ;k blds v/khu cuk;s x;s fu;eksa ;k mi&fof/k;ksa ds mica/kksa ds mYya?ku esa] fdUgha uxjikfyd ty&fudkl ladeksZa] ;k fdlh uxjikfyd miØe ds laca/k esa dksbZ dk;Z fu"ikfnr fd;k x;k gS ogka v/;{k] mik/;{k] eq[; uxjikfyd vf/kdkjh ;k dksbZ LokLF; vf/kdkjh fdlh Hkh le; vkSj uksfVl ds fcuk ,sls Hkou ;k Hkwfe dk fujh{k.k dj ldsxk%

9 ¼298½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ijUrq fdlh ekuo&vkokl ds :Ik esa mi;ksx esa fy;s tkus okys Hkou ds ekeys esa mlds vf/kHkksfx;ksa dh lkekftd vkSj /kkfeZd :f<+;ksa dk lE;d~ /;ku j[kk tk;sxkA

294- izos'k djus dh 'kfDr-& bl vf/kfu;e dh /kkjk 292 ds mica/kkas ;k bl vf/kfu;e ds fdUgha vU; mica/kksa ds v/khu izkf/kd`r fdlh O;fDr ds fy,] fujh{k.k ;k ryk'kh ds iz;kstukFkZ fdlh njokts] QkVd ;k vU; vojks/k dks]&

¼d½ ;fn og ,sls izos'k] fujh{k.k ;k ryk'kh ds iz;kstukFkZ mldk [kksyk tkuk vko';d le>s] vkSj

¼[k½ ;fn Lokeh ;k vf/kHkksxh vuqifLFkr gS ;k mifLFkr gS rks ,sls njokts] QkVd ;k vojks/k dks [kksyus ls bUkdkj dj nsrk gS]

[kksyuk ;k [kqyokuk fof/kiw.kZ gksxkA

295- dfri; ekeyksa esa izfrdj dk vo/kkj.k-& ¼1½ ;fn ,sls fdlh Hkh izfrdj ;k uqdlkuh] tks bl vf/kfu;e }kjk lanRRk fd;s tkus gsrq fufn"V gS] ds laca/k esa dksbZ lgefr ugha gks rks mldh jde vkSj ;fn vko'd gks rks mldk izHkktu ,sls vf/kdkjh }kjk ftls funs'kd] LFkkuh; fudk; }kjk bl fufeRr fu;qDr ;k izkf/kd`r fd;k tk;s] vfHkfuf'pr vkSj vo/kkfjr fd;k tk;sxk%

ijUrq bl mi&/kkjk dh dksbZ Hkh ckr O;fFkr i{kdkj dks l{ke vf/kdkfjrk okys fdlh flfoy U;k;ky; esa izfrrks"k ekaxus ls fuokfjr ugha djsxhA

¼2½ ,sls fdlh Hkh ekeys esa ftlesa fdlh Hkwfe ds laca/k esa izfrdj dk nkok fd;k tkrk gS] U;k;ky; ds vo/kkj.k ds fy, fufnZ"V ekeyksa esa dk;Zokfg;ksa ds fy, Hkwfe vtZu vf/kfu;e] 1894 ¼1894 dk

 la-1½ }kjk fofgr izfd;k dk] tgka rd gks lds] vuqlj.k fd;k tk;sxkA

296- [kpsZa ;k O;; dSls vo/kkfjr vkSj olwy fd;s tk;sa-& ;fn dksbZ fookn ,sls fdUgha Hkh [kpksZa ;k O;;ksa ds laca/k esa mn~Hkwr gks tks bl vf/kfu;e ds v/khu fdlh O;fDr }kjk lanRr fd;s tkus gsrq fufn"V gks rks mldh jde vkSj ;fn vko'd gks rks mldk izHkktu ml n'kk ds flok; tc fd bl vf/kfu;e esa vfHkO;Dr :Ik ls vU;Fkk micaf/kr gks] uxjikfydk }kjk vfHkfuf'pr dh tk;sxh vkSj mlh jhfr ls olwyh; gkasxs tSlk bl vf/kfu;e ds v/khu fdlh dj ds e)s nkokd`r jde olwyh; gksrh gSA

297- jkT; uxjikfydk la?k dk xBu vkSj mlds d`R;-& ¼1½ jkT; esa dh leLr uxjikfydk,a ;k muesa ls dksbZ] ,d la?k ftls jktLFkku jkT; uxjikfyd&cksMZ la?k dgk tk ldsxk] ;k fdlh ,sls vU; uke ls] tks jkT; ljdkj }kjk vf/klwfpr fd;k tk;s] xfBr djus gsrq la;ksftr gks ldsaxh] ijUrq ,slk dksbZ la?k rc rd xfBr ugha fd;k tk;sxk tc rd fd jkT; esa dh uxjikfydkvksa dh vk/kh ls vf/kd mlds lnL; cuus ds vius vk'k; ds ladYi i`Fkd~&i`Fkd~ :Ik ls ikfjr u dj nsaA

¼2½ bl /kkjk dh mi&/kkjk ¼1½ ds v/khu xfBr la?k ds d`R;] fuEufyf[kr gksaxs&

¼i½ uxjikfydkvksa ds lkekU; fgr ds fook|dksa dk ijh{k.k(

¼ii½ ,sls fook|dkas ls lacaf/kr lwpuk dk izlkj.k(

¼iii½ lkekU; fgr ds ekeykas ij jkT; ljdkj vkSj vU; vfHkdj.kksa dks mi;qDr vH;kosnu djuk(

¼iv½ uxjikfydkvksa dks uxjikfyd iz'kklu ds lq/kkj ij lgk;rk vkSj ijke'khZ lsok,a iznku djuk(vkSj

¼v½ ,sls vU; d`R; djuk tks jkT; ljdkj le;≤ ij mls leuqnsf'kr djsA

¼3½ fuEufyf[kr ekeys jkT; ljdkj }kjk cuk;s x;s fu;eksa }kjk fofu;fer vkSj 'kkflr gksaxs] vFkkZr~%&

¼d½ la?k dk lafo/kku vkSj mlds y{; vkSj mn~ns';(

¼[k½ uxjikfydkvksa }kjk la?k dks fn;s tkus okys vfHknk; dh jde vkSj mldk <ax(

¼x½ la?k ds foRriks"k.k ds ys[kkvksa dk j[kj[kko vkSj mudh laijh{kk lfgr mudk izcU/k vkSj fu;a=.k(

vkSj

¼?k½ ,sls vU; ekeys tks bl /kkjk ds iz;kstukFkZ vko';d gksa%

ijUrq dksbZ Hkh O;fDr la?k esa izfrfuf/kRo djus ds fy, rc rd ik= ugha gksxk tc rd fd og rRle; fdlh uxjikfydk dk v/;{k u gksA

v/;k; 13

vfHk;kstu] okn vkfn

298- uxjikfydk vfHk;ksftr dj ldsxh-& ¼1½ eq[; uxjikfyd vf/kdkjh fdlh Hkh izdkj ds fdlh yksd U;wlsal ;k bl vf/kfu;e ds v/khu tkjh vkns'k ;k funs'kksa ds mYya?ku ds fy, vfHk;kstu dk funs'k ns ldsxk vkSj fdUgha 'kkfLr;ksa dh olwyh ds fy, rFkk bl vf/kfu;e ;k blds v/khu cuk;s x;s fdlh fu;e ;k mi&fof/k ds mica/kksa dk mYya?ku djus okys O;fDr;ksa dks n.M nsus ds fy, dk;Zokgh fd;s tkus dk vkns'k ns ldsxk vkSj ,sls vfHk;kstuksa ;k vU;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼301½ dk;Zokfg;ksa dk O;; uxjikfyd fuf/k esa ls lanRr fd;s tkus dk vkns'k ns ldsxk%

ijUrq bl vf/kfu;e ;k blds v/khu fojfpr fu;e ;k mi&fof/k ds v/khu fdlh vijk/k ds fy, dksbZ vfHk;kstu ,slk vijk/k dkfjr fd;s tkus ds Ik'pkr~ Ng ekl ds Hkhrj ds flok; lafLFkr ughsa fd;k tk;sxkA

¼2½ bl vf/kfu;e ;k blds v/khu cuk;s x;s fdUgha fu;eksa ;k mi&fof/k;ksa ds v/khu dksbZ vfHk;kstu mlesa vU;Fkk micaf/kr ds flok; fdlh Hkh eftLVsªV ds le{k lafLFkr fd;k tk ldsxk] vkSj bl vf/kfu;e ;k blds v/khu cuk;s x;s fdlh fu;e ;k mi&fof/k ds v/khu ;k mlds vk/kkj ij] vf/kjksfir izR;sd tqekZuk ;k 'kkfLr vkSj izfrdj ;k vU; O;;ksa ds lHkh nkos ftudh olwyh ds fy, bl vf/kfu;e esa vU;Fkk dksbZ fo'ks"k mica/k u fd;k x;k gks] ,sls eftLVsªV dks vkosnu izLrqr fd;s tkus ij mldh vf/kdkfjrk dh lhekvksa ds Hkhrj ,sls O;fDr dh] ftl ij /ku dk nkok fd;k tk lds] fdlh taxe ;k LFkkoj lEifRr ds djLFke~ rFkk foØ; }kjk olwy fd;s tk ldsaxsA

299- vijk/kksa ds vfHk;kstu ds laca/k esa 'kfDr;ka-& uxjikfydk&

¼d½ fdlh Hkh ,sls O;fDr ls ftlus uxjikfydk dh jk; esa bl vf/kfu;e ;k mlds v/khu cuk;h x;h fdlh mi&fof/k ds v/khu n.Muh; vijk/k dkfjr fd;k gks] le>kSrk dj ldsxh vkSj ,slk le>kSrk dj fy, tkus ij ,sls O;fDr ds fo#) ,sls vijk/k ds laca/k esa dksbZ dk;Zokgh ugha dh tk;sxh(

¼[k½ bl vf/kfu;e ds v/khu ;k blds v/khu cuk;h x;h fdlh mi&fof/k ds v/khu vfHk;kstuksa dks izR;kâr dj ldsxh(

9 ¼302½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

¼x½ bl vf/kfu;e ds ;k blds v/khu cuk;h x;h fdlh mi&fof/k ds fo#) fd;s x;s ,sls fdlh vijk/k dk] tks jkT; ljdkj }kjk cuk;s x;s fu;eksa }kjk iz'keuh; ?kksf"kr fd;k x;k gks] iz'keu dj ldsxh% ijUrq bl /kkjk ds v/khu] vijk/kksa ds laca/k esa le>kSrk djus ds fy, l'kDr O;fDr;ksa dh dk;Zokfg;ksa dks fofu;fer djus ds fy, jkT; ljdkj fu;e cuk ldsxhA

300- uxjikfydk dh lEifRr ds uqdlku dh iwfrZ dSls dh tk;s-&;fn fdlh dk;Z] mis{kk ;k O;frØe }kjk] ftlds dkj.k dksbZ O;fDr bl vf/kfu;e ds }kjk ;k mlds v/khu vf/kjksfir fdlh 'kkfLr dk Hkkxh gqvk gks] vkSj ;fn ,sls O;fDr }kjk uxjikfydk dh lEifRr dks uqdlku igqapk;k x;k gks] rks ,slh 'kkfLr dh vnk;xh ds lkFk&lkFk ,sls uqdlku dh iwfrZ dk Hkh Hkkxh gksxk] rFkk fookn dh n'kk esa uqdlkuh dh jde ml eftLVªsV }kjk vo/kkfjr dh tk;sxh ftlds }kjk ,slh 'kkfLr dk Hkkxh O;fDr fl)nks"k Bgjk;k x;k gS vkSj ekax fd;s tkus ij ,slh uqdlkuh dk lank; u gksus dh n'kk esa og djLFke~ }kjk mn~x`ghr dh tk;sxh rFkk ,slk eftLVsªV rnuqlkj okjUV tkjh djsxkA 301- dfri; vijk/kksa dk laKs; vkSj tekurh; gksuk-& n.M izfØ;k lafgrk] 1973 ¼1974 dk dsUnzh; vf/kfu;e la- 2½ esa varfoZ"V fdlh ckr ds gksrs gq, Hkh bl vf/kfu;e dh /kkjk 167] 236] vkSj 245] ds v/khu n.Muh; dksbZ vijk/k laKs; vkSj tekurh; gksxkA

302- izfØ;k =qfV;qDr gksrs gq, Hkh djLFke~ fof/kiw.kZ gksxk-& bl vf/kfu;e ds vk/kkj ij mn~x`ghr dksbZ Hkh djLFke~ fdlh leu] nks"kflf) ;k djLFke~ ds okj.V ;k mlls lacaf/kr vU; dk;Zokgh esa izfØ;k dh =qfV ds dkj.k u rks vfof/kiw.kZ le>k tk;sxk vkSj u gh mls djus okyk dksbZ i{kdkj vfrpkjh le>k tk;sxk vkSj u gh ,slk

 i{kdkj vius }kjk rRi'pkr~ dh x;h fdlh vfu;ferrk ds dkj.k izkjEHk ls gh vfrpkjh le>k tk;sxk] fdUrq ,slh vfu;ferrk ls O;fFkr leLr O;fDr l{ke vf/kdkfjrk okys fdlh U;k;ky; esa fo'ks"k uqdlku ds fy, iwjk vuqrks"k olwy dj ldsaxsA

303- okn }kjk vuqdYih izfØ;k-& bl vf/kfu;e ds }kjk ;k blds v/khu olwyh dh fdlh vuqKkr izfØ;k ds cnys esa ;k ,slh izfØ;k }kjk bl vf/kfu;e ds v/khu olwyh; lEiw.kZ jde ;k mlds fdlh Hkkx dh ;k bl vf/kfu;e ds v/khu lans; fdlh izfrdj] O;;] izHkkj ;k uqdlkuh dh lEiw.kZ jde ;k mlds fdlh Hkkx dh olwyh djus esa foQy jgus dh n'kk esa mlds lank; ds nk;h O;fDr ij l{ke vf/kdkfjrk okys fdlh U;k;ky; esa okn ykuk uxjikfydk ds fy, fof/kiw.kZ gksxkA

304- uxjikfydk ;k mlds vf/kdkfj;ksa ds fo#) okn-&¼1½ uxjikfydk ds fo#) ;k uxjikfydk ds v/;{k] mik/;{k] lnL;] vf/kdkjh ;k deZpkjh ds fo#) ;k muesa ls fdlh ds Hkh funs'k ds v/khu dk;Z djus okys fdlh Hkh O;fDr ds fo#) mldh inh; gSfl;r ls fd;s x;s ;k ,sls fd;s tkus ds fy, rkRif;Zr fdlh dk;Z ds fy, rc rd dksbZ okn lafLFkr ughsa fd;k tk;sxk tc rd fd mldk fyf[kr uksfVl] okn&gsrqd] pkgs x;s vuqrks"k dk Lo:i] nkokd`r izfrdj dh jde rFkk vk'kf;r oknh ds uke vkSj fuokl LFkku dk Li"V dFku djrs gq, uxjikfydk dh n'kk esa mlds dk;kZy; eas ns fn;s tkus

vkSj v/;{k] mik/;{k] lnL;] vf/kdkjh] deZpkjh ;k O;fDr dh n'kk esa mls ifjnRRk dj fn;s tkus ;k mlds dk;kZy; ;k fuokl LFkku ij ns fn;s tkus ds i'pkr~] nks ekl lekIRk u gks x;s gksa] rFkk

9 ¼304½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ okni= esa bl ckr dk dFku gksxk fd ,slk uksfVl bl izdkj ifjnRRk dj fn;k x;k gS ;k ns fn;k x;k gSA

¼2½ mi&/kkjk ¼1½ esa ;Fkkof.kZr dksbZ dkjZokbZ okn gsrqdksa ds mn~Hkwr gksus ds i'pkr~ vxys Ng ekl ds Hkhrj gh izkjEHk dh tk;sxh flok; ml n'kk ds tc fd og LFkkoj lEifRRk ds izR;q)j.k ds fy, ;k mlds gd dh ?kks"k.kk ds fy, dkjZokbZ gksA

¼3½ mi&/kkjk ¼1½ dh dksbZ Hkh ckr fdlh ,sls okn ij ykxw ughas le>h tk;sxh ftleas nkokd`r vuqrks"k dsoy ,slk O;kns'k gks ftldk mn~ns'; uksfVl nsus vFkok okn ;k dk;Zokgh ds izkjEHk dks eqYroh djus ls foQy gks tk;sA

305- dfri; ekeyksa esa flfoy U;k;ky; }kjk vLFkk;h fu"ks/kkKk dk eatwj ugha fd;k tkuk-& dksbZ flfoy U;k;ky; fdlh okn ds vuqØe esa]&

¼d½ fdlh uxjikfydk ds ;k mldh lfefr ;k mi&lfefr ds fdlh lnL;] v/;{k] mik/;{k] vf/kdkjh ;k deZpkjh dh 'kfDr;ksa dk iz;ksx ;k d`R;ksa dk fuoZgu djus ls fdlh O;fDr dks] bl vk/kkj ij vo:) djrs gq, fd ,slk O;fDr ,sls lnL;] v/;{k] mik/;{k] vf/kdkjh ;k deZpkjh ds :Ik esa lE;d~ :Ik ls fuokZfpr ;k fu;qDr ugha fd;k x;k gS] ;k

¼[k½ fdlh O;fDr ;k O;fDr;ksa dks ;k fdlh uxjikfydk ;k uxjikfydk dh lfefr ;k mi lfefr dks] dksbZ fuokZpu djokus ;k fdlh fof'k"V jhfr ls dksbZ fuokZpu djokus ls vo:) djrs gq,] dksbZ vLFkk;h O;kns'k ;k dksbZ vUrfje vkns'k ugha nsxkA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼305½ 306- le>kSrk djus dh 'kfDr-& ¼1½ uxjikfydk mlds }kjk ;k mlds fo#) lafLFkr fdlh okn ds laca/k esa ;k mlds }kjk bl vf/kfu;e ds v/khu dh x;h fdlh lafonk ls mn~Hkwr gksus okys fdlh nkos ;k ekax ds laca/k esa ,slh /kujkf'k ;k vU; izfrdj ij] tks og Ik;kZIr le>s] iz'keu ;k le>kSrk dj ldsxh%

ijUrq fdlh lafonk ds fd;s tkus esa ;fn dksbZ eatwjh bl vf/kfu;e }kjk visf{kr gS rks ,slh lafonk ls mnHkwr gksus okys fdlh nkos ;k ekax dk iz'keu ;k le>kSrk djus ds fy, Hkh ,slh eatwjh vfHkizkIr dh tk;sxhA

¼2½ uxjikfydk bl vf/kfu;e ds v/khu Lo;a esa] mlds vf/kdkfj;ksa rFkk deZpkfj;ksa esa fufgr fdUgha 'kfDr;ksa dk iz;ksx djus ds dkj.k fdlh O;fDr dks gq, fdlh uqdlku ds fy, uxjikfyd fuf/k ls izfrdj ns ldsxhA

¼3½ uxjikfyd fuf/k] uxjikfydk dh vksj ls vfHk;ksftr ;k izfrokfnr fdlh flfoy

dk;Zokgh ds O;; dk lank; djus ds nkf;Rok/khu gksxhA

307- uxjikfyd vfHkys[kksa dks lkfcr djus dh jhfr-& uxjikfydk ds dCts esa dh fdlh jlhn] vkosnui=] js[kkad] uksfVl] vkns'k dh izfrfyfi] fdlh jftLVj ;k vU; nLrkost dh izfof"V dks ;fn mlds oS/k vfHkj{kd }kjk ;k bl fufeRr izkf/kd`r vU; O;fDr }kjk lE;d~ :Ik ls izekf.kr dj fn;k tk;s rks mls ml izfof"V ;k nLrkost dh fo|ekurk ds izFken`"V;k lk{; ds :Ik esa xzg.k fd;k tk;sxk vkSj izR;sd ekeys esa] mlesa vfHkfyf[kr ekeyksa vkSj laO;ogkjksa ds lk{; ds :Ik esa ogka rd rFkk ml lhek rd xzg.k fd;k tk;sxk] tgka rd rFkk ftl lhek rd ewy izfof"V ;k nLrkost] ;fn izLrqr fd;s tkrs] rks ,sls ekeys dks lkfcr djus ds fy, xzkg~; gksrsA

9 ¼306½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ 308- nLrkost izLrqr djus ds fy, uxjikfydk ds deZpkfj;ksa dks leu djus ij fucZU/ku-& uxjikfydk ds fdlh Hkh vf/kdkjh ;k deZpkjh ls fdlh Hkh fof/kd dk;Zokgh esa ftlesa uxjikfydk i{kdkj ugha gS] dksbZ jftLVj ;k nLrkost ftldh fo"k;&oLrq iwoZorhZ /kkjk ds v/khu izekf.kr izfrfyfi }kjk lkfcr dh tk ldrh gS] izLrqr djus ;k mlesa vfHkfyf[kr ekeyksa rFkk laO;ogkjksa dks lkfcr djus ds fy, lk{kh ds :Ik esa milatkr gksus dh vis{kk ugha dh tk;sxh tc rd fd fo'ks"k dkj.k ls U;k;ky; ds vkns'k }kjk ,slh vis{kk u dh tk;sA

v/;k; 14

fu;a=.k

309- funs'kd] mi funs'kd vkSj lgk;d funs'kd dh fu;qfDr vkSj 'kfDr;ka-& ¼1½ jkT; ljdkj fdlh vf/kdkjh dks funs'kd] LFkkuh; fudk; ds :Ik esa pkgs fdlh Hkh inuke ls gks] fu;qDr dj ldsxh tks ,sls d`R;ksa dk ikyu vkSj ,slh 'kfDr;ksa dk iz;ksx djsxk tks mls bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa ds }kjk ;k v/khu izR;k;ksftr ;k iznRr dh tk;saA

¼2½ jkT; ljdkj brus vU; vf/kdkfj;ksa dks Hkh fu;qDr dj ldsxh tks og funs'kd dh lgk;rk ds fy, Bhd le>s vkSj os funs'kd ds funs'k rFkk fu;U=.k ds v/khu jgsaxsA

¼3½ bl izdkj fu;qDr vU; vf/kdkjh ,slh 'kfDr;ksa dk iz;ksx vkSj ,sls d`R;ksa dk ikyu djsaxs rFkk ,slh LFkkuh; vf/kdkfjrk j[ksaxs tks mUgsa funs'kd ds }kjk leuqfn"V dh tk;sA

310- fujh{k.k rFkk Ik;Zos{k.k dh 'kfDr;ka-& ¼1½ jkT; ljdkj }kjk fdlh lkekU; ;k fo'ks"k vkns'k }kjk bl fufeRr fu;qDr ;k izkf/kd`r fdlh vf/kdkjh dks fuEufyf[kr 'kfDr;ka gksaxh&

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼307½ ¼d½ fdlh uxjikfydk ;k mlds fu;a=.k ;k izcU/k ds v/khu fdlh laLFkk ds vf/kHkksx esa dh fdlh LFkkoj lEifRr ;k mlds v/khu ;k mlds funs'k ;k fu;a=.k ds v/khu py jgs fdlh dk;Z ds LFky esa izos'k rFkk fujh{k.k djus ;k izos'k rFkk fujh{k.k djokus(

¼[k½ fdlh uxjikfydk dh ;k fdlh lfefr dh dk;Zokfg;ksa ls fdlh m)j.k ;k uxjikfydk ds dCts ds ;k fu;a=.kk/khu fdlh nLrkost ;k iqLrd rFkk fdlh fooj.kh] fooj.k] ys[ks ;k fjiksVZ ftldh ,sls

uxjikfydk ls izLrqr djus dh vis{kk djuk og mfpr le>s] ds fy, vis{kk djus dh(

¼x½ fdlh uxjikfydk ls ,slh vkifRr ij] tks mls fdlh ,slh ckr ds djus ds laca/k esa tks ,slh uxjikfydk }kjk dh tkus okyh gks ;k dh tk jgh gks] fo|eku izrhr gks] ;k fdlh ,slh tkudkjh ij] ftls og izLrqr djus esa leFkZ gks vkSj tks mls uxjikfydk }kjk dfri; ckrksa ds fd;s tkus ds fy, vko';d izrhr gks] fopkj djus dh rFkk ,slh ckr dks djus ls fojr u jgus ;k mls u djus ds laca/k esa vius dkj.k crykrs gq, ;qfDr;qDr le; ds Hkhrj mls fyf[kr mRrj nsus dh vis{kk djus dh(vkSj

¼?k½ uxjikfydk ds fdlh ekeys eas jkT; ljdkj }kjk ;Fkkfunsf'kr tkap lapkfyr djus dh vkSj lqlaxr

9 ¼308½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

vfHkys[k dks izLrqr djus dh ekax djus ds lkFk ,sls vfHkys[k dks dCts esa ysus dh] tks jkT; ljdkj dks mldh tkap fjiksVZ ds lkFk izLrqr fd;k tkuk gSA

¼2½ ,sls vf/kdkjh dks] ftls mi&/kkjk ¼1½ ds v/khu fu;qDr ;k izkf/kd`r fd;k tk;s] nh x;h leLr ;k dksbZ Hkh 'kfDr mlds }kjk vius v/khuLFk fdlh vf/kdkjh dks] tks mi&[k.M vf/kdkjh dh jSad ls uhps dk u gks] izR;k;ksftr dh tk ldsxhA

311- uxjikfydk ds dk;kZy; dk fujh{k.k djus dh 'kfDr-&jkT; ljdkj }kjk bl fufeRr fu;qDr ;k izkf/kd`r fdlh vf/kdkjh dks fdlh Hkh uxjikfydk ds dk;kZy; dk fujh{k.k djus rFkk ,slh fdlh uxjikfydk ds vfHkys[kksa dks ryc djus dh 'kfDr gksxhA 312- uxjikfydk ds vkns'k vkfn ds fu"iknu dks fuyfEcr djus dh 'kfDr-& ¼1½ ;fn jkT; ljdkj }kjk bl fufeRr fu;qDr ;k izkf/kd`r ,sls fdlh vf/kdkjh dh jk; esa uxjikfydk ds fdlh vkns'k ;k ladYi dk fu"iknu ;k fdlh dke dk fd;k tkuk tks uxjikfydk }kjk ;k mldh vksj ls fd;k tkus okyk gks ;k fd;k tk jgk gks] turk dks gkfu ;k {kksHk igqapk jgk gS ;k ftlds igqapus dh lEHkkouk gS ;k mlls 'kkafr Hkax gksrh gS ;k og uxjikfydk ds fgr esa vfgrdj ;k fof/kfo#) gS rks og vius gLrk{kjksa ls fyf[kr vkns'k }kjk fu"iknu dks fuyfEcr dj ldsxk ;k ml dke ds fd;s tkus dks izfrf"k) dj ldsxkA

¼2½ tc ,slk dksbZ vf/kdkjh bl /kkjk ds v/khu dksbZ vkns'k djrk gS rks og vkns'k dh ,d izfr mlds fd;s tkus ds dkj.kksa ds fooj.k lfgr jkT; ljdkj dks rFkk mlls izHkkfor uxjikfydk dks rRdky vxszf"kr djsxk vkSj ;g jkT; ds foosdk/khu gksxk fd og vkns'k

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼309½ dks fo[kf.Mr djs ;k ;g funs'k ns fd og mikUrj.k lfgr ;k mlds fcuk LFkk;h :Ik ls ;k ,slh dkykof/k ds fy, tks og mfpr le>s] izo`Rr jgsxk %

ijUrq ,sls vf/kdkjh ds bl /kkjk ds v/khu ikfjr fdlh Hkh vkns'k dks uxjikfydk dks mDr vkns'k ds fo#) gsrqd nf'kZr djus dk ;qfDr;qDr volj fn;s fcuk jkT; ljdkj }kjk iq"V] iqujhf{kr ;k mikUrfjr ugha fd;k tk;sxk A

313- vkikr dh n'kk esa vlk/kkj.k 'kfDr;ka-& ¼1½ vkikr dh n'kk esas ftyk

eftLVsªV fdlh ladeZ ds fu"iknu ;k fdlh dk;Z ds fd;s tkus ds fy, O;oLFkk dj ldsxk ftls fu"ikfnr djus ;k fd;s tkus ds fy, uxjikfydk l'kDr gks vkSj ftldk rqjUr fu"iknu ;k fd;k tkuk mldh jk; esa turk ds LokLF; ;k lqj{kk ds fy, vko';d gks rFkk og funs'k ns ldsxk fd ladeZ ds fu"iknu ;k dk;Z ds fd;s tkus ds O;; dk lank; mls fu"ikfnr ;k dk;Z ds fd;s tkus ds fy, fu;qDr O;fDr dks leqfpr ikfjJfed lfgr uxjikfydk }kjk rRdky fd;k tk;sxk A

¼2½ ;fn O;; rFkk ikfjJfed dk lank; ugha fd;k tkrk gS rks ftyk eftLVsªV fdlh ,sls O;fDr dks] ftldh vfHkj{kk esa ml le; uxjikfydk ds fufeRRk dksbZ /ku gks] funs'k nsrs gq, vkns'k ns ldsxk fd og ,sls /ku esa ls] tks mlds ikl gks ;k tks le;≤ ij mls izkIr gks ,sls O;; rFkk ikfjJfed dk lank; djs vkSj ,slk O;fDr ,sls vkns'k dk ikyu djus ds fy, vkc) gksxk A

¼3½ /kkjk 312 dh mi&/kkjk ¼2½ ds micU/k] tgka rd gks lds] bl /kkjk ds v/khu fd;s x;s fdlh vkns'k ij ykxw gksaxs A

314- vkikr le; esa uxjikfydk }kjk deZpkfj;ksa ds fy, ljdkj dh v/;is{kk dk vuqikyu-& ;q)] vdky] nqfHkZ{k] [krjukd jksx]

9 ¼310½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ck<+ ;k fdlh ,sls gh vkikr dh n'kk esa vkSj] esyksa ;k vU; voljksa dks] ftuesa dkQh la[;k esa yksx ,df=r gksrs gksa] O;oLFkk djus ds fy, uxjikfydk] jkT; ljdkj }kjk ;k v/;is{kk djus ds fy, lk/kkj.k ;k fo'ks"k vkns'k }kjk izkf/kd`r jkT; ljdkj ds fdlh vf/kdkjh }kjk] mlds fpfdRlk] tuLokLF;] LoPNrk] Vhdk] Ik'kq&fpfdRlk] fo|qr~] ty ladeZ ;k lkoZtfud fuekZ.k foHkkxksa esa in /kkj.k djus okys uxjikfydk ds fdlh Hkh vf/kdkjh ;k in/kkjh dh lsokvksa ds fy, ;k uxjikfydk }kjk fu;ksftr fdlh oS| ;k gdhe dh lsokvksa ds fy, dh x;h fdlh v/;is{kk dk] rqjUr vuqikyu djsxh vkSj v/;is{kk fd;s tkus ls lacaf/kr izHkkj ds ,sls vuqikr dh iwfrZ djsxh tks jkT; ljdkj uxjikfydk ij mfpr izHkkj ds :Ik esa fofuf'pr djsA

315- lkoZtfud ladeksZa ds fu"iknu ds fy, vfHkdj.k-& ¼1½ ,sls lkoZtfud ladeZ] ftuds fy, jkT; ljdkj dh jk; esa] fdlh va'k rd o`fRrd dq'kyrk visf{kr gks] tks uxjikfydk ds izca/kuk/khu u gks] jkT; ljdkj }kjk ;k ,sls vfHkdj.k }kjk tks jkT; ljdkj fufnZ"V djs] dk;kZfUor fd;s tk;saxsA

¼2½ uxjikfydk ds vU; leLr ladeZ bl fufeRr cuk;s x;s fu;eksa ds v/;/khu ,sls vfHkdj.k }kjk RkFkk ,sls Ik;Zos{k.k ds v/khu tks uxjikfydk mfpr le>s] fu"ikfnr fd;s tk;saxsA

¼3½ tc uxjikfydk ds fy, dksbZ ladeZ jkT; ljdkj }kjk ;k jkT; ljdkj ds vkns'kksa ds v/khu fdlh vU; vfHkdj.k }kjk fu"ikfnr fd;k tk;s rks ladeZ ij mixr O;;] Ik;Zos{k.k rFkk vkStkjksa vkSj la;=ksa ds fy, fd;s x;s izHkkjksa lfgr ,slh njksa ij tks jkT; ljdkj le;≤ ij fu;r djs] jkT; ljdkj ;k ,sls vU; vfHkdj.k dks lans; gksaxs] flok; ml n'kk ds tc fd mUgsa jkT; ljdkj }kjk vf/kR;Dr dj fn;k tk;sA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼311½

¼4½ ;fn mi&/kkjk ¼3½ ds v/khu jkT; ljdkj ;k vU; vfHkdj.k dks ns; jde dk ;qfDr;qDr le; ds Hkhrj lank; ugha fd;k tk;s rks jkT; ljdkj ml O;fDr dks] ftldh vfHkj{kk esa uxjikfyd fuf/k gks] ;g funs'k nsrs gq, vkns'k ns ldsxh fd og ,slh

fuf/k esa ls fdlh Hkh vU; izHkkj ij iwfoZdrk nsrs gq, mldk lank; dj ns rFkk ,slk O;fDr uxjikfydk dh tek fuf/k dh lhek rd ,sls vkns'k dk ikyu djus ds fy, vkc) gksxkA

316- jkT; ljdkj }kjk fu"ikfnr ladeksZa ds laca/k esa fo'ks"k micU/k- &¼1½ bl vf/kfu;e esa vUrfoZ"V fdlh ckr ds gksrs gq, Hkh jkT; ljdkj ds fy, fdlh Hkh le; uxjikfydk ls ijke'kZ djus ds Ik'pkr~ fuEufyf[kr dk;Z djuk fof/kiw.kZ gksxk&

¼d½ LFkk;h izd`fr ds fdlh ladeZ ;k ladeksZa dk] tks jkT; ljdkj dh jk; esa fuokfl;ksa ds] pkgs os fdlh uxjikfydk ds Hkhrj ds gksa ;k ckgj ds] LokLF; ;k lqj{kk ds fy, vko';d ;k okaNuh; gS ;k gSa(iw.kZr% ;k Hkkxr% fuekZ.k djuk(

¼[k½ fdlh ,sls ladeZ ds izcU/k rFkk vuqj{k.k ds dk;Z dks vius ikl ;k mls iw.kZr% ;k Hkkxr% uxjikfydk dks lkSai nsuk ;k uxjikfydk ls okil ysuk(

¼x½ fdlh ,sls ladeZ dh iwath ykxr rFkk mlds izcU/k rFkk vuqj{k.k dh ykxr] ml ij ,slh nj ls C;kt lfgr] tks jkT; ljdkj fu;r djs] uxjikfyd fuf/k ls ;k bl vf/kfu;e ds v/khu vf/kjksfir dj ;k djksa ds vkxeksa ls olwy djukA

¼2½ fdlh O;fDr dk] ftldh vfHkj{kk esa rRle;] uxjikfydk dh vksj ls dksbZ /ku gks] ;g drZO; gksxk fd og iwoZorhZ 9 ¼312½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ mi&/kkjk ds [k.M ¼x½ ds v/khu uxjikfydk }kjk lanRr dh tkus okyh jkT; ljdkj }kjk fufn"V lHkh jdeksa dk lank; ,sls /ku ls djs] tks mlds ikl gks ;k tks le;≤ ij mls izkIr gksA

317- uxjikfyd ekeyksa dh ljdkj }kjk tkap-& ¼1½ jkT; ljdkj vius }kjk bl fufeRr fu;qDr fdlh vf/kdkjh dks fdlh uxjikfydk ds uxjikfyd iz'kklu ls lacaf/kr fdUgha ekeyksa esa ;k ,sls fdUgha ekeyksa dh ftuds laca/k esa bl vf/kfu;e ds v/khu mldh eatwjh] vuqeksnu ;k lgefr visf{kr gS] tkap djus dk vkns'k ns ldsxhA

¼2½ ,slh tkap djus okys vf/kdkjh dks bl iz;kstukFkZ ogh 'kfDr;ka izkIr gksaxh tks fuEufyf[kr ekeyksa ds laca/k esa flfoy izfØ;k lafgrk] 1908 ¼1908 dk dsUnzh; vf/kfu;e la- 5½ ds v/khu fdlh U;k;ky; esa fufgr gSa%&

¼d½ izdVhdj.k rFkk fujh{k.k]

¼[k½ lkf{k;ksa dks gkftj djkuk rFkk muds O;;ksa dks tek djkus dh vis{kk djuk]

¼x½ nLrkostksa dks is'k fd;s tkus ds fy, ck/; djuk]

¼?k½ 'kiFk ij lkf{k;ksa dh ijh{kk djuk]

¼3½ LFkxu nsuk]

¼p½ 'kiFk i= ij fy, x;s lk{; dks xzg.k djuk] vkSj ¼N½ lkf{k;ksa dh ijh{kk ds fy, deh'ku tkjh djuk]

vkSj og Loizsj.kk ls fdlh ,sls O;fDr dks ftldh lk{; mldks rkfRod izrhr gks] leu dj ldsxk rFkk mldh ijh{kk dj ldsxk vkSj n.M izfØ;k lafgrk] 1973 ¼1974 dk dsUnzh; vf/kfu;e la- 2½ dh /kkjk 195 vkSj v/;k; 26 ds vFkkZUrxZr mls flfoy U;k;ky; le>k tk;sxkA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼313½ Li"Vhdj.k-& lkf{k;ksa dks gkftj djkus ds iz;kstukFkZ jkT; dh lhek,a gh ,sls vf/kdkjh dh vf/kdkfjrk dh lhek,a gksaxhA

¼3½ lk{; nsus ds fy, gkftj gksus okys fdlh O;fDr }kjk mixr ;qfDr;qDr O;; tkap djus okys vf/kdkjh }kjk ,sls O;fDr dks fnyok;s tk ldsaxs rFkk mls [kpsZ dk Hkkx le>k tk;sxkA

¼4½ [kpksZa dk lank; jkT; ljdkj ds foosd ij fuHkZj gksxk vkSj mldks ;g fu/kkZfjr djus dh fd ,sls [kpksZa dk lank; fdlds }kjk vkSj fdldks rFkk fdl lhek rd fd;k tkuk gS rFkk ,sls [kpksZa ij ,slh nj ls C;kt] tks ianzg izfr'kr izfro"kZ ls vf/kd u gks] vuqKkr djus dh iw.kZ 'kfDr gksxh vkSj ,sls [kpsZ rFkk C;kt Hkw&jktLo dh cdk;k ds :Ik esa olwyh; gksaxsA

318- deZpkjh oxZ ds fu;kstu esa viO;; dks jksdus dh ljdkj dh 'kfDr-& ¼1½ ;fn jkT; ljdkj dh jk; esa uxjikfydk }kjk vf/kdkfj;ksa ;k deZpkfj;ksa ds :Ik esa fu;ksftr ;k fu;kstu ds fy, izLrkfor O;fDr;ksa dh la[;k ;k mu O;fDr;ksa ;k fdlh O;fDr fo'ks"k ds fy, uxjikfydk }kjk fu;r fd;k x;k ikfjJfed vR;f/kd gks rks uxjikfydk jkT; ljdkj }kjk v/;is{kk fd;s tkus ij mDr O;fDr;ksa ;k O;fDr dk ikfjJfed de dj nsxhA

¼2½ jkT; ljdkj ds fy, bl ckr dh vis{kk djuk fof/kiw.kZ gksxk fd&

¼i½ eq[; uxjikfyd vf/kdkjh ds :Ik esa fu;qDr fdlh O;fDr esa uxjikfydk }kjk] bl vf/kfu;e }kjk mls iznRr 'kfDr;ksa ds vfrfjDr bl vf/kfu;e ds v/khu ;k rRle izo`Rr fdUgha fu;eksa ds v/khu fof/kiwoZd

9 ¼314½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ mls izR;k;ksftr dh tk ldus okyh leLr ;k dksbZ 'kfDr;ka fofufgr dh tk;asxh(

¼ii½ /kkjk 273 esa fufnZ"V leLr ;k muesa ls dksbZ 'kfDr fdlh ,slh uxjikfydk }kjk] pkgs ogka dksbZ eq[; uxjikfyd vf/kdkjh gks ;k ugha v/;{k] mik/;{k ;k ,sls fdlh lnL; dks] tks jkT; ljdkj mfpr le>s] izR;k;ksftr dj nh tk;sxhA

¼3½ mi&/kkjk ¼2½ ds [k.M ¼i½ ;k [k.M ¼ii½ ds v/khu fdlh uxjikfydk dks tkjh dh x;h fdlh v/;is{kk dk ,sls le; ds Hkhrj] tks jkT; ljdkj izR;sd ekeys esa bl fufeRr fofgr djs] vuqikyu fd;k tk;sxkA

¼4½ jkT; ljdkj dks fdlh uxjikfydk esa deZpkfj;ksa dh vko';drk fu/kkZfjr djus dh 'kfDr gksxh vkSj tgka mldk ;g lek/kku gks tk;s fd dfri; deZpkjh vf/kd gSa ogka uxjikfydkvksa ds deZpkfj;ksa ds fdlh Hkh oxZ dh lsok dks 'kkflr djus okys rRle; izo`Rr fu;eksa esa vUrZfo"V fdlh ckr ds gksus ij Hkh] og mUgsa vfr'ks"k ?kksf"kr dj ldsxh vkSj og jhfr] ftlls vfr'ks"k deZpkjh vU;

uxjikfydkvksa esa vkesfyr fd;s tk;saxs] fofgr dj ldsxhA

319- uxjikfydk }kjk drZO;ksa ds vuqikyu esa O;frØe djus ij vuqikyuk dh O;oLFkk djus dh ljdkj dh 'kfDr-& ¼1½ tc jkT; ljdkj dks f'kdk;r }kjk ;k vU;Fkk lwpuk feyrh gS fd fdlh uxjikfydk us bl vf/kfu;e ds }kjk ;k mlds v/khu ;k rRle; izo`Rr fdlh vf/kfu;fefr }kjk ;k mlds v/khu ml ij vf/kjksfir fdlh drZO; ds vuqikyu esa O;frØe fd;k gS] rks jkT; ljdkj lE;d~ tkap djus ds Ik'pkr~] ;fn mldk lek/kku gks tk;s fd uxjikfydk

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼315½ vfHkdfFkr O;frØe dh nks"kh gS] ml drZO; dk vuqikyu djkus ds fy, dkykof/k fu;r dj ldsxhA

¼2½ ;fn fu;r dkykof/k ds Hkhrj ml drZO; dk vuqikyu u fd;k tk;s rksjkT; ljdkj mldk vuqikyu djkus ds fy, fdlh O;fDr dks fu;qDr dj ldsxh vkSj ;g funs'k ns ldsxh fd mldk vuqikyu djkus ds fy, fu;qDr O;fDr dks ;qfDr;qDr ikfjJfed lfgr] mldk vuqikyu djus ds O;; dk lank; uxjikfydk }kjk rqjUr fd;k tk;sxkA

¼3½ ;fn O;; rFkk ikfjJfed dk bl izdkj lank; u fd;k tk;s] rks jkT; ljdkj ,sls fdlh O;fDr dks] ftldh vfHkj{kk esa rRle;] uxjikfydk dh vksj ls dksbZ /ku jkf'k;ka gksa] ,slh /ku jkf'k;ksa esa ls tks mlds ikl tek gksa ;k le;≤ ij mls izkIr gksa] ,sls O;; rFkk ikfjJfed dk lank; djus dk funs'k nsrs gq, vkns'k dj ldsxh vkSj ,slk O;fDr ,sls vkns'k dk ikyu djus ds fy, vkc) gksxkA 320- uxjikfydk dh LFkkiuk gksus rd mldh 'kfDr;kas dk iz;ksx-& tc u;h uxjikfydk dk l`tu fd;k tk;s] rks ,slk vf/kdkjh] lfefr ;k izkf/kdkjh ftls jkT; ljdkj }kjk bl fufeRr fu;qDr fd;k tk;s] bl vf/kfu;e ds micU/kksa ds vuqlkj uxjikfydk dh LFkkiuk gksus rd uxjikfydk dh 'kfDr;kas dk iz;ksx vkSj drZO;ksa rFkk d`R;ksa dk ikyu dj ldsxk vkSj ,sls vf/kdkjh] lfefr ;k izkf/kdkjh dks bl vf/kfu;e ds iz;kstuksa ds fy, uxjikfydk le>k tk;sxk %

ijUrq ges'kk ,slk vf/kdkjh] lfefr ;k izkf/kdkjh] uxjikfydk ds l`tu ds Ng ekl ds Hkhrj izFke fuokZpu djokus rFkk uxjikfydk dk xBu gks tkus ds Ik'pkr~ 'kh?kzrk ls mlds }kjk drZO; xzg.k fd;s tkus dh O;oLFkk djsxk%

9 ¼316½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ijUrq ;g vkSj fd ,slk vf/kdkjh] lfefr ;k izkf/kdkjh dksbZ u;k dj izLrkfor ;k vf/kjksfir djus vkSj mi&fof/k;ka cukus dk gdnkj ugha gksxkA

321- ml O;fDr dks ftldh vfHkj{kk esa uxjikfyd fuf/k gS ljdkjh ns;ksa dk lank; djus dk funs'k nsus dh ljdkj dh 'kfDr-& ;fn dksbZ uxjikfydk jkT; ljdkj dks ns; fdlh jde dk lank; djus esa O;frØe djs rks jkT; ljdkj uxjikfyd fuf/k dh vfHkj{kk j[kus okys O;fDr dks ,slh fuf/k esa ls fdlh vU; izHkkj ds lank; ij iwfoZdrk nsrs gq, mldk lank; djus dk funs'k nsrs gq, vkns'k dj ldsxh vkSj ,slk O;fDr uxjikfydk dh tek fuf/k dh lhek rd] ,sls vkns'k dk ikyu djus ds fy, vkc) gksxk A

322- {kerk u gksus ;k nks&frgkbZ ls de fuokZfpr lnL; gksus dh n'kk esa uxjikfydk dks fo?kfVr djus dh ljdkj dh 'kfDr-&¼1½ ;fn fdlh le; jkT; ljdkj dk ;g lek/kku gks tk;s fd dksbZ uxjikfydk bl vf/kfu;e ds }kjk ;k mlds v/khu ;k fdlh vU; fof/k }kjk ml ij vf/kjksfir drZO;ksa dk ikyu djus esa l{ke ugha gS ;k mudk ikyu djus esa ckjckj O;frØe djrh gS ;k viuh 'kfDr;ksa dk vfrØe.k ;k nq#Ik;ksx djrh gS rks jkT; ljdkj ,slk djus ds dkj.k crkrs gq, jkti= esa izdkf'kr vkns'k }kjk ?kks"k.kk

dj ldsxh fd ,slh uxjikfydk v{ke ;k O;frØeh gS] ;k] ;FkkfLFkfr] mlus viuh 'kfDr;ksa dk vfrØe.k ;k nq:Ik;ksx fd;k gS] vkSj fo?kVu ds vkns'k esa fofufnZ"V rkjh[k ls ,slh uxjikfydk dks fo?kfVr dj ldsxh%

ijUrq bl mi&/kkjk ds v/khu dksbZ Hkh dkjZokbZ rc rd ugha dh tk;sxh tc rd fd uxjikfydk dks vius v/;{k ds ek/;e ls Li"Vhdj.k izLrqr djus dk rFkk lqus tkus dk ;fn uxjikfydk ,slk pkgs rks] ;qfDr;qDr volj iznku u dj fn;k x;k gks%

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼317½ ijUrq ;g vkSj fd bl mi&/kkjk ds v/khu dksbZ vkns'k rc rd ikfjr ughsa fd;k tk;sxk&

¼i½ tc rd fd jkT; ljdkj us uxjikfydk ds fo#) vkjksiksa dks Li"Vr% ys[kc) djrs gq, fooj.k rS;kj u dj fy;k gks rFkk mls fofgRk jhfr ls tkap djus rFkk fu"d"kZ fudkyus ds fy, fofgr jhfr ls xfBr vf/kdj.k dks] ftlesa ,d v/;{k rFkk de ls de nks lnL; gksaxs] u Hkst fn;k gks] ;k

¼ii½ tc rd fd og ,sls fu"d"kksZa ds vuq:Ik u gksA

Li"Vhdj.k-&;fn fdlh Hkh dkj.k ls fdlh uxjikfydk esa fjfDr;ksa dh la[;k LFkkuksa dh dqy la[;k ds nks &frgkbZ ls vf/kd gks rks uxjikfydk dks ml ij bl vf/kfu;e ds }kjk ;k v/khu vf/kjksfir drZO;ksa dk ikyu djus ds fy, l{ke ugha le>k tk;sxkA

¼2½ jkT; ljdkj fdlh uxjikfydk dks fo?kfVr djsxh ;fn fdlh Hkh le; mlds fuokZfpr lnL; mlds dqy lnL;ksa ds nks frgkbZ ls de jg tk;saA

¼3½ tc fdlh uxjikfydk dks mi&/kkjk ¼1½ ;k bl vf/kfu;e ds fdlh Hkh vU; mica/k ds v/khu fo?kfVr dj fn;k tk;s rks mlds fuEufyf[kr ifj.kke gksaxs%&

¼d½ uxjikfydk ds v/;{k vkSj mik/;{k dks lfEefyr djrs gq, mlds lHkh lnL;] fo?kVu ds vkns'k esa fofufnZ"V rkjh[k dks vius & vius in fjDr dj nsaxs fdUrq blls iqufuZokZpu ;k iqufuZ;qfDr dh mudh ik=rk ij izfrdwy izHkko ugha iMs+xk (vkSj ¼[k½ fo?kVu dh dkykof/k ds nkSjku uxjikfydk dh lHkh 'kfDr;ksa dk iz;ksx vkSj drZO;ksa dk ikyu ,sls

9 ¼318½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

vf/kdkjh ds }kjk iz'kkld ds :i esa fd;k tk;sxk ftls jkT; ljdkj bl fufeRr fu;qDr djsA

¼4½ fdlh uxjikfydk dks xfBr djus ds fy, dksbZ fuokZpu mlds fo?kVu dh rkjh[k ls Ng ekl dh dkykof/k lekIr gksus ds iwoZ iwjk fd;k tk;sxk%

ijUrq tgka og 'ks"k dkykof/k ftl rd] fo?kfVr uxjikfydk cuh jgrh] Ng ekl ls de gks] ogka ,slh dkykof/k ds fy, uxjikfydk dks xfBr djus ds fy, bl mi&/kkjk ds v/khu dksbZ Hkh fuokZpu djkuk vko';d ughsa gksxkA

¼5½ viuh dk;Zdky dh lekfIr ds iwoZ uxjikfydk ds fo?kVu ij xfBr dksbZ uxjikfydk ml 'ks"k dkykof/k rd ds fy, gh cuh jgsxh ftlds fy, fo?kfVr uxjikfydk /kkjk 7 ds v/khu rc cuh jgrh ;fn og bl izdkj fo?kfVRk ugha dh x;h gksrhA

¼6½ bl /kkjk ds v/khu fd;s x;s fo?kVu dk dksbZ vkns'k mlds fd;s tkus ds Ik'pkr~ mlds dkj.kksa ds dFku ds lkFk jkT; fo/kku e.My ds lnu ds le{k] ;Fkk'kD; 'kh?kz j[kk tk;sxkA

323- uxjikfydk rFkk ,d ;k vf/kd LFkkuh; izkf/kdkfj;ksa ds chp fookn-& ¼1½ bl vf/kfu;e ;k fdlh vU; fof/k ds mica/kksa ds v/khu mn~Hkwr gksus okys fdlh ekeys ds laca/k esa ;fn uxjikfydk rFkk ,d ;k vf/kd vU; LFkkuh; izkf/kdkfj;ksa ds chp dksbZ fookn] ftlds fofu'p; ds fy, bl vf/kfu;e esa vU;Fkk micU/k ugha gS] fo|eku gks rFkk fookn dk lkSgknZiw.kZ :Ik ls le>kSrk ughsa gksrk gS rks&

¼d½ ;fn fookn mlh ftys dh fdlh vU; uxjikfydk ls ;k fdlh iapk;r ls gks rks dyDVj fookn dk laKku dj ldsxk vkSj Lo;a mldk fofu'p; dj ldsxk rFkk mldk fofu'p; vafre gksxk (vkSj

¼[k½ vU; lHkh ekeyksa esa ekeyk laHkkxh; vk;qDr dks fufnZ"V fd;k tk;sxk tks fookn dk laKku dj ldsxk vkSj mldk fofu'p; dj ldsxk rFkk laHkkxh; vk;qDr dk fofu'p; vafre gksxkA

¼2½ mi&/kkjk ¼1½ esa fufnZ"V fdlh fookn ds laca/k esa flfoy U;k;ky; }kjk dksbZ okn xzg.k ughsa fd;k tk;sxk A

324- uxjikfydk vkSj uxj lq/kkj U;kl] uxj fodkl izkf/kdj.k ;k fdlh vU; dkuwuh cksMZ ds chp fookn-& fdlh uxjikfydk vkSj fdlh Hkh uxj fodkl U;kl] uxj fodkl izkf/kdj.k] vkoklu cksMZ ;k fdlh Hkh vU; dkuwuh cksMZ ds chp {ks=h; vkSj d`R;dj.k lEcU/kh vf/kdkfjrk ls lEcfU/kr leLr fookn] ;fn lkSgknZiw.kZ <ax ls gy ugha gksrs rks mUgsa jkT; ljdkj dks fufnZ"V fd;k tk;sxk vkSj ,sls ekeys ij jkT; ljdkj dk fofu'p; vafre gksxkA 325- ljdkj dh uxjikfydkvksa dh mi&fof/k;ksa rFkk fu;eksa dks jn~n ;k mikUrfjr djus dh 'kfDr-& ¼1½ jkT; ljdkj fdlh Hkh le; jkti= esa vf/klwpuk }kjk fdlh Hkh uxjikfydk }kjk cuk;s x;s fdlh Hkh fu;e ;k mi&fof/k dks iw.kZr% ;k Hkkxr% fujflr ;k mikUrfjr dj ldsxh%

ijUrq bl mi&/kkjk ds v/khu dksbZ dkjZokbZ djus ls iwoZ jkT; ljdkj uxjikfydk dks os vk/kkj] ftu ij og ,slk djus dh izLFkkiuk djrh gS] lalwfpr djsxh] izLFkkiuk ds fo#) gsrqd&nf'kZr djus ds fy, uxjikfydk ds fy, ;qfDr;qDr dkykof/k fu;r djsxh rFkk uxjikfydk ds Li"Vhdj.k rFkk vkifRr;ksa] ;fn dksbZ gksa] ij fopkj djsxhA

¼2½ fdlh fu;e ;k mi&fof/k;ksa dk fujlu ;k mikUrj.k] ;fn vf/klwpuk esa dksbZ rkjh[k fofufnZ"V ugha dh x;h gks rks jkti= esa

 rkjh[k ls izHkkoh gksxk rFkk ,slh rkjh[k ls iwoZ dh x;h ;k yksfir ;k lgu dh x;h fdlh ckr dks izHkkfor ugha djsxhA 326- ljdkj }kjk 'kfDr;ksa dk izR;k;kstu-& ¼1½ jkT; ljdkj }kjk /kkjkvksa 3]6]7]67]94]102]103]107]111]142]297]318]322]325]337]339 vkSj 340 ;k bl /kkjk ds iz;ksDrO; 'kfDr;ksa ;k bl vf/kfu;e ds fdlh mica/k ds v/khu vihy izkf/kdkjh fu;qDr djus dh 'kfDr dks NksM+dj] bl vf/kfu;e ds v/khu dh viuh lHkh

;k fdUgha 'kfDr;ksa dks vius v/khuLFk fdlh vf/kdkjh dks izR;k;ksftr dj ldsxhA

¼2½ jkT; ljdkj ;g vkns'k Hkh dj ldsxh fd bl vf/kfu;e ds fdlh Hkh micU/k }kjk ;k mlds v/khu ;k mlds vuqlj.k esa fdlh dyDVj ;k jkT; ljdkj ds fdlh vU; vf/kdkjh dks iznRr lHkh ;k fdUgha 'kfDr;ksa dk iz;ksx fdlh fofufnZ"V dykof/k ds fy, ,sls fdlh vU; vf/kdkjh ;k izkf/kdkjh }kjk fd;k tk;sxk] ftls vkns'k esa ukfer fd;k tk;sA

327- vfHkys[k eaxokus dh 'kfDr-& ¼1½ jkT; ljdkj ;k jkT; ljdkj }kjk bl fufeRr izkf/kd`r dksbZ vf/kdkjh] fdlh uxjikfydk] mlds v/;{k] mik/;{k] fdlh lnL; ;k vf/kdkjh ds }kjk ;k mldh vksj ls bl vf/kfu;e ds v/khu ikfjr ;k ikfjr fd;k x;k rkRif;Zr fdlh vkns'k ;k ladYi dh 'kq)rk] oS/krk ;k vkSfpR; ds ckjs esa lek/kku djus ds iz;kstu ds fy, lqlaxr vfHkys[k eaxk ldsxk rFkk ,slk djrs le; funs'k ns ldsxk fd ,sls vfHkys[k dh ijh{kk gksus rd ,sls vkns'k ;k ladYi dks vkLFkfxr j[kk tk;sxk vkSj jkT; ljdkj }kjk ;k jkT; ljdkj }kjk bl fufeRr izkf/kd`r vf/kdkjh }kjk ,slh ijh{kk djus ;k mi&/kkjk ¼2½ ds v/khu vkns'k ikfjr gksus rd mlds ckjs esa vkxs dksbZ dkjZokbZ ugha dh tk;sxhA

<u>Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009</u> 9 ¼321½ ¼2½ jkT; ljdkj ;k ;Fkk iwoksZDr izkf/kd`r vf/kdkjh] vfHkys[k dh ijh{kk djus ij ,sls vkns'k ;k ladYi dks fo[kafMr dj ldsxk] myV ldsxk ;k mikUrfjr dj ldsxk vkSj jkT; ljdkj ;k ;FkkiwoksZDr vf/kdkjh dk vkns'k vafre vkSj uxjikfydk ij ck/;dkjh gksxkA

v/;k; 15

deZpkfjo`Un

328- jktLFkku uxjikfyd lsok dk l`tu-& ¼1½ bl vf/kfu;e ds izkjEHk ds i'pkr~] ;Fkk'kD; 'kh?kz] lEiw.kZ jkT; ds fy, jkT; ljdkj }kjk jktLFkku uxjikfyd lsok ds uke ls ,d lsok l`ftr rFkk xfBr dh tk;sxh] ftls blesa blds i'pkr~ lsok dgk x;k gSA

¼2½ lsok fofHkUu izoxksZa esa foHkkftr dh tk;sxh] izR;sd izoxZ dks fofHkUu Jsf.k;ksa esa mi&foHkkftr fd;k tk;sxk rFkk mlesa iz'kklfud rFkk rduhdh vf/kdkjh lekfo"V gksaxsA

329- uxjikfydkvksa dk oxhZdj.k-& ¼1½ lsok ds l`tu vkSj xBu ds iz;kstu ds fy, jkT; ljdkj le;≤ ij jkti= esa vf/klwpuk }kjk&

¼d½ jkT; dh uxjikfydkvksa dks mudh vk; ;k vU; dkjdksa tSls tula[;k ;k LFkkuh; {ks= ds egRo vkSj vU; ifjfLFkfr;ksa ds vuqlkj oxksZa esa foHkkftr dj ldsxh] vkSj

¼[k½ fdlh uxjikfydk dks ,d oxZ ls nwljs oxZ esas vUrfjr dj ldsxhA

¼2½ iwoksZDr iz;kstu ds fy, jkT; ljdkj ,slh gh vf/klwpuk }kjk mi&/kkjk ¼1½ ds [k.M ¼d½ ds v/khu izR;sd oxZ esa lfEefyr lHkh

9 ¼<u>322½ jktLFkku</u> jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ uxjikfydkvksa ds fy, lsok ds fofHkUu inukeksa okys fofHkUu inksa ds fy, ,d leku osrueku Hkh fofgr dj ldsxhA

330- lsok esa ds inksa ij HkrhZ-& ¼1½ lsok ds l`tu rFkk xBu ij mlesa ds

lHkh inksa ij fu;qfDr;ka /kkjk 337 ds v/khu ds fdUgha fu;eksa ds v/;/khu vkSj /kkjk 339 ds v/khu cuk;s x;s fu;eksa esa varfoZ"V fdlh ckr ds gksrs gq, Hkh /kkjk 332] 333 ;k] ;FkkfLFkfr] 335 ds mica/kksa ds vuqlkj gh dh tk;saxh%&

¼d½ lh/kh HkrhZ }kjk]

¼[k½ inksUufr }kjk]

¼x½ LFkkukUrj.k }kjk] ;k

¼?k½ vkiokfnd ekeys esa] tc uxjikfyd lsok esa ik= O;fDr miyC/k u gks] izfrfu;qfDr }kjkA

¼2½ jkT; ljdkj os fuca/ku vkSj 'krsZa vf/kdfFkr djsxh ftu ij jkT; lsok ls LFkkukUrj.k ;k izfrfu;qfDr }kjk fu;qfDr;ka dh tk;saxhA ¼3½ jkT; ljdkj ds vuqeksnu ls rFkk ,sls lkekU; ;k fo'ks"k funs'kksa ds vuq:Ik] tks og le;≤ ij tkjh djs] fdlh uxjikfydk ds fdlh vf/kdkjh ;k deZpkjh dks] tks lsok dk lnL; gks] fdlh vU; uxjikfydk dh lsok esa LFkkukUrfjr fd;k tk ldsxk A

¼4½ uxjikfydk ds fy, fuEufyf[kr fof/kiw.kZ ugha gksxk]&

¼d½ jkT; ljdkj dk iwoZ vuqeksnu izkIr fd;s fcuk jkT; ljdkj ds fdlh foHkkx ls izfrfu;qfDr ij fdlh vf/kdkjh ;k deZpkjh dks ysuk]

¼[k½ jkT; ljdkj ds vkns'kksa dks izkIr fd;s fcuk fdlh vf/kdkjh ;k deZpkjh dks ineqDr dj nsuk] ¼x½ fdlh vf/kdkjh ;k deZpkjh dks M~;wVh xzg.k djkus ls euk dj nsuk ;k vuqefr ugha nsuk] tc ,slk

deZpkjh jkT; ljdkj }kjk LFkkukUrfjr ;k izfrfu;qDr fd;k x;k gksA

331- vk;ksx ls ijke'kZ-& ¼1½ lsok ds laca/k esa jkT; yksd lsok vk;ksx ls] ftls blesa blds Ik'pkr~ vk;ksx dgk x;k gS] lafo/kku ds v/khu mlds vius d`R;ksa ds vfrfjDr] fuEu fo"k;ksa ij Hkh ijke'kZ yh tk;sxh]&

¼d½ lsok esa lh/kh HkrhZ }kjk fu;qfDr;ksa ls lacaf/kr lHkh ekeyksa ij] vkSj

¼[k½ lsok ds lnL;ksa dks izHkkfor djus okys lHkh vuq'kklfud ekeyksa ijA

¼2½ vk;ksx dk] mi&/kkjk ¼1½ ds v/khu mls fufnZ"V fdlh Hkh ekeys ij lykg nsus dk drZO; gksxkA

¼3½ vk;ksx dk ;g Hkh drZO; gksxk fd og lsok esa ;k fdlh Js.kh ;k mlds izoxZ esas fu;qfDr;kas ds fy, ijh{kk,a] ;fn vko';d gksa] lapkfyr djk;sA

¼4½ vk;ksx] lafo/kku ds vuqPNsn 320 ds [k.M ¼2½ ds v/khu izLrqr viuh fjiksVZ esa bl /kkjk ds v/khu lsok ds laca/k esa vk;ksx }kjk fd;s x;s dk;Z ds ckjs esa ,d fjiksVZ lfEefyr rFkk lekfo"V djsxk rFkk ,slh fjiksVZ ij mDr vuqPNsn ds mDr [k.M esa ;Fkkmicaf/kr jhfr ls fopkj fd;k tk;sxkA

332- jktLFkku uxjikfyd iz'kklfud lsok-& ¼1½ bl v/;k; ds iwoZorhZ mica/kksa rFkk /kkjk 337 ds v/khu cuk;s x;s fu;eksa ;k bl v/;k; ds fdlh vU;

mica/k ds v/;/khu jgrs gq,] jkT; ljdkj fuEufyf[kr vf/kdkfj;ksa dks fu;qDr djsxh &

¼i½ izR;sd uxj fuxe ds fy, ,d eq[; dk;Zikyd vf/kdkjh]

9 ¼324½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

¼ii½ izR;sd uxj fuxe vkSj uxj ifj"kn~ ds fy, ,slh la[;k esa vk;qDr] tks vo/kkfjr dh tk;s]

¼iii½ izR;sd uxjikfyd cksMZ ds fy, dk;Zikyd vf/kdkjh]

¼iv½ ,sls izR;sd uxj fuxe ;k uxj ifj"kn] tks vk;qDr ds vfrfjDr] lfpo fu;qDr djus dk ladYi djs] ds fy, ,d lfpo] vkSj

¼v½ fdlh Hkh uke vkSj inuke ls] dksbZ Hkh vU; iz'kklfud vf/kdkjh] tks vko';d le>k tk;sA ¼2½ /kkjk 333 ;k /kkjk 335 ds v/khu ;k bl vf/kfu;e ds fdUgha vU; mica/kksa ds v/khu fu;qDr lHkh vf/kdkjh rFkk deZpkjh fdlh uxj fuxe] ifj"kn~ vkSj uxjikfyd cksMZ esa ds Øe'k% eq[; uxjikfyd vf/kdkjh] vk;qDr vkSj dk;Zikyd vf/kdkjh ds v/khuLFk gksaxsA

¼3½ eq[; uxjikfyd vf/kdkjh] vk;qDr] ;k] ;FkkfLFkfr] dk;Zikyd vf/kdkjh bl vf/kfu;e }kjk ;k blds v/khu ml ij vf/kjksfir ;k mls izR;k;ksftr drZO;ksa ds vfrfjDr] uxj fuxe ;k uxj ifj"kn~ ;k uxjikfyd cksMZ ds egkikSj ;k lHkkifr ;k] ;FkkfLFkfr] v/;{k ds iw.kZ fu;a=.k ds v/;/khu jgrs gq,]&

¼d½ uxjikfydk ds foRrh; vkSj dk;Zikyd uxjikfyd iz'kklu ij fuxjkuh j[ksxk]

¼k½ uxjikfydk ds ys[kkvksa dh laijh{kk ds izØe esa mlds uksfVl esa yk;h x;h ;k laijh{kk&fjiksVZ esa bafxr dh x;h fdlh =qfV ;k vfu;ferk dks nwj djus ds fy, Rofjr mik; djsxk]

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼325½ ¼x½

uxjikfydk ds /ku ;k lEifRr ds izfr diV] xcu]pksjh ;k gkfu ds lHkh ekeyksa dh fjiksVZ djsxk]

¼?k½ fuxe ;k ifj"kn~ ;k cksMZ }kjk pkgh x;h dksbZ fooj.kh] fooj.k] ys[ks ;k fjiksVZ ;k mlds izHkkj esa dk dksbZ vU; nLrkost ;k mldh izfrfyfi izLrqr djsxk] vkSj

¼3½ fdlh cSBd esa fopkjk/khu fdlh ekeys ds laca/k esa Li"Vhdj.k nsxk fdUrq mlesa ^^ml** ij er ugha Mkysxk ;k ml ij dksbZ izfriknu ugha djsxkA

333- jktLFkku uxjikfyd rduhdh lsok-& ¼1½ ;FkkiwoksZDr ds v/;/khu] jkT; ljdkj ;fn og vko';d le>s rks bl vf/kfu;e ds v/khu ,sls fo'ks"k ;k rduhdh drZO;ksa ds] tks fofgr fd;s tk;sa] vuqikyu ds fy, LokLF; vf/kdkjh] uxjikfyd&vfHk;ark] tks lgk;d vfHk;ark ls uhps dh iafDr dk u gks] jktLo vf/kdkjh] fu/kkZjd] ofj"B ys[kk vf/kdkjh] ys[kk vf/kdkjh] lgk;d ys[kk vf/kdkjh]

eq[; vfXu'keu vf/kdkjh] vfXu'keu vf/kdkjh] fof/k vf/kdkjh ;k dksbZ vU; vf/kdkjh fu;qDr dj ldsxhA

¼2½ bl /kkjk ds v/khu fu;qDr vf/kdkfj;ksa ds chp dk;Z dk forj.k v/;{k ds vuqeksnu ls eq[; dk;Zikyd vf/kdkjh }kjk fd;k tk;sxkA

334- deZpkfjo`Un dh la[;k dk vo/kkj.k-& jkT; ljdkj }kjk tkjh fd;s x;s fdUgha lk/kkj.k ;k fo'ks"k funs'kksa ds v/;/khu] dksbZ uxjikfydk ladYi }kjk uxjikfydk ds fy, visf{kr lQkbZ fujh{kdksa]

9 ¼326½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ vU; fujh{kdksa] vkSj ys[kkdkjksa rFkk fyfidoxhZ; LFkkiu rFkk vU; deZpkfj;ksa dh la[;k vo/kkfjr dj ldsxhA

335- v/khuLFk vkSj fyfidoxhZ; LFkkiu rFkk vU; deZpkjhx.k& ¼1½ /kkjk 330 vkSj 331 ds mica/kksa ;k /kkjk 337 ds v/khu cuk;s x;s fdUghsa fu;eksa ds mica/kksa ;k jkT; ljdkj }kjk tkjh vU; funs'kksa ;k vf/kjksfir fucZU/kuksa ;k bl vf/kfu;e ds fdlh Hkh vU; mica/k ds v/;/khu jgrs gq, lQkbZ fujh{kd ;k vU; fujh{kd ;k v/khuLFk deZpkjh ;k ys[kkdkj ;k fyfidoxhZ; LFkkiu dk dksbZ lnL; uxjikfydk }kjk fu;qDr fd;k tk;sxkA

¼2½ /kkjk 337 ds v/khu fdUgha Hkh fu;eksa ;k bl vf/kfu;e ds fdlh Hkh vU; mica/k ds v/;/khu jgrs gq, vU; inksa ij fu;qfDr;ka] pkgs os LFkk;h gksa ;k vLFkk;h] v/;{k ds vuqeksnu ls eq[; uxjikfyd vf/kdkjh }kjk dh tk;saxhA

¼3½ bl /kkjk ds v/khu fu;qDRk ,sls deZpkfjo`Unksa dks eq[; uxjikfyd vf/kdkjh }kjk] lsok ls inP;qr ;k gVk;s tkus ds n.M ds flok; nf.Mr djuk fof/kiw.kZ gksxkA

¼4½ mi&/kkjk ¼1½ ;k mi&/kkjk ¼2½ ds v/khu fu;qDr fdlh O;fDr dks fu;qfDr izkf/kdkjh }kjk rRle; izpfyr fu;eksa ds vuqlkj inP;qr fd;k tk ldsxk] gVk;k tk ldsxk ;k vU;Fkk nf.Mr fd;k tk ldsxk] ,slh inP;qfr] gVk;k tkuk ;k n.M] fofgr le; lhek ds Hkhrj&Hkhrj fuEufyf[kr dks vihy ds vf/kdkj ds v/;/khu gksxk]&

¼i½ jkT; ljdkj dks] ;fn vkns'k ftlds fo#) vihy dh x;h gS] uxjikfydk }kjk ikfjr fd;k x;k gS] vkSj

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼327½ ¼ii½ uxjikfydk dks ;fn ,slk vkns'k eq[; uxjikfyd vf/kdkjh }kjk ikfjr fd;k x;k gSA

336- ,d uxjikfydk ls nwljh esa LFkkukUrj.k-& ¼1½ uxjikfydk ds ,sls fdlh Hkh vf/kdkjh ;k deZpkjh dks] tks fdlh v/khuLFk lsok] fyfidoxhZ; lsok ;k prqFkZ Js.kh lsok dk lnL; gks] jkT; ljdkj }kjk] ,d uxjikfydk dh lsok ls nwljh uxjikfydk dh lsok esa LFkkukUrfjr fd;k tk ldsxkA

¼2½ uxjikfydk ds fdlh Hkh vf/kdkjh ;k deZpkjh dks] jkT; ljdkj }kjk t;iqj fodkl izkf/kdj.k ;k tks/kiqj fodkl izkf/kdj.k ;k jktLFkku vkoklu cksMZ ;k fdlh Hkh uxj lq/kkj U;kl ;k fdlh Hkh vU; LFkkuh; fudk; esa ,sls in ij LFkkukUrfjr fd;k tk ldsxk] ftldk osrueku LFkkukUrfjr fd;s tkus okys vf/kdkjh ;k deZpkjh ds osrueku ls fuEurj u gks%

ijUrq bl izdkj LFkkukUrfjr vf/kdkjh ;k deZpkjh dk /kkj.kkf/kdkj isSr`d uxjikfydk esa cuk jgsxk vkSj tc dHkh ml uxjikfydk esa mlds laoxZ eas mPprj in ij inksUufr ds fy, fopkj fd;k tk;s rks ml ij vkxs dh inksUufr ds fy, fopkj fd;k tk;sxkA

v/;k; 16

fu;e] fofu;e vkSj mi&fof/k;ka

337- jkT; ljdkj dh fu;e cukus rFkk vkns'k ikfjr djus dh 'kfDr-& ¼1½ jkT; ljdkj lkekU;r% bl vf/kfu;e ds mica/kkas dks fØ;kfUor djus ds fy, fu;e cuk ldsxh ;k vkns'k dj ldsxh vkSj fdlh ,slh dk;Zokgh ds fy, iz:Ik fofgr dj ldsxh ftlds fy, og le>s fd iz:i micaf/kr fd;k tkuk pkfg,A

9 ¼328½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

¼2½ fof'k"Vr;k] vkSj iwoZxkeh 'kfDr dh O;kidrk ij izfrdwy

izHkko Mkys fcuk] jkT; ljdkj fuEufyf[kr fo"k;ksa ij fu;e cuk;sxh%&

¼i½ bl vf/kfu;e }kjk] fofgr fd;s tkus ds fy,] vfHkO;Drr% vuqKkr lHkh ekeyksa ds laca/k esa(

¼ii½ vuqlwfpr tkfr;ksa] vuqlwfpr tutkfr;ksa] fiNMs+ oxksZa ds lnL;ksa ;k efgykvksa ds fy, vkjf{kr LFkkuksa ds vkcaVu dh jhfr fofgr djus ds fy,(

¼iii½ fuokZpd ukekofy;ksa dh rS;kjh] iqujh{k.k] mikarj.k] v|ru djus vkSj izdk'ku ls lacaf/kr lHkh ekeyksa ds laca/k esa(

¼iv½ os fof'kf"V;ka] tks ,d ls vf/kd LFkkuksa ij fuokZpu ls vH;fFkZrk ds izR;kgj.k ds fy, fn;s x;s uksfVl esa vUrfoZ"V gksaxh] fofgr djus ds fy,(

¼v½ og jhfr] ftlls fuokZpu esa er fn;s tk;saxs vkSj og jhfr ftlls ernku e'khuksa ls er fn;s tk;saxs vkSj vfHkfyf[kr fd;s tk;saxs] fofgr djus ds fy,(

¼vi½ fuokZpu ;kfpdk dks izLrqr djus] fuokZpu ;kfpdk dk fuiVkjk djus esa ftyk U;k;k/kh'k }kjk vuqlj.k dh tkus okyh izfØ;k vkSj iz;ksx dh tkus okyh 'kfDr;ksa ls lacaf/kr lHkh ekeyksa ds laca/k esa(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼329½

¼vii½ og iz:i] ftlesa fdlh lnL; }kjk viuk inxzg.k djus ls iwoZ 'kiFk ;k izfrKku fd;k tk;sxk] fofgr djus ds fy, (

¼viii½ og jhfr fofgr djus ds fy, ftlesa dksbZ U;kf;d vf/kdkjh fdlh lnL; ds fo#) vkjksi dh tkap djsxk vkSj /kkjk 39 dh mi&/kkjk ¼5½ ds [k.M ¼d½ ls ¼x½ esa fofufnZ"V ekeyksa ls fHkUu os ekeys fofgr djus ds fy, ftuds laca/k esa U;kf;d vf/kdkjh dks mijksDr vkjksiksa dh tkap djrs le; fdlh flfoy U;k;ky; dh 'kfDr gksxh(

¼ix½ v/;{k vkSj mik/;{k ds fuokZpu dh jhfr vkSj v/;{kksa ds inksa dks vkjf{kr djus dh jhfr fofgr djus ds fy, vkSj ,sls ekfld HkRrs vkSj lqfo/kk,a] tks v/;{k dks uxjikfyd fuf/k esa ls vuqKkr dh tk ldsaxh] fofgr djus ds fy,(

¼x½ /kkjk 48 dh mi&/kkjk ¼1½ ds [k.M ¼d½ ls ¼?k½ esa fofufnZ"V ls fHkUu dk;Zikyd d`R; fofgr djus ds fy,(

¼xi½ eq[; uxjikfyd vf/kdkjh dh 'kfDr;ka fofgr djus ds fy,(

¼xii½ og jhfr fofgr djus ds fy, ftlesa fdlh v/;{k ;k fdlh mik/;{k ds in dk izHkkj lkSaik tk;sxk(

9 ¼330½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

¼xiii½ uxjikfydk dh cSBd ds dkjckj ds lapkyu ds fy, izfØ;k fofgr djus ds fy,(

¼xiv½ fdlh lnL; }kjk v/;{k ls iz'u iwNus vkSj uxjikfydk ds iz'kklu ls lalDr ekeyksa ij ladYi izLrqr djus dh jhfr fofgr djus ds fy,(

¼xv½ v/;{k ;k mik/;{k esa vfo'okl vfHkO;Dr djus dk izLrko djus vkSj ml ij fopkj djus dh

jhfr fofgr djus ds fy,(

¼xvi½ /kkjk 55 ds v/khu xfBr lfefr;ksa dh 'kfDr;ksa] drZO;ksa vkSj d`R;ksa vkSj cSBdksa ds lapkyu dh izfØ;k fofgr djus ds fy,(

¼xvii½ os fucZU/ku] lhek,a vkSj 'krsZa fofgr djus ds fy, ftuds v/;/khu jgrs gq,] ,slh 'kfDr;ka] drZO; ;k dk;Zikyd d`R;] ftudk uxjikfydk }kjk ;k mldh vksj ls iz;ksx] fuoZgu ;k ikyu fd;k tk;sxk] lfefr;ksa dks izR;k;ksftr fd;s tk ldsaxs] vkSj fdlh lnL; dks v/;{k dh 'kfDr;ka] drZO; vkSj d`R; dks izR;k;ksftr djus ds fy, uxjikfydk dh cSBd cqykus dh jhfr fofgr djus ds fy,(

¼xviii½ os fuca/ku vkSj 'krsZa ftu ij vkSj os izHkkj ;k izheh;e] ftuds lank; ds v/;/khu jktLFkku Hkw&jktLo vf/kfu;e] 1956 dh /kkjk 90&[k ds v/khu uxjikfydk ds fu;a=.k ds v/khu j[kh

gqbZ le>h x;h Hkwfe uxjikfydk }kjk vkcafVr ;k fu;fer dh tk ldsxh] fofgr djus ds fy,(

¼xix½ LFkkoj lEifRr vkSj Hkwfe ds foØ; ;k O;;u dks fu;fer djus ds fy,(

¼xx½ uxjikfydk lhekvksa esa fLFkr uxjh; Hkwfe ds vfHkys[kksa dks rS;kj djus vkSj muds j[k&j[kko gsrq jhfr fofgr djus ds fy,(

¼xxi½ /kkjk 79 dh mi&/kkjk ¼2½ esa fofufnZ"V ls fHkUu ys[kk 'kh"kZ fofgr djus ds fy, vkSj og jhfr vkSj iz:i fofgr djus ds fy, ftlesa ys[kk j[ks tk;saxs(

¼xxii½ og jhfr fofgr djus ds fy, ftlesa uxjikfyd fuf/k ls lank; fd;s tk;saxs(

¼xxiii½ ctV izkDdyuksa dks rS;kj djus] izLrqr djus] vaxhdkj djus] ys[kk vkSj rqyui= bR;kfn dks

rS;kj djus vkSj muds j[k&j[kko ls lacaf/kr leLr ekeyksa ds laca/k esa] ,d 'kh"kZ ls nwljs 'kh"kZ esa vf/k'ks"k /ku ds vUrj.k ds fy,(

¼xxiv½ /kkjk 102 ds v/khu djksa ds vf/kjksi.k vkSj mn~xzg.k dh nj] rkjh[k vkSj jhfr fofgr djus ds fy,(

¼xxv½ og jhfr fofgr djus ds fy, ftlesa uxjikfydk ds fnol&izfrfnol ds ys[kkvksa dh vkarfjd laijh{kk dh tk ldsxh(

9 ¼332½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

¼xxvi½ og iz:i] ftlesa fu/kkZjd dh v/;is{kk ij Lokeh ;k vf/kHkksxh }kjk fooj.kh nh tk;sxh] fofgr djus ds fy,(

¼xxvii½ O;frØeh dh laifRr dh dqdhZ vkSj foØ; ds fy, okj.V dk iz:i fofgr djus ds fy, vkSj og jhfr fofgr djus ds fy, ftlesa dqdZ dh x;h laifRr dk foØ; fd;k tk ldsxk(

¼xxviii½ og jhfr fofgr djus ds fy, ftlesa uxjikfydk dks dksbZ m/kkj eatwj djus ;k mlds }kjk fy, x;s m/kkj gsrq izR;kHkwfr nsus ds iz;kstu ds fy, uxjikfydk dh izfrlank; {kerk vfHkfuf'pr dh tk;sxh(

¼xxix½ bl vf/kfu;e ds iz;kstu ds fy, izkbosV lsDVj lgHkkfxrk ds djkjksa ds izdkj fofgr djus ds fy,(

¼xxx½ uxj fodkl ;kstuk esa lfEefyr fd;s tkus okys v/;k;] lkexzh vkSj Ldheksa dks fofgr djus ds fy,(

¼xxxi½ og jhfr fofgr djus ds fy, ftlesa egkuxj ;kstuk ds fy, lfefr ds fuokZfpr lnL; pqus tk;saxs(

¼xxxii½ og lhek fofgr djus ds fy, tgka rd fdlh Hkh Ldhe esa fu%'kDr] fodykax vkSj ekufld :i ls detksj O;fDr;ksa vkSj vlgk; cqtqxZ O;fDr;ksa

lfgr vuqlwfpr tkfr] vuqlwfpr tutkfr]

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼333½

fiNM+s oxksZa vkSj lekt ds detksj rcds ds lnL;ksa ds fy, vkokl LFkku miyC/k djokus ds iz;kstu ds fy, Hkwfe vkjf{kr dh tk ldsxh(¼xxxiii½ fofHkUu yksd lqfo/kkvksa ds fy, yksd vkSj futh

ekxksZa dh v/kkse`nk esa jkLrs ds fofufnZ"V vf/kdkjksa dh eatwjh fu;fer djus ds fy,(

¼xxxiv½ Hkwfe ds mi;ksx ds ifjorZu ds fy, laifjorZu izHkkjksa dh njsa fofgr djus ds fy, vkSj og jhfr fofgr djus ds fy, ftlesa Hkwfe ds mi;ksx ds ifjorZu ds laca/k esa vk{ksi vkeaf=r vkSj lqus tk;saxs(

¼xxxv½ og jhfr vkSj le; fofgr djus ds fy,] ftlesa ljdkj ;k ljdkj ds LokfeRok/khu ;k mlds }kjk fu;af=r dkuwuh fudk; ;k daiuh ;k laLFkk ds LokfeRok/khu ;k vf/kHkqDr Hkouksa esa ty laxzg.k lajpuk miyC/k djk;h tk;sxh(

¼xxxvi½ os lhek,a] fucZU/ku vkSj 'krsZa fofgr djus ds fy, ftuds v/;/khu jgrs gq,] uxjikfydk [krjukd jksxksa ds fuokj.k ds laca/k esa 'kfDr;ksa dk iz;ksx dj ldsxh(

¼xxxvii½ os lhek,a] fucZU/ku vkSj 'krsZa fofgr djus ds fy, ftuds v/;/khu jgrs gq,] uxjikfydk mldks /kkjk 274 ds v/khu mls iznRr 'kfDr;ksa dk iz;ksx dj ldsxh(

¼xxxviii½ jkT; uxjikfydk la?k ds d`R; fofgr djus ds fy,(

¼xxxix½ tkap vkSj fu"d"kksaZ ds fy, vf/kdj.k dks uxjikfydk ds fo#) vkjksiksa dk fooj.k Hkstus dh jhfr fofgr djus ds fy,(vkSj vf/kdj.k ds xBu dh jhfr fofgr djus ds fy,(

¼xl½ ,sls fo'ks"k ;k rduhdh drZO;] ftudk jktLFkku uxjikfyd rduhdh lsok esa fu;qDr vf/kdkfj;ksa }kjk ikyu fd;k tk;sxk] fofgr djus ds fy,(vkSj

¼xli½ jktLFkku uxjikfydk lsok ds laca/k esa lsok ds fuca/ku vkSj 'krsZa fofgr djus ds fy,A

¼3½ dksbZ fu;e] lHkh uxjikfydkvksa ds fy, ;k mu lHkh uxjikfydkvksa ds fy, tks blds izorZu ls vfHkO;Dr :i ls NwV izkIr u gksa] lkekU; gks ldsxk vFkok fdlh ,d ;k vf/kd uxjikfydkvksa ds iw.kZ ;k fdlh Hkkx ds fy, fo'ks"k gks ldsxk] tSlk jkT; ljdkj funs'k nsA

¼4½ /kkjkvksa 339 vkSj 340 esa vUrfoZ"V fdlh ckr ds gksus ij Hkh] ;fn uxjikfydk fofgr fd;s x;s vuqlkj fdUgha fu;eksa ;k mi&fof/k;ksa dks cukus esa foQy jgrh gS vkSj jkT; ljdkj bl vf/kfu;e ds mica/kksa dks izHkkoh djus ds iz;kstuksa ds fy, bls vko';d le>rh gS] rks og /kkjkvksa 339 vkSj 340 esa izxf.kr ekeyksa ds fy, Hkh fu;e vkSj mi&fof/k;ka cuk ldsxhA

¼5½ bl /kkjk ds v/khu jkT; ljdkj }kjk cuk;s x;s lHkh fu;e vkSj vkns'k

jkti= esa buds izdk'ku dh rkjh[k dks ;k ls izHkkoh gksaxsA

334

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼335½

¼6½ bl vf/kfu;e ds v/khu cuk;s x;s leLr fu;e] muds bl izdkj cuk;s tkus ds i'pkr~] ;Fkk'kD; 'kh?kz] jkT; fo/kku&e.My ds lnu ds le{k] tc og l= esa gks] pkSng fnol ls vU;wu dh ,slh dkykof/k ds fy,] tks ,d l= esa ;k nks mRrjksRrj l=ksa esa lekfo"V gks ldsxh] j[ks tk;saxs vkSj ;fn] ml l= dh] ftlesa os bl izdkj j[ks x;s gSa ;k Bhd vxys l= dh] lekfIr ds iwoZ jkT; fo/kku&e.My dk lnu ,sls fdUgha fu;eksa esa dksbZ Hkh mikUrj.k djrk gS ;k ;g ladYi djrk gS fd ,sls dksbZ fu;e ugha cuk, tkus pkfg,a rks rRi'pkr~ ,sls fu;e dsoy ,sls mikUrfjr :i esa izHkkoh gksaxs ;k] ;FkkfLFkfr] mudk dksbZ izHkko ugha gksxk] rFkkfi] ,slk dksbZ Hkh mikUrj.k ;k ckfrydj.k] muds v/khu iwoZ esas dh x;h fdlh ckr dh fof/kekU;rk ij dksbZ izfrdwy izHkko ugha MkysxkA

338- jkT; ljdkj dh fofu;e cukus dh 'kfDr-& ¼1½ /kkjk 337 vFkok bl vf/kfu;e ds fdlh vU; mica/k esa ;k rRle; izo`Rr fdlh vU; fof/k esa vUrfoZ"V fdlh ckr ds gksrs gq, Hkh] jkT; ljdkj] ekuo LokLF; ds ifjj{k.k] ;k yksd LFkkuksa vkSj ekxksZa esa turk dh lqj{kk vFkok lqfo/kk ;k fjD'kk [khapus&okyksas dh csgrjh ds iz;kstu ds fy, ekxksZa vkSj yksd LFkkuksa esa fjD'ks pykus] muds [khaps tkus ds mi;ksx dks ¼'kuS% 'kuS% mls mRlkfnr djus dh n`f"V ls½ fofu;fer vFkok izfrf"k) djus ds fy, vkSj fjD'kk [khapus okyksa ds dke ds ?k.Vksa dks fofu;fer djus ds fy, fofu;e }kjk mica/k dj ldsxhA

¼2½ fof'k"Vr;k] vkSj iwoZxkeh 'kfDr dh O;kidrk ij izfrdwy izHkko Mkys fcuk] ,sls fofu;e }kjk&

¼d½ og rkjh[k fofgr dh tk ldsxh ftldks vkSj ftlds i'pkr~ ekxksaZ vkSj yksd LFkkuksa esa fjD'ks ugha pyk;s

9 ¼336½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

tk;saxs] ugha [khaps tk;saxs vFkok mi;ksx esa ugha yk;s tk;saxs(

¼[k½ ;g micaf/kr fd;k tk ldsxk fd fjD'kksa vkSj fjD'kk [khapus okyksa dks u;h vuqKfIr;k¡ ugha nh tk;saxh(¼x½ fjD'kksa dh vkSj fjD'kk [khapus okyksa dh vuqKfIr;kas dh bl 'krZ ds v/;/khu eatwjh vkSj uohdj.k ds fy, mica/k fd;k tk ldsxk fd fdlh fjD'ks dh vuqKfIr dsoy [khapus okys ds uke esa gh eatwj ;k uohd`r dh tk;sxh(

¼?k½ fdlh Hkh {ks= esa izpkfyr ;k fudV Hkfo"; esa laHkor% izpkfyr gksus okys fjD'kksa dh ;k fdlh vU; oxZ ds yksd okguksa dh Ik;kZIrrk dks] vFkok ml {ks= esa ;krk;kr ifjfLFkfr;ksa dks ns[krs gq, fjD'ks [khapus okyksa dh lqj{kk ;k lqfo/kk dks /;ku esa j[kdj ml {ks= esa fjD'kksa dh la[;k] ftlds fy, vuqKfIr;ka eatwj ;k uohd`r dh tk ldsaxh] le;≤ ij lhfer djus ds fy, fdlh Hkh vf/kdkjh ;k izkf/kdkjh dks izkf/kd`r djus ds fy, mica/k fd;k tk ldsxk(

¼3½ fdlh fjD'ks dks pyk ldus dh ,slh vf/kdre pkyu&dkykof/k] ftldh

lekfIr ds i'pkr~ og pyk;s tkus ds fy, vuqKkr ugha gksxk] fofgr dh tk ldsxh(

¼p½ og jhfr ftlls fjD'kk vFkok fjD'kk [khapus okyksa dh la[;k 'kuS% 'kuS% de dh tk lds vkSj os fl)kar]

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼337½ tks ,slh deh djus ds fy, vuqlj.kh; gks] fofgr fd;s tk ldsaxs]

¼N½ fjD'kksa dh vkSj fjD'kk [khapus okyksa dh vuqKfIr dh eatwjh vkSj mlds uohdj.k ds fuca/ku fofgr fd;s tk ldsaxs(

¼t½ bl /kkjk ds v/khu eatwj ;k uohd`r dh tkus okyh vuqKfIr;ksa ds fy, lans; Qhl fofgr dh tk ldsxh (

¼>½ fjD'kksa dk vkdkj vkSj fMtkbu rFkk vuqKfIr;ksa dh eatwjh vFkok uohdj.k dh 'krsZa fofgr dh tk ldsaxh (

¼¥½ fjD'ks [khapus okyksa ds fy, vuqKs; vk;q&lhekvksa ds izfr fo'ks"k funsZ'k ds lkFk mudh 'kkjhfjd leFkZrk dk Lrj fofgr fd;k tk ldsxk(

¼V½ fjD'ks [khapus okyksa }kjk fpfdRlh; ijh{kk ds fy, lanRr dh tkus okyh Qhl fofgr dh tk ldsxh(¼B½ og dk;kZy; vFkok izkf/kdkjh] ftldks vkSj og ekeyk ftlds ckjs esa vihysa gks ldsaxh] fofgr fd;s tk ldasxs(

¼M½ fjD'kksa ds folaØe.k ds fy, mica/k fd;k tk ldsxk(¼<½ fjD'ks ds Lokeh vFkok fjD'kk [khapus ;k pykus okys O;fDr }kjk fdlh Hkh fu;e ds vfrØe.k ds fy, 'kkfLr;k¡ fofgr dh tk ldasxh(

¼.k½ lokfj;ksa dh vf/kdre la[;k vFkok Hkkj ;k nksuksa dks] ftUgsa fjD'ks esa fdlh ,d ckj esa ys tk;k tk ldsxk] fofgr fd;k tk ldsxk(

9 ¼338½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼r½ fdUgha Hkh fofu;eksa ds mYya?ku ds fy, vijk/k dks rFkk ml eftLVªsV ds oxZ dks] ftlds }kjk fofu;eksa ds fo#) vijk/k dk laKku fy;k tk;sxk] fofufnZ"V fd;k tk ldsxk(vkSj

¼Fk½ fdlh ,sls fjD'ks] ftlds laca/k esa bl vf/kfu;e ds v/khu vijk/k fd;k x;k gS ;k fd;k tk jgk gS] ds vfHkxzg.k lfgr vuqiwjd rFkk vkuq"kafxd mica/k fofgr fd;s tk ldsaxsA

¼3½ bl /kkjk ds v/khu fofu;e cukus dh 'kfDr] muds iwoZ izdk'ku ds i'pkr~ cuk;s tkus dh 'krZ ds v/;/khu gSA

Li"Vhdj.k-& I. bl /kkjk ds iz;kstu ds fy,] fjD'kk ls lk/kkj.kr% bl uke ls tkuk tkus okyk dksbZ lkbfdy&fjD'kk] ;k dksbZ ifg;snkj xkM+h vfHkizsr gS tks fdlh lkbfdy esa fQDl dh gqbZ gks ;k yxh gqbZ gks rFkk tks ekuo cy ls pyk;h ;k [khaph tkrh gks vkSj tks lokfj;ksa rFkk eky ds fy, okgu ds :i esa mi;ksx esa yk;h tkrh gks rFkk blds vUrxZr lkbZfdy fjD'kk xkM+h vkrh gS fdUrq fuEufyf[kr blds vUrxZr ugha vkrs gSa&

¼d½ dksbZ cPpk xkM+h]

¼[k½ fdlh v'kDr O;fDr dks ys tkus ds fy, mi;ksx esa yk;h tkus okyh ifg;snkj xkM+h]

vkSj

¼x½ eky ys tkus ds fy, mi;ksx esa yk;h tkus okyh ifg;snkj xkfM+;ksa ds ,sls oxZ] tks fofgr fd;s tk;saA

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼339½ Li"Vhdj.k-& II. mi&/kkjk ¼2½ ds [k.M ¼x½ ds iz;kstu ds fy, vfHkO;fDr ^^[khapus okyk^^ ls] ,slk dksbZ O;fDr vfHkizsr gS tks viuh thfodk eq[;r% oS;fDrd :i ls fjD'kk pykdj mikftZr djrk gksA

¼4½ bl vf/kfu;e ds v/khu cuk;s x;s leLr fofu;e] muds bl izdkj cuk;s tkus ds i'pkr~] ;Fkk'kD; 'kh?kz] jkT; fo/kku&e.My ds lnu ds le{k] tc og l= esa gks] pkSng fnol ls vU;wu dh ,slh dkykof/k ds fy,] tks ,d l= esa ;k nks mRrjksRrj l=ksa esa lekfo"V gks ldsxh] j[ks tk;saxs vkSj ;fn] ml l= dh] ftlesa os bl izdkj j[ks x;s gSa ;k Bhd vxys l= dh] lekfIr ds iwoZ jkT; fo/kku&e.My dk lnu ,sls fdUgha fofu;eksa esa dksbZ Hkh mikUrj.k djrk gS ;k ;g ladYi djrk gS fd ,sls dksbZ fofu;e ugha cuk;s tkus pkfg,a rks rRi'pkr~ ,sls fofu;e dsoy ,sls mikUrfjr :i esa izHkkoh gksaxs ;k] ;FkkfLFkfr] mudk dksbZ izHkko ugha gksxk] rFkkfi] ,slk dksbZ Hkh mikUrj.k ;k ckfrydj.k muds v/khu iwoZ esas dh x;h fdlh ckr dh fof/kekU;rk ij dksbZ izfrdwy izHkko ughsa MkysxkA

339- uxjikfydk dh fu;e cukus dh 'kfDr-&izR;sd uxjikfydk fuEufyf[kr ds fOk"k; esa ,sls fu;e cuk;sxh tks bl vf/kfu;e ;k /kkjk 337 ds v/khu jkT; ljdkj }kjk cuk;s x;s fu;ekas ls vlaxr u gksa]&

¼d½ /kkjk 103 ds v/khu djksa ds vf/kjksi.k] mn~xzg.k] fu/kkZj.k vkSj laxzg.k ls lEcfU/kr lHkh ekeyksa ds ckjs esa(

¼[k½ /kkjk 105 ds v/khu Qhlksa vkSj tqekZuksa ds vf/kjksi.k] mn~xzg.k vkSj laxzg.k ls lEcfU/kr lHkh ekeyksa ds ckjs esa(

9 ¼340½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼x½ lHkh izdkj ds Hkouksa dk lafuekZ.k fofu;fer djus ds fy,(

¼?k½ Bksl vkSj tSo&fpfdRlk vif'k"V ds izca/k ls lacaf/kr lHkh ekeys fofgr djus ds fy,(

¼3½ uxjikfydk }kjk fu;ksftr vf/kdkfj;ksa vkSj deZpkfj;ksa ds LVkQ vkSj ,sls vf/kdkfj;ksas vkSj deZpkfj;ksa ds vius&vius inukeksa] drZO;ksa] osruksa] Qhlksa ;k vU; HkRrksa dks vo/kkfjr djus ds ckjs esa(

¼p½ lkekU; rkSj ij uxjikfyd iz'kklu ls lacaf/kr leLr ekeykas esa mlds vf/kdkfj;ksa vkSj deZpkfj;ksa ds ekxZn'kZu ds fy,(

¼N½ fdlh Hkh vf/kdkjh ;k deZpkjh }kjk nh tkus okyh ,slh izfrHkwfr] ftl izfrHkwfr dh mlls vis{kk djuk lehphu le>k tk;s] dh jde vkSj mldk Lo:i fu;r djus ds fy,(

¼t½ fdlh Hkh vf/kdkjh ;k deZpkjh dks fu;qDr] LFkkukUrfjr] nf.Mr ;k inP;qr djus ds <ax vkSj 'krsZa vo/kkfjr djus vkSj fu;eksa esa inkfHkfgr vf/kdkfj;ksa dks fdlh Hkh vf/kdkjh ;k deZpkjh dks fu;qDr] LFkkukUrfjr] tqekZuk djus] vour djus] fuyafcr ;k inP;qr djus dh 'kfDr;ka izR;k;ksftr djus ds fy,(

¼>½ vf/kdkfj;ksa ;k deZpkfj;ksa dh NqV~Vh dh eatwjh dks fofu;fer djus vkSj tc os NqV~Vh ij gksa rks muds LFkku ij dk;Z djus ds fy, fu;qDr

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼341½

O;fDRk] ;fn dksbZ gks] dks lanRr fd;k tkus okyk ikfjJfed fu;r djus ds fy,(vkSj

¼¥½ ,slh njksa ij vkSj ,slh 'krksZa ds v/;/khu jgrs gq,] tks ,sls fu;e esa fofgr dh tk;sa] fdlh isa'ku ;k Hkfo"; fuf/k esa] tks uxjikfydk }kjk] ;k uxjikfydk ds vuqeksnu ls LFkkfir dh tk;s] mDr vf/kdkfj;ksa vkSj deZpkfj;ksa ds vfHknk;ksa ds lank; dks izkf/kd`r djus ds fy,%

ijUrq dksbZ Hkh uxjikfydk tc rd jkT; ljdkj dh lgefr u gks] vkSj bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa ds mica/kksa ds vuqlkj ls vU;Fkk] dsUnzh; ;k jkT; ljdkj dh lsok ls uxjikfydk dh lsok esas LFkkukarfjr ;k Hkkxr% jkT; ljdkj }kjk vkSj Hkkxr% uxjikfydk }kjk fu;ksftr fdlh vf/kdkjh dh lsok dks vfHkeqDr ugha djsxh ;k uxjikfydk dh lsok ls jkT; ljdkj dh lsok esa LFkkukarfjr fdlh Hkh vf/kdkjh dh lsok dks uxjikfydk dh lsok ls vafre :i ls vfHkeqDr ugha djsxhA

340- uxjikfydk dh mi&fof/k;ka cukus dh 'kfDr-&¼1½ izR;sd uxjikfydk le;≤ ij ,slh mi&fof/k;ka cuk ldsxh tks bl vf/kfu;e ;k rn/khu cuk;s x;s fu;eksa ls vlaxr ugha gksa&

¼d½ uxjikfyd fuf/k ls lank;ksa dks fofu;fer djus ds fy,(

¼[k½ /kkjk 104 ds v/khu mi;ksäk izHkkjkas ds vf/kjksi.k] mn~xzg.k] fu/kZj.k vkSj laxzg.k ls lacaf/kr lHkh ekeys fofgr djus ds fy,(

¼x½ Hkwfexr mi;ksfxrkvksa ds uD'kksa] fp=ksa vkSj fooj.k dks vkSj vfXu gkbZMsªUV o ey&ogu eSugksy ds

9 ¼342½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

uD'kksa dks j[kus ds :i vkSj jhfr dks fofgr djus ds fy,(

¼?k½ fdlh lkoZtfud LFkku ij cwFk ;k fdlh vU; lajpuk ds vLFkk;h fuekZ.k ds fy, vuqKk dks fofu;fer djus ds fy,(

¼3½ mu 'krksZa o fucU/kuksa dks fofgr djus ds fy,] ftuds

v/;/khu ekxZ] ukyh] ;k ifjlj ds lafuekZ.k ;k ejEer ds nkSjku iwokZo/kkfu;ka j[kh tk;saxh(¼p½ lHkh izdkj ds Hkoukas ds fuekZ.k dks fofu;fer djus ds fy,(

¼N½ IyEcj ds :Ik esa dk;Z djus ds fy, vuqKfIr pkgus okys O;fDr ds fy, rduhdh vgZrk,a vkSj vuqHko vo/kkfjr djus ds fy,(

¼t½ /kkjk 192 ds v/khu Hkou ds cfgxZr Hkkxksa dks fofu;fer djus ds fy,(

¼>½ cktkjksa] oLrqvksa ds foØ; ds fy, iz;qDr lkoZtfud LFkkuksa vkSj o/k'kkykvksa] ,sls i'kqvksa }kjk ;k muds fy, tks foØ; ds fy, gksa ;k HkkM+s ij ysus ds fy, gksa] ;k ftuds mRikn dk foØ; fd;k tkrk gks] iz;qDr lHkh LFkkuksa ds fofu;eu o fujh{k.k ds fy, vkSj muesa dkjckj ds mi;qDr ,oa LoPN lapkyu ds fy,(uxjikfyd cktkjksa esa Qyksa vkSj lfCt;ksa ds foØ; dks fofu;fer djus ds fy, ;k muesa ls fdlh ds mi;ksx ds fy, mn~x`ghr fd;s tkus okys vU; izHkkj] tks

uxjikfydk ls lacaf/kr gksa] dks fofu;fer djus ds fy,(

¼¥½ mu 'krksZa dks fofgr djus ds fy, ftu ij ;k ftuds v/;/khu] vkSj ifjfLFkfr;ka ftuesa vkSj {ks= ;k LFkku ftuds laca/k esa fdlh ,sls LFkku tks uxjikfydk ls lacaf/kr ugha gksa] ds fuEu izdkj ls mi;ksx ds fy, vuqKfIr;ka eatwj] vLohdkj] fuyfEcr ;k izR;kâr dh tk ldsaxh%&

¼i½ o/k'kkykvksa ds :i esa(

¼ii½ ekuo [kk| ds fy, vk'kf;r Ik'kqvksa ds] ;k ekal ds ;k eNyh ds foØ; ds fy, cktkj ;k nqdku ds :Ik esa] vFkok Qyksa ;k lfCt;ksa ds foØ; ds fy, cktkj ds :Ik esa(

¼iii½ /kkjk 282 esa mfYyf[kr iz;kstuksa esa ls fdlh ds fy,(

¼iv½ Ms;jh] gksVy] jsLVksjsaV] [kkuk x`g] dkWQh gkml] feBkbZ] ehV dh nqdku] csdjh] dsfEiax xzkm.M] ljk;] /kksch ?kkV] vkVk pDdh] lkW&fey] vkbl dsUMh QSDVjh] [kk|kUu xksnke]uxjikfydk x`g] cklksa ¼lkoZtfud ;k ekU;rkizkIr fu;a=.k ds v/khu fo|kfFkZ;ksa ds gksLVy ls fHkUu½ ds :Ik esa ;k cQZ ;k okfrr ty ds fofuekZ.k ds fy,(

rsy ds rS;kj fd;s tkus ;k fofuekZ.k ds fy, LFkku ds :Ik esa(

¼vi½ o`gn~ iSekus ij vUu ;k caxky vUu lq[kkus ds fy, (;k

¼vii½ fdlh vU; iz;kstu ds fy,] ftlds fy, vuqKfIr dk tkjh fd;k tkuk fofgr fd;k tk;s]

vkSj mijksDrkuqlkj iz;qDr fdlh LFkku esa dkjckj lapkyu ds fujh{k.k o fofu;e ds fy, mica/k djus] rkfd mlesa LoPNrk lqfuf'Pkr dh tk lds ;k mlls mRiUu gks jgs ;k

laHkkO;rk mRiUu gksus okys fdlh gkfudkjd] nw"kd ;k [krjukd izHkko dks de fd;k tk lds(

¼V½ ?kksM+ksa] ÅaVksa] x/kksa] HksM+ksa ;k cdfj;ksa ds vLrcyksa ;k vkJ; dks] mudh la[;k] vkSj ml iz;kstu ds fy, iz;qDr fd;s tkus okys LFkkuksa] ftuls tu LokLF; dk [krjk fuokfjr djuk vko';d gks] ds laca/k esa ,slh mi&fof/k;ksa esa fofgr ,sls fu;eksa ds vuqlkj ls vU;Fkk izfrf"k) djus(

¼B½ ¼i½ nw/k eos'kh ds fujh{k.k ds fy,(vkSj Ms;jhesu ;k nw/k foØsrk dk O;kikj djus okys O;fDr;ksa ds vf/kHkksx esa dh Ms;jh vkSj dsVy&'ksM ds lafuekZ.k] vk;ke] laokru] jks'kuh] lQkbZ] ty&fudkl vkSj tyiznk; dks fofgr o fofu;fer djus(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼345½ ¼ii½

nw/k ;k eD[ku ds fy, nw/k&foØsrkvksa ;k eD[ku cspus okyksa }kjk iz;qDr nw/k HkaMkjksa] nw/k dh nqdkuksa ;k ik=ksa dh lQkbZ lqfuf'pr djus ds fy,(

¼M½ tUe] e`R;q vkSj fookg ds jftLVªhdj.k] vkSj uxjikfydk ds Hkhrj tux.kuk djus ds fy, vkSj ,slh lwpuk fn;s tkus dks izo`Ÿk djus ds fy, tks ,sls jftLVsª'ku ;k tux.kuk dks izHkkoh djus ds fy, vko';d gksa(

¼<½ e`r vkSj e`r Ik'kqvksa ds dadkyksa ds fuLrkj.k dks fofu;fer djus vkSj ,sls iz;kstu ds fy, leLr LFkkuksa dks lqO;ofLFkr :i esa vkSj lqjf{kr LoPNrk dh n'kk esa cuk;s j[kus ds fy,] ftlesa e`r 'koksa ds fuLrkj.k ds fy, ,sls LFkkuksa ds mi;ksx ds gdnkj leqnk; ds oxZ ;k leqnk; dh /kkfeZd jhfr;ksa dks /;ku esa j[kk tk;sxk(

¼.k½ [krjukd jksx ds fdUgha ekeyksa ds laca/k esa lwpuk fn;s tkus dks izofrZr djus] vkSj /kkjk 273 ds mica/kksa dks dk;kZfUor djus(

¼r½ uxjikfydk ds fuokfl;ksa }kjk ,slh lwpuk fn;s tkus dks izofrZr djus] tks mlesa vf/kjksfir fdlh dj ds izfr muds vius&vius nkf;Roksa dks vfHkfuf'pr djus ds fy, vko';d gks(

¼Fk½ uxjikfyd lhekvksa ds Hkhrj ugkus vkSj /kksus ds lkoZtfud LFkkuksa ds mi;ksx dks fofu;fer djus(

9 ¼346½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ ¼n½

LoPNrk vkSj ifjj{k.k fofu;fer djus (

¼/k½ /kkjk 46 ds [k.M ¼iv½ ds mi&[k.M ¼x½ ds v/khu cs?kj O;fDr;ksa ds fy, vk'kf;r edkuksa ds lafuekZ.k] mi;ksx o fuLrkj.k ds fy, 'krsZa fofu;fer djus(

¼u½ mu 'krksZa dks fofu;fer djus] ftu ij lkoZtfud ekxksZa ij vLFkk;h

lajpukvksa ds vLFkk;h vf/kHkksx ;k mls cukus ds fy,] ;k lkoZtfud ekxksZa ij cfgxZr Hkkxksa ds fy, vuqefr nh tk;s(

¼i½ etcwrh lqfuf'pr djus vkSj vkx ls fuokj.k rFkk LokLF; ds iz;kstuksa ds fy, u;s Hkouksa ds LrEHkksa] nhokjksa] uhoksa] Q'kkaZs] Nrksa o fpefu;ksas dh lajpuk vkSj vk;ke dks fofu;fer djus(

¼Q½

vukt nqdkuksa ;k vukt Hk.Mkjksa ds fy, Hkouksa ds fuekZ.k ;k mi;ksx] Hkouksa ds fuekZ.k ds fy, LFkyksa dk mi;ksx vkSj vkoklh; iz;kstuksa ds fy, vk'kf;r ifj{ks=kas esa nqdkuksa] cktkj LFkkuksa] fofuekZ.k] lkoZtfud fjlksVZ ds LFkkuksa ds fy, ;k fdlh vU; iz;kstu ds fy, Hkouksa ds fuekZ.k ;k iz;ksx dks fofu;fer djus(

¼c½

ekxksZa dh O;oLFkk vkSj mudh vofLFkfr ds fy, Ik;kZIr micU/k fd;s fcuk Hkouksa ds fuekZ.k dks jksdus ds fy,(

¼Hk½ ok;q ds Lora= izokg dks lqfuf'pr djus ds fy, ;k rks ckgjh ;k vkUrfjd Ik;kZIr [kqys LFkku ds vkSj njokts vkSj f[kM+fd;ksa vkSj vU; lk/kuksa ds

micU/k vkSj vuqj{k.k }kjk Hkouksa ds Ik;kZIr laokru dks lqfuf'pr djus(

¼e½ fdlh vU; fof'k"V jhfr ls] ftls bl vf/kfu;e esa fo'ks"k :Ik ls micaf/kr ugha fd;k x;k gks] xkscj vkSj [kkn] eydwi] ¶y'k 'kkSpky;] ik[kkuksa rgkjrksa] ew=ky;ksa vkSj izR;sd izdkj ds tyfudkl ;k eyukyh ladeksZa ds fy,] pkgs og uxjikfydk dh lEifRr gks ;k ugha gks] ukfy;ksa] ey&ukfy;ksa] laokru 'kk¶V] ik=ksa ds lafuekZ.k] vuqj{k.k vkSj fu;a=.k dks fofu;fer djus(

¼;½ /kkjk 194 vkSj /kkjk 236 ds izoZru ds iz;kstu ds fy,] jkT; ljdkj }kjk le; le; ij tkjh funs'kksa vkSj fofgr fucZa/kuksa] ;fn dksbZ gksa] ds vuq:i LFkkuh; vko';drk dks ns[krs gq, lHkh izdkj ds lafuekZ.k ds fy, 'krZ] fucZa/ku] ekud vkSj fofunsZ'k fu/kkZfjr djus(

¼;d½ ,sls Lo:i] lajpuk] Hkkj ;k vkdkj ds] ;k ,slh e'khujh ;k vU; Hkkjh ;k LFkwy oLrq ls yns fdUgha Hkh ;kuksa] ftuds }kjk lM+d ekxZ dks ;k ml ij fdlh lafuekZ.k dks {kfr ;k vU; ;kuksa ;k jkgxhjksa dks tksf[ke ;k ck/kk dkfjr gksus dh laHkkouk gks] dk fdlh ekxZ ds lkFk&lkFk ;k ml ij vfHkogu dks] flok; ,slh 'krksZa ds] tks le;] d"kZ.k ;k lapyu dk <ax] lM+d ekxksZa ds laj{k.k ds fy, midj.kksa dk mi;ksx] cfRr;ksa vkSj lgk;dksa dh la[;k ds ckjs esa vkSj vU; lk/kkj.k

9 ¼348½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

iwokZo/kkfu;ka tks ;k rks lk/kkj.kr;k ,slh mi&fof/k;ksa esa fofgr dh tk;s ;k izR;sd ekeys esa eatwj dh tkus okyh fo'ks"k vuqKfIr;ksa esa] muds fy, vkosnu ds le; vkSj Qhlksa ds lank; ds ckjs esa ,sls fuca/kuksa ij] tks ,slh mi&fof/k;ksa esa fofgr fd;s tk;sa] izfrf"k) djus ds fy,(

¼;[k½ uxjikfydk esa fufgr ;k mlds fu;a=.kk/khu lkoZtfud ckxksa] cxhpksa vkSj [kqys LFkkuksa ds] {kfr ;k nq:i;ksx ls] laj{k.k dks lqfuf'pr djus vkSj muds izca/k vFkok og jhfr] ftlesa turk }kjk mudk iz;ksx fd;k tk;sxk] dks fofu;fer djus vkSj muesa O;fDr;ksa ds mfpr O;ogkj ds fy, mica/k djus(

¼;x½ ekxksZa esa fdlh Hkh izdkj ds ;krk;kr dks fofu;fer djus ;k izfrf"k) djus] vkSj mlds }kjk dkfjr 'kksj dks de djus ds fy, mica/k djus(

¼;?k½ uxjikfydk dh lhekvksa ds Hkhrj HkkM+s ds fy, j[ks x;s ;k pyk;s tkus okys ;kuksa ;k Ik'kqvksa ds LoRo/kkfj;ksa ;k pkydksa ds fy, vko';d vuqKfIr;ksa dks iznku djus] vkSj ,slh vuqKfIr;ksa ds fy, lans; Qhl vkSj ,slh 'krZas fu;r djus] ftu ij mUgsa iznku fd;k tkuk gks vkSj izfrlaâr fd;k tk;s(

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼349½ ¼;³½ mu njksa dks lhfer djus] ftudh fdlh dSfjt] xkM+h ;k vU; okgu ds HkkM+s ds fy,] ;k otu ;k O;fDr;ksa dks ys tkus ds fy, fdjk;s ij fy, x;s fdUgha Ik'kqvksa ds HkkM+s ds fy,] ekax dh x;h gks] ;k otu ys tkus ds fy, ;k ,sls okgu dks /kdsyus ;k ys tkus ds fy, HkkM+s ij fy, x;s O;fDr;ksa dh lsokvksa ds fy, ekax dh x;h gks] vkSj mu otuksa dks lhfer djus] ftUgsa fdlh Ik'kq ;k dSfjt] dkVZ] ;k vU; izog.k] tks uxjikfydk dh lhekvksa ds Hkhrj HkkM+s ds fy, py jgs gksa] }kjk pyk;k tk jgk gks(

¼;p½ lkoZtfud fjlksVZ] euksjatu ;k vkeksn&izeksn ds LFkkuksa ds vuqKkiu] fujh{k.k vkSj mfpr fofu;eu ds fy,(

¼;N½ fcyksa vkSj foKkiuksa ds LFkkiu] vkSj lkbZu&iksLVksa dh fLFkfr] vkdkj] vkd`fr vkSj LVkbZy dks fofu;fer djus(

¼;t½ ifjogu ;k Qsjh oLrqvksa ds foØ; ds fy, fu;ksftr gFkBsykvksa ;k vkSj ,sls gFkBsykvksa dk mi;ksx djus okys O;fDr;ksa ds fy, vko';d vuqKfIr;ksa iznku djus] vkSj ,slh vuqKfIr;ksa ds iznku ;k

izfrlagj.k ds fy, 'krksZa ds fofgr djus(¼;>½ uxjikfyd iz'kklu ls lacaf/kr lHkh ekeyksa dks lk/kkj.kr% fofu;fer djus ds fy,(

9 ¼350½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ vkSj izR;sd uxjikfydk ,slh fdUgha mi&fof/k;ksa ds vfrya?ku ds fy, tqekZuk fofgr dj ldsxhA

¼2½ izR;sd uxjikfydk] bl /kkjk ds v/khu fdUgha mi&fof/k;ksa dks cukus ls igys] ,sls jhfr ls] tks mldh jk; esa Ik;kZIr gks] mlds }kjk izHkkfor gksus okys laHkkfor O;fDr;ksa dh lwpuk ds fy,] ml frfFk] ftl ij ;k ftlds Ik'pkr~ izk:i ij fopkj fd;k tk;sxk] dks fofufnZ"V djrs gq, uksfVl ds lkFk izLrkfor mi&fof/k;ksa dk izk:i izdkf'kr djsxh vkSj mi&fof/k;ksa dks cukus ls igys] izk:i ds laca/k esa dksbZ vkifŸk ;k lq>ko] tks ,sls fofufnZ"V dh x;h frfFk ls igys fdlh O;fDr }kjk fyf[kr esa fn;k tk;s] izkIr djsxh vkSj ml ij fopkj djsxhA

341- fu;eksa vkSj mi&fof/k;ksa dk eqfnzr vkSj foØ; fd;k tkuk-& rRle; izo`r fu;eksa vkSj mi&fof/k;ksa dks dk;kZy; le; ds nkSjku uxjikfyd dk;kZy; esa yksd fujh{k.k ds fy, [kqyk j[kk tk;sxk] vkSj mudh eqfnzr izfr;ka ykxr ewY; ij foØ; ds fy, j[kh tk;asxh ;k uxjikfydk dh osclkbV] ;fn dksbZ gks] ij bySDVªkWfud :Ik esa miyC/k djk;h tk;saxhA

v/;k; 17

izdh.kZ

342- daifu;ksa }kjk vijk/k-& ¼1½ tgka bl vf/kfu;e ds v/khu dksbZ vijk/k fdlh daiuh }kjk fd;k x;k gS] ogka izR;sd O;fDr] tks vijk/k ds fd;s tkus ds le; ml dEiuh ds dkjckj ds lapkyu ds fy, ml dEiuh dk izHkkjh vkSj mlds izfr mRrjnk;h Fkk] vkSj lkFk gh

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼351½ og dEiuh Hkh ml vijk/k ds nks"kh le>s tk;saxs vkSj rnuqlkj vius fo#) dk;Zokgh fd;s tkus vkSj nf.Mr fd;s tkus ds Hkkxh gksaxs%

ijUrq bl mi&/kkjk esa varfoZ"V dksbZ Hkh ckr bl vf/kfu;e esa micfU/kr fdlh Hkh n.M ds fy, ,sls O;fDr dks Hkkxh ugha cuk;sxh ;fn og ;g lkfcr dj nsrk gS fd vijk/k mldh tkudkjh ds fcuk fd;k x;k Fkk ;k mlus ,sls vijk/k ds fd;s tkus dks fuokfjr djus ds fy, leLr lE;d~ rRijrk cjrh FkhA

¼2½ mi&/kkjk ¼1½ esa varfoZ"V fdlh ckr ds gksrs gq, Hkh tgka bl vf/kfu;e ds v/khu dksbZ vijk/k fdlh dEiuh }kjk fd;k x;k gS vkSj ;g lkfcr gks tkrk gS fd og vijk/k dEiuh ds fdlh funs'kd] izcU/kd] lfpo ;k vU; vf/kdkjh dh lgefr ;k ekSukuqdwyrk ls fd;k x;k gS ;k mldh mis{kk ds QyLo:i fd;k x;k ekuk tk ldrk gS rks ,slk funs'kd] izcU/kd] lfpo ;k vU; vf/kdkjh Hkh ml vijk/k dk nks"kh le>k tk;sxk vkSj rnuqlkj vius fo#) dk;Zokgh fd;s tkus vkSj nf.Mr fd;s tkus dk Hkkxh gksxkA

Li"Vhdj.k-& bl /kkjk ds iz;kstu ds fy,]&

¼d½ ^^dEiuh** ls dksbZ fuxfer fudk; vfHkizsr gS] vkSj bleas QeZ ;k O;f"V;ksa dk vU; laxe lfEefyr gS] vkSj

¼[k½ QeZ ds laca/k esa ^^funs'kd** ls QeZ dk Hkkxhnkj vfHkizsr gSA

343- dfBukbZ;ksa ds fujkdj.k dh 'kfDr-& ;fn bl vf/kfu;e ds mica/kksa dks izHkkoh cukus esa dksbZ dfBukbZ mRiUu gksrh gS rks jkT; ljdkj] tc Hkh volj vis{kk djs fdUrq bl vf/kfu;e ds izkjEHk dh

9 ¼352½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ rkjh[k ls nks o"kZ i'pkr~ ugha gks] vkns'k }kjk dksbZ Hkh ,slh ckr dj ldsxh tks fd bl vf/kfu;e ds mn~ns';ksa vkSj iz;kstuksa ls vlaxr ugha gks] tks dfBukbZ ds fujkdj.k ds iz;kstu ds fy, mls vko';d ;k lehphu izrhr gksA

344- fujlu vkSj O;ko`fRr;ka-&¼1½ bl vf/kfu;e ds izkjaHk ij vkSj ls jktLFkku uxjikfydk vf/kfu;e] 1959 ¼1959 dk vf/kfu;e la- 38½ fujflr gks tk;sxkA ¼2½ jktLFkku lk/kkj.k [k.M vf/kfu;e] 1955 ¼1955 dk vf/kfu;e la- 8½ ds micU/kksa ij izfrdwy izHkko Mkys fcuk]&

¼d½ ,slk fujlu] fujflr vf/kfu;fefr ;k rn/khu cuk;s x;s fu;eksa] fofu;eksa vkSj mi&fof/k;ksa ds v/khu igys ls dh x;h ;k lgu dh x;h fdlh ckr ;k dh x;h fdlh dkjZokbZ dh fof/kekU;rk ;k vfof/kekU;rk ij izHkko ugha Mkysxk(vkSj

¼[k½ jktLFkku uxjikfydk vf/kfu;e] 1959 ¼1959 dk vf/kfu;e la 38½ ds v/khu LFkkfIkr lHkh uxj fuxe] ifj"kn~] cksMZ ;k vU; uxjikfyd izkf/kdj.k] ,sls fujlu ds gksus ij Hkh bl vf/kfu;e ds v/khu LFkkfir fd;s x;s le>s tk;saxs vkSj fujflr vf/kfu;fefr ds v/khu xfBr lHkh uxjikfydk,a] ukefufnZ"V] fu;qDr ;k fuokZfpr lnL;] cuk;h x;h lfefr;ka] ifjfuf'pr lhek,a] dh x;h fu;qfDr;ka] cuk;s x;s fu;e] fd;s x;s vkns'k vkSj cuk;h x;h mi&fof/k;ka] tkjh dh x;h

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼353½ vf/klwpuk,a vkSj uksfVl] vf/kjksfir dj] dh x;h lafonk,a vkSj lafLFkr okn vkSj vU; dk;Zokfg;ka] tgka rd os bl vf/kfu;e ds micaU/kksa ls valxr u gksa] bl vf/kfu;e ds v/khu Øe'k% xfBr] ukefufnZ"V] fu;qDr ;k fuokZfpr] cuk;h x;h] ifjfuf'pr] cuk;h x;h] tkjh dh x;h] vf/kjksfir dh x;h] dh x;h vkSj lafLFkr dh x;h le>h tk;asxhA

izFke vuwlwph

¼/kkjk 108 dk [k.M ¼[k½ nsf[k,½

---------- uxjikfydk ds fuokfl;ksa dks blds }kjk uksfVl fn;k tkrk gS fd uxjikfydk layXu fu;eksa esa ifjHkkf"kr dj] iFkdj ;k ¼;FkkfLFkfr½ midj vf/kjksfir djuk pkgrh gSA

izLrkfor dj ds laca/k esa vk{ksi djus okyk uxjikfydk dk dksbZ Hkh fuoklh bl uksfVl dh rkjh[k ls ,d ekl ds Hkhrj&Hkhrj uxjikfydk dks vius fyf[kr vk{ksi Hkst ldsxkA

9 ¼354½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

f}rh; vuqlwph

¼/kkjk 117 nsf[k,½

tc vUrj.k fy[kr }kjk fd;k x;k gks rc vUrj.k ds laca/k esa fn;s tkus okys uksfVl dk iz:i

izsf"krh%

v/;{k@eq[; uxjikfyd vf/kdkjh

---------- uxjikfydk

eSa d- [k] jkTkLFkku uxjikfydk vf/kfu;e] 2009 dh /kkjk 116 }kjk ;Fkk visf{kr] blds }kjk lEifRr ds fuEufyf[kr vUrj.k dk uksfVl nsrk gw¡%&

uksfVl dh rkjh[k	fy[kr dh rkjh[k	foØsrk ;k leuqns' kd dk uke	Øsrk ;k leuqnsf' krh dk uke	lEifRr dk o.kZu				Hkwfe dh yEckbZ&pkSM+kbZ	Lkhek,a ;fn fy[kr jftLVªhd`r dh x;h gS rks jftLVªhdj.k dh rkjh[k		vH;qfDr;ka
				izfrQy dh jde	blesa D;k&D;k lekfo"V vofLFkfr		lEifRr dh la[;k@uke				
1	2	3	4	5	6	7	8	9	10	11	12

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼355½ r`rh; vuqlwph

¼/kkjk 117 nsf[k,½

tc vUrj.k fy[kr ls vU;Fkk fd;k x;k gks rc vUrj.k ds laca/k esa fn;s tkus okys uksfVl dk iz:i

izsf"krh%

v/;{k]

---------- uxjikfydk

eSa d- [k] jkTkLFkku uxjikfydk vf/kfu;e] 2009 dh /kkjk 116 }kjk ;Fkk visf{kr] blds }kjk lEifRr ds fuEufyf[kr vUrj.k dk uksfVl nsrk gw¡%&

uksfVl dh rkjh [k uxji	lEifRr dk o.kZu		vH;qfDr;

			mlesa D;k&D;k lekfo"V	vofLFkfr	lEifRr dh la[;k@uke	Hkwfe dh		
1	2	3	4	5	6	7	8	9

9 ¼356½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

prqFkZ vuqlwph

¼/kkjk 130 nsf[k,½

ekax ds uksfVl dk iz:i

izsf"krh%

d- [k (fuoklh ----------

uksfVl fn;k tkrk gS fd ----------uxjikfydk fnukad---------- dks izkjEHk gksus okyh vkSj ---------- dks lekIr gksus okyh---------- dkykof/k ds fy, ---------- ds dkj.k ¼;gka lEifRr ;k vU; fo"k; ftlds laca/k esa dj mn~xzg.kh; gS] dk o.kZu nhft,½ ----------ls 'kks/; jkf'k ---------- #- tks fu;e la[;kad ---------- ds v/khu mn~xzg.kh; gS] dh ---------- ls ekax djrh gS vkSj ;fn bl uksfVl dh rkehy ls ianzg fnol ds Hkhrj mDr jkf'k uxjikfydk dk;kZy; ---------- esa lanRr u dj nh tk;s ;k uxjikfydk ds lek/kkuizn:Ik esa] vlank; ds fy, Ik;kZIr dkj.k ugha cryk;k tk;s rks [kpZ lfgr mldh olwyh ds fy, laifRr dh dqdhZ dk okj.V tkjh fd;k tk;sxkA

rkjh[k----------200----------

gLrk{kfjr

--------uxjikfydk ds vkns'k ls

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼357½

iape~ vuqlwph

¼/kkjk 131 dh mi&/kkjk ¼1½ nsf[k,½

okj.V dk iz:i

¼;gka ml vf/kdkjh dk uke] ftl ij okj.V ds fu"iknu dk

izHkkj gS] ntZ dhft,½

;r% d- [k-] fuoklh----------us----------dks izkjEHk

gksus okyh vkSj----------200----------dks lekIr gksus okyh

dkykof/k ds fy, ik’oZ esa mfYyf[kr vkSj fu;e la[;kad----------

------ds v/khu mn~xzg.kh; ----------dj ds fy, ns; ----------jde

dk lank; ugha fd;k gS vkSj vlank; ds fy, dksbZ larks"kizn

dkj.k Hkh ugha crk;k gS vkSj ;r% mldh ekax dk uksfVl ml

ij rkehy gksus ds i'pkr~ iUnzg fnol chr x;s gSa (

vr% vkidks lekfn"V fd;k tkrk gS fd vki jkTkLFkku uxjikfydk vf/kfu;e] 2009 dh /kkjk 131] 132 vkSj 133 ds mica/kksa ds v/;/khu ---------- jde tks mlls 'kks/; gS] dh iwfrZ ds fy, mDr d- [k- dh laifRr fuEukuqlkj dqdZ dj ys

#- iSls

mDr dj ds e)s---------- --------- ---------- --------- uksfVl dh rkehy ds fy,---------- ---------- ---------- -------- vkSj vkids }kjk blds v/khu dqdZ dh x;h laiafRr dh lHkh fof’kf"V;ka okj.V lfgr esjs ikl rqjUr izekf.kr :i esa izsf"kr djsaA

rkjh[k----------200------

¼gLrk{kfjr½ eq[; uxjikfyd vf/kdkjh

9 ¼358½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

"k"Be~ vuqlwph

¼/kkjk 133 dh mi&/kkjk ¼4½ nsf[k,½

rkfydk vkSj uksfVl dk iz:i

izsf"krh%

d- [k-]----------fuoklh---------- dks uksfVl fn;k tkrk gS fd eSaus vkt] ----------200---------- dks izkjEHk gksus okyh vkSj---------- 200---------- dks lekIr gksus okyh dkykof/k ds fy, ik’oZ esa of.kZr---------- dj ds fy, 'kks/;----------ewY; lkFk esa ekax&uksfVl dh rkehy ds fy, ns; ----------#- ds fy, blds uhps rkfydk esa fofufnZ"V laifRr dqdZ dj yh gS ;fn bl uksfVl dh rkehy dh rkjh[k ls ikap fnol ds Hkhrj vki olwyh ds [kpsZa lfgr mDr jde uxjikfydk dk;kZy;---------- esa lanRr ugha djrs gSa rks mDr laifRr csp nh tk;sxh

okj.V dk fu"iknu djus okys vf/kdkjh ds gLrk{kj

rkjh[k---------- 200 ----------

rkfydk

¼;gka dqdZ dh x;h lEifRr dh fof'kf"V;ksa dk dFku djsa½

,l-,l- dksBkjh]
izeq[k 'kklu lfpoA

LAW (LEGISLATIVE DRAFTING) DEPARTMENT

(GROUP-II)

NOTIFICATION

Jaipur, September 11, 2009

No. F. 2 (21) Vidhi/2/2009.- In pursuance of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorize the publication in the Rajasthan Gazette of the following translation in the English language of the Rajasthan Nagarpalika Adhiniyam, 2009 (2009 Ka Adhiniyam Sankhyank 18):-

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼359½

(Authorized English Translation)

THE RAJASTHAN MUNICIPALITIES ACT, 2009

(Act No. 18 of 2009)

[Received the assent of the Governor on the 11th day of September, 2009]

An

Act

to consolidate and amend the laws relating to the Municipalities in the State of Rajasthan and to provide for matters connected therewith and incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Sixtieth Year of the Republic of India, as follows:-

CHAPTER I

Preliminary

1. Short title, extent and commencement.- (1) This Act may be called the Rajasthan Municipalities Act, 2009.

(2) It extends to the whole of the State of Rajasthan, excluding cantonment areas therein.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.-In this Act, unless the context otherwise requires,-

(i) ―Auditor‖ mean the auditor defined in the Rajasthan Local Funds Audit Act, 1954 (Act No. 28 of 1954);

(ii) "Backward Classes" means such backward classes of citizens, other than the Scheduled Castes and the Scheduled Tribes, as may be notified by the State Government from time to time;

(iii) ―balance sheet‖ means the balance sheet prepared under section 92;

9 ¼360½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(iv) ―bio-medical waste‖ means any waste that is generated during the diagnosis, treatment or

immunization of human beings or animals, or in research activities pertaining thereto, or in the production or testing of biological materials and includes:-

(a) human anatomical waste;
(b) animal waste;
(c) microbiological and biotechnological wastes;
(d) waste sharps;
(e) discarded medicines and cyto-toxic drugs;
(f) solid waste;
(g) liquid waste;
(h) incineration ash; and
(i) chemical waste;

(v) ―bridge‖ includes a culvert;

(vi) ―budget estimate‖ means the budget estimate prepared under section 87;

(vii) ―budget grant‖ means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Municipality, and includes any sum by which such budget grant is increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the rules and the bye-laws made thereunder*;*

(viii) "builder" or "developer" means an agency or individual who has constructed a complex on his own land or on others land under an agreement;

(ix) ―building‖ means a structure constructed for whatever purpose and of whatever materials, and includes the foundation, plinth, walls, floors, roofs, chimneys, fixed platforms, verandas, balconies,

cornices or projections or part of a building or anything affixed thereto or any wall (other than a boundary wall of less than three meters in height) enclosing, or intended to enclose, any land, sign or outdoor display structure but does not include a tent, shamiana or tarpaulin shelter;

(x) "building site" means a portion of the land held for building purpose;

(xi) "bye-laws" mean the bye-laws made under this Act;

(xii) "Chairperson" means,-

(a) Chairman, in case of a Municipal Board;

(b) President, in case of a Municipal Council; and

(c) Mayor, in case of a Municipal Corporation;

(xiii) ―Chief Municipal Officer‖ means,-

(a) the Chief Executive Officer-cum-Commissioner, in case of a Municipal Corporation;

(b) the Commissioner, in case of a Municipal Council; and

(c) the Executive Officer, in case of a Municipal Board;

(xiv) "clear days" used with reference to the period of notice under any provision of this Act, includes Sundays and other holidays, but does not include the date of receipt of such notice by the person to whom it is addressed or the date specified in the notice;

(xv) "complex" means a building comprising twenty five or more units, in case of commercial use; and ten or more units, in case of residential use;

(xvi) "corporator" means a member of a Municipal Corporation;

9 ¼362½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(xvii) ―councillor‖ means a member of a Municipal Council;

(xviii) "dairy" includes any farm, cattle shed, cow-house, milk-store, milk-shop or other place-

(a) from which milk is supplied on, or for sale, or

(b) in which milk is kept for the purposes of sale or which is used for manufacture or preparation for sale of-

(i) butter, or

(ii) ghee, or

(iii) cheese, or

(iv) curds, or

(v) dried, sterilized, condensed or toned milk,

but does not include-

(i) a shop or other place in which milk is sold for consumption within its premises only, or

(ii) a shop or other place from which milk is sold or supplied in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or other place;

(xix) ―dangerous disease‖ means-

(a) cholera, plague, small-pox, cerebrospinal meningitis, diphtheria, tuberculosis, leprosy, influenza, encephalitis, poliomyelitis, or syphilis; or

(b) any other epidemic, endemic, or infectious disease which the State Government may, by notification, declare to be a dangerous disease for the purposes of this Act;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼363½

(xx) "deficit in parking space" means the deficits in the provision for parking spaces required under bye-laws made in this behalf for different types of vehicles in any non-residential buildings, including complexes and institutional buildings whether constructed unauthorized or by change of land use;

(xxi) ―Director of Local Bodies‖ mean an officer appointed as such by the State Government, or any other officer of the State Government, designated as Commissioner or any other designation, authorized by it to perform the functions of the Director of Local Bodies under this Act;

(xxii) ―disposal‖ means final disposal of municipal solid wastes in terms of the specified measures to prevent contamination of ground water, surface water and ambient air quality;

(xxiii) "District Magistrate" means the person appointed under section 20 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) to be the District Magistrate;

(xxiv) "drain" includes a sewer, pipe, ditch, channel or any other device for carrying spillage, sewage and polluted water, rainwater or sub-soil water together with pail depots, traps, sinks, cisterns, flush tanks, and other fittings appertaining thereto;

(xxv) "Executive Committee" means the Executive Committee referred to in section 55;

(xxvi) "Finance Commission" means the Finance Commission constituted under Article 243-I of the

Constitution of India;

(xxvii) —financial statement‖ means the financial statement prepared under section 92;

(xxviii) "fire brigade" means the fire fighting force established and maintained by the Municipality under section 256;

(xxix) "fire fighting property" includes -

(a) lands and buildings used as fire stations,

(b) fire engines, equipments, tools, hydrator, implements and things whatsoever used for fire fighting,

(c) motor vehicles and other means of transport used in connection with fire fighting,

(d) uniforms and badges of rank;

(xxx) "fire station" means any post or place declared generally or specially, by the State Government to be fire station;

(xxxi) —hazardous wastes" mean the categories of wastes specified as such in the Environment (Protection) Act, 1986 (Central Act No. 29 of 1986);

(xxxii) "inhabitant" used with reference to a local area, means any person ordinarily residing or carrying on business or owning or occupying immovable property therein;

(xxxiii) "land" includes land, which is built upon or covered with water;

(xxxiv) "latest census figures" mean the figures as ascertained at the last preceding census of which the relevant figures have been published;

(xxxv) "lodging house" includes a collection of buildings, or a building, or part of a building used for the accommodation of pilgrims and travellers;

(xxxvi) "member" means any person who is lawfully a member of a Municipality and includes, in case of

a Municipal Corporation, a corporator, in case of a Municipal Council, a councillor and in case of a Municipal Board, a member;

(xxxvii) "milk" includes cream, skimmed milk, separated milk and condensed, sterilized, desiccated or toned milk;

(xxxviii) ―municipal accounting manual‖ means the municipal accounting manual prepared and maintained under section 91 ;

(xxxix) "municipal area" means the territorial area of a Municipality as notified by the State Government from time to time;

(xl) ―municipal fund‖ means the municipal fund referred to in section 79;

(xli) ―municipal solid waste‖, includes commercial and residential waste generated in a municipal area in either solid or semi-solid form, excluding industrial hazardous waste, but including treated bio-medical waste;

(xlii) "Municipality" means a Municipal Corporation, Municipal Council, and a Municipal Board in existence at the time of commencement, or constituted in accordance with the provisions of this Act;

(xliii) ―No Objection Certificate‖ means the document issued by the authority entitled to do so by this Act or rules made thereunder and shall include a provisional No Objection Certificate;

(xliv) ―nuisance‖ includes any act, omission, place or thing which causes, or is likely to cause injury, danger, annoyance or offence to the sense of sight,

9 ¼366½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

smell or hearing, or which is, or may be, dangerous to life or injurious to health or property;

(xlv) ―occupier‖ includes any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or the building in respect of which the word is used or for damages on account of the occupation of such land or building, and also includes a rent free tenant:

Provided that an owner living in, or otherwise using his own land or building shall be deemed to be the occupier thereof;

(xlvi) ―offensive matter‖ means kitchen refuse, stable refuse, dung, dirt, putrid or putrefying substance, or filth of any kind, which is not included in sewage;

(xlvii) "officer of the Municipality" means a person holding for the time being an office created or continued by or under this Act but shall not include a member of the Municipality or of a committee as such;

(xlviii) ―other agency‖ means a company, firm, society, or body corporate in the private sector, or any institution, or government agency, or any joint sector agency, or any agency under any other law for the time being in force;

(xlix) ―owner‖ includes the person for the time being receiving the rent of any land or building or of any part of any land or building, whether on his own account or as an agent or trustee for any person or society or for any religious or charitable purpose or as a receiver who would receive such rent if the

land or the building or of any part of the land or the building were let to a tenant;

(l) ―population‖, used with reference to any local area, means the population as ascertained at the last preceding census of which the relevant figures have been published;

(li) "prescribed" means prescribed by this Act or by rules, orders or bye-laws made thereunder;

(lii) "public place" means a space, not being private property, which is open to the use or enjoyment of the public, whether such space is vested in the Municipality or not;

(liii) "public securities" mean-

(a) securities of the Government of Rajasthan or of the Central or any State Government in India; and

(b) a security expressly authorized by any order which the State Government makes in this behalf;

(liv) "public street" means any street-

(a) over which the public have a right of way, or

(b) which has heretofore been levelled, paved, metal led, channelled, sewered or repaired out of municipal fund, State Government fund, Central Government fund or other public funds, or

(c) which, under any provision of this Act, becomes a public street;

(lv) "rubbish" means dust, ashes, broken bricks, mortar, broken glass and refuse of any kind which is not offensive matter;

(lvi) "rules" mean a rule made in exercise of a power conferred by this Act;

(lvii) "Scheduled Castes" mean any of the castes specified in the Constitution (Scheduled Castes) Order, 1950;

(lviii) "Scheduled Tribes" mean any of the tribes specified in the Constitution (Scheduled Tribes) Order, 1950;

(lix) ―sewage‖ means night-soil and other contents of privies, urinals, cesspools or drains, and includes trade effluents and discharges from manufactories of all kinds;

(lx) "State " means the State of Rajasthan as formed by section 10 of the State Reorganisation Act,1956 (Central Act No. 37 of 1956);

(lxi) ―State Finance Commission‖ means the Rajasthan State Finance Commission, as constituted by the Governor of Rajasthan in exercise of the powers conferred on him by Article 243-I, read with Article 243Y, of the Constitution of India;

(lxii) "street" means any road, bridge, foot-way, lane, square, court, alley or passage accessible, whether permanently or temporarily to the public, whether a thoroughfare or not, and includes on either side-

(a) the drain or gutters and the land up to the defined boundary, notwithstanding the projection over such land of any verandah or other super-structure;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼369½

(b) every space, notwithstanding that it may be private property or partly or wholly obstructed by any gate, post, chain or other barrier, if it is used by any person, whether or not occupying any abutting property, as a means of access to or from any public place or thoroughfare;

(lxiii) ―sub-division‖ means division of a parcel or piece of land into two or more parts;

(lxiv) "tax" includes any toll, rate, cess, fee or other impost leviable under this Act;

(lxv) "a transitional area", "a smaller urban area" or "a larger urban area" means an area specified under Article 243Q of the Constitution of India;

(lxvi) ―urban land‖ means any land vested in, or placed at the disposal of, any local authority under any law for the time being in force for the purpose of urban development;

(lxvii) "vehicle" includes a bicycle, a tricycle, an auto-motor car and every wheeled conveyance, which is used or is capable of being used on a public street;

(lxviii) "Vice-Chairperson" means-

(a) Vice-Chairman, in case of a Municipal Board,

(b) Vice-President, in case of a Municipal Council, and

(c) Deputy Mayor, in case of a Municipal Corporation;

(lxix) "village" means a village specified under clause (g) of Article 243 of the Constitution of India;

(lxx) "ward" means a ward formed under section 9;

9 ¼370½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(lxxi) "Ward Committee" means the Ward Committee referred to in section 54;

(lxxii) ―waste management‖ includes collection, segregation, storage, transportation, processing and disposal of municipal solid waste; and

(lxxiii) "whole number" or "total number" when used with reference to the members of a Municipality, means the total number of members, excluding the members nominated under sub-clause (ii) of clause (a) of sub-section (1) of section 6, holding office at the time.

CHAPTER II

Constitution and Government of Municipalities

3. Delimitation of Municipalities.-(1) The State Government may, by notification published in the Official Gazette, declare any local area not included within the limits of a Municipality to be a Municipality, or include any such area in a Municipality, or exclude any local area from a Municipality, or otherwise alter the limits of any Municipality and when-

(a) any local area is declared as, or included in, a Municipality, or

(b) any local area is excluded from a Municipality, or

(c) the limits of a Municipality are otherwise altered, by amalgamation of one Municipality into another or by splitting up a Municipality into two or more Municipalities, or

(d) any local area ceases to be a Municipality,

the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the Official Gazette provide ,-

(i) in a case falling under clause (a), that the election of the members for the area or the

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼371½

additional area shall be held within a period of six months from the appointed day;

(ii) in a case falling under clause (b), that the members who in the opinion of the State Government represent the area excluded from the Municipality shall be removed;

(iii) in a case falling under clause (c), that until the term of the Municipality in which another Municipality is amalgamated expires under this Act, the Chairperson, Vice-Chairperson and members of such another Municipality shall be deemed to be the members of the Municipality in which such another Municipality is amalgamated and where a Municipality is split into two or more Municipalities, that the members representing the area included in the newly constituted Municipality shall be deemed to be the members of such new Municipality and such new Municipality shall continue, unless dissolved sooner, until original Municipality would have continued;

(iv) in a case falling under clause (d), that the Municipality shall be dissolved.

Explanation.- In this sub-section, "appointed day" means the day from which a change referred to in any of the clauses (a) to (d) takes effect.

(2) It shall be the duty of every Municipality already existing and of every Municipality newly established under this Act and of every Municipality whose local limits are altered as aforesaid to cause at its own cost, to be erected or set up, and

9 ¼372½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

thereafter to maintain, substantial boundary marks of such description and in such positions as shall be approved by the Collector or any officer authorized by him in this behalf, defining the limits or altered limits of the Municipality subject to its authority, as set forth in the notification.

(3) When any local area ceases to be a Municipality, the Municipality established therein shall cease to exist, and the balance of the municipal fund and other property and rights vesting in such Municipality shall, subject to all charges and liabilities affecting the same, vest in the State Government and the proceeds thereof, if any, shall be expended under the orders of the State Government for the benefit of the local area in which such Municipality had jurisdiction.

(4) Notwithstanding anything contained in sub-section (3), when any local area ceases to be a Municipality and is included within the local limits of the jurisdiction of some other local authority, the municipal fund and other property and rights vesting in the Municipality shall vest

in such other local authority and the liabilities of the Municipality shall be the liabilities of such other local authority.

(5) When any local area is excluded from a Municipality and included in another Municipality, such portion of the municipal fund and other property vested in the first mentioned Municipality shall vest in, and such portion of the liabilities thereof shall be the liabilities of, the other Municipality as the State Government may, after consulting both Municipalities, declare by notification in the Official Gazette:

Provided that the provisions of this sub-section shall not apply in any case where the circumstances, in the opinion of the State Government, render undesirable the transfer of any portion of the municipal fund and properties or liabilities.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼373½

(6) When a dwelling house, manufactory, warehouse, or place of industry or business is situated within the limits of two or more adjacent municipal areas, the State Government may, notwithstanding anything contained elsewhere in this Act, by notification in the Official Gazette, declare the municipal area within which such dwelling house, manufactory, warehouse, or place of industry or business shall be deemed to be included for the purposes of this Act.

(7) When any local area is included in a Municipality, all rules and bye-laws made, orders, directions, notifications and notices issued and powers conferred and in force throughout such Municipality at the time when the said area is so included, shall apply thereto, unless the State Government otherwise directs, from the date of such inclusion.

(8) When an area comprised in a village is specified as, or when any area is excluded from the village and included in, a municipal area, then with effect from the date on which such area is so specified or is so included, the following consequences shall ensue, namely: -

(a) such area shall cease to be a village;

(b) the Municipality in which such area is included or the Municipality declared for such area shall exercise jurisdiction over such area and the panchayat established for such area shall cease to function therein;

(c) until elections are held under sub-section (1) or the term of the Municipality expires under this Act, whichever is earlier, the Sarpanch, Up-Sarpanch and the panch or panchas representing the area of the village so included in, or declared as a Municipality shall be

9 ¼374½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

deemed to be the additional members of the Municipality in which such area of the village is included or the Chairperson, Vice-Chairperson and the members respectively of the Municipality declared for such area, as the case may be;

(d) the whole of the assets vesting in, and of the liabilities subsisting against, the panchayat so declared to be a Municipality or in case where only a part or whole of a village is so included in a Municipality, such portion of the said assets and liabilities as the State Government may direct, shall devolve upon the Municipality declared for such area or upon the Municipality in which such area of the village is so included;

(e) the Municipality so established by the inclusion of any area of a village therein or by the declaration of a village as a Municipality, shall levy or continue to levy such of the taxes as are lawfully imposed under this Act;

(f) any such area shall cease to be subject to all rules, notifications, orders and bye-laws made under the Rajasthan Panchayati Raj Act, 1994 (Act No.13 of 1994).

(9) For the purpose of facilitating the inclusion of any area of a village in a Municipality or of the declaration of any such area as a Municipality, the State Government may, by order in writing, give such directions as may appear to it to be necessary.

(10) Save as otherwise provided in this section its provisions shall have effect notwithstanding anything contained in this Act or in the Rajasthan Panchayati Raj Act, 1994 (Act No.13 of 1994) or any other law for the time being in force.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼375½

4. Power to exempt Municipal Board from operation of any provisions of the Act unsuited thereto.- (1) The State Government may, by notification, and for reasons to be recorded in writing, exempt any Municipal Board from the operation of any of the provisions of this Act considered unsuited thereto, and, thereupon, the said provisions shall not apply to such Municipal Board until such provisions are applied thereto by notification.

(2) While a notification under sub-section (1) remains in force, the State Government may make rules consistent with the provisions of this Act in respect of any matter within the purview of such provisions from operation of which the Municipal Board is exempted.

5. Establishment and incorporation of Municipality.- (1) In every transitional area, there shall be established a Municipal Board and every such Municipal Board shall be a body corporate by the name of the Municipal Board of the place by reference to which the Municipality is known and shall have perpetual succession and a common seal and may sue or be sued in its corporate name.

(2) In every smaller urban area, there shall be established a Municipal Council and every such Municipal Council shall be a body corporate by the name of the Municipal Council of the city by reference to which the Municipality is known and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) In every larger urban area, there shall be established a Municipal Corporation and every such Municipal Corporation shall be a body corporate by the name of the Municipal Corporation of the city by reference to which the Municipality is known and shall have perpetual succession and a common seal and may sue and be sued in its corporate name:

9 ¼376½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Provided that a Municipality under this section may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by notification, specify to be an industrial township:

Provided further that having regard to the cultural, historic, tourist or other like importance of an urban area, the State Government may, by notification in the Official Gazette, exclude such area from the Municipality and constitute, or without excluding such area from the Municipality constitute in addition to the Municipality, a development authority to exercise such powers and discharge such functions in the said area as may be prescribed and notwithstanding

anything elsewhere in this Act, may, in relation to such area, delegate, by notification in the Official Gazette, such municipal powers, functions and duties to the said authority as it may think appropriate for the proper, rapid and planned development of such area.

6. Composition of Municipality.- (1) Subject to the provisions contained in the succeeding sub-sections, but save as provided in the following provisions of this sub-section, all seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies known as wards, the number of such seats, not being less than thirteen, being fixed by the State Government from time to time by notification in the Official Gazette: -

(a) the following shall represent in the Municipal Board, Municipal Council or, as the case may be, Municipal Corporation, viz.:-

(i) the member of the Rajasthan Legislative Assembly representing a constituency which

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼377½

comprises wholly or partly the area of a Municipality; and

(ii) three persons or ten percent of the number of elected members of the Municipality, whichever is less, having special knowledge or experience in municipal administration, to be nominated by the State Government by notification in the Official Gazette:

Provided that-

(i) the provisions contained in section 24 and section 35 shall be applicable to the persons to be nominated or nominated members;

(ii) the State Government shall have power to withdraw a nominated member at any time;

(iii) a nominated member shall not have the right to vote in the meetings of a Municipality;

(b) the member of the House of the People representing a constituency which comprises wholly or partly the area of a Municipal Council or, as the case may be, a Municipal Corporation shall represent on such Council or such corporation:

Provided that the member referred to in sub-clause (i) of clause (a) shall have a right to vote in the meetings of a Municipal Board, a Municipal Council or, as the case may be, a Municipal Corporation, and the member referred to in clause (b) shall have a right to vote in the meetings of a Municipal Council or Municipal Corporation:

Provided further that the members referred to in sub-clause (i) of clause (a), and clause (b) shall

9 ¼378½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

not be subject to any disqualification or any other proceedings under the provisions of this Act.

(2) Upon the completion of each census after the establishment of the Municipality, the number of seats shall be re-determined by the State Government by notification in the Official Gazette on the basis of the population of the municipal area as ascertained at the latest census:

Provided that the determination of seats as aforesaid shall not affect the existing composition of the Municipality until the expiry of its term.

(3) In so fixing the total number of seats for a Municipality, the State Government shall specify the number respectively of general seats and of seats reserved for women and for members of the Scheduled Castes or for members of the Scheduled Tribes or for both or persons belonging to the Backward Classes as it may in each case determine.

(4) The number of seats reserved for members of Scheduled Castes or Scheduled Tribes shall, in relation to the total number of seats fixed for a Municipality, bear as nearly as may be, the same proportion as the population of the Scheduled Castes or Scheduled Tribes in the municipal area bears to the total population thereof.

(5) The percentage of seats reserved for the Backward Classes shall be such as the percentage of the combined population of Scheduled Castes and Scheduled Tribes in relation to the total population in the municipal area falls short of fifty:

Provided that the percentage of seats so reserved for the Backward Classes shall not exceed twenty-one:

Provided further that at least one seat shall be reserved for the Backward Classes in every Municipality where the percentage of the combined population of Scheduled Castes and Scheduled

Tribes in relation to the total population in the municipal area does not exceed seventy.

(6) One half of the seats reserved for the Scheduled Castes or the Scheduled Tribes or the Backward Classes shall be reserved for the women belonging to such Castes, Tribes or, as the case may be, Classes.

(7) One half including the number of seats reserved under sub-section (6) of the total number of seats shall be reserved for women.

(8) The reservation of seats for Scheduled Castes and Scheduled Tribes and the Backward Classes under sub-sections (3), (5) and (6) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.

(9) All the seats fixed for a Municipality, general as well as reserved, shall be filled up by direct election from the wards in the municipal area and such election shall be held in the prescribed manner.

Explanation.- If a fraction forms part of the number of seats computed under this section, the number of seats shall be increased to the next higher number in case the fraction consists of half or more of a seat and the fraction shall be ignored in case it consists of less than half of a seat.

7. Term of office.- (1) Every Municipality unless sooner dissolved under the provisions of this Act, shall continue for five years from the date appointed for its first meeting and no longer.

(2) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under sub-section (1).

Explanation.-For the purposes of this section, the expression ―first meeting‖ means the meeting of the elected

members of the Municipality held immediately after the general elections.

8. Municipal government to vest in Municipality.-Except as in this Act otherwise expressly provided, the municipal government of a Municipality shall vest in the Municipal Board, Municipal Council, or as the case may be, Municipal Corporation through their Chairpersons, which shall stand charged with the duty of carrying out the provisions of this Act subject to the limitations and restrictions specified therein.

9. Division into wards.- (1) For purposes of elections, a Municipality shall be divided into such number of wards as is equal to the total number of seats fixed for the Municipality under sub-section (1) of section 6.

(2) The representation of each ward shall be on the basis of the population of that ward and shall, as far as possible, be in the same proportion as the total number of seats for the Municipality bear to its population.

10. Determination of wards.- (1) The State Government shall by order determine,-

(a) the wards into which each Municipality shall, for the purpose of its elections, be divided;

(b) the extent of each ward;

(c) the number of seats, if any, reserved for members of the Scheduled Castes or, as the case may be, Scheduled Tribes and for women members of such castes and tribes and for members of the Backward Classes and women members thereof; and

(d) the number of wards for women candidates.

(2) The seats reserved for Scheduled Castes or, as the case may be, for Scheduled Tribes and for the Backward Classes and for women may be allotted by rotation to different wards in such manner as may be prescribed.

(3) The State Government shall carry out the determination of the boundaries of the wards and allocation of seats reserved in favour of the Scheduled Castes, Scheduled Tribes, the Backward Classes and women among the wards having regard to the provisions of section 6 and also to the following provisions, namely: -

(a) all wards shall, as far as practicable, be geographically compact areas;

(b) wards which are reserved for the Scheduled Castes or Scheduled Tribes shall be distributed to different parts of the municipal areas where the proportion of the population of such castes or tribes, as the case may be, is comparatively large; and

(c) the numbering of wards shall start from the north-west corner of the local area of a Municipality.

(4) The draft of the order under sub-section (1) shall be published for filing objections thereto within a period of not less than seven days and a copy of the same shall be sent to the Municipality concerned for comments.

(5) The State Government shall consider any objection and the comments received under sub-section (4) and the draft order shall, if necessary, be amended, altered or modified accordingly, and thereupon it shall become final.

11. Election to the Municipality.-(1) The superintendence, direction and control of the preparation of electoral rolls for, and

9 ¼382½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

the conduct of, all elections to the Municipality shall be vested in the State Election Commission.

(2) An election to constitute a Municipality shall be completed-

(i) before the expiry of its duration specified in section 7;

(ii) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(3) For the aforesaid purpose the State Government shall on the recommendation of the State Election Commission call upon all the wards to elect members, in accordance with the provisions of this Act and the rules and orders made thereunder, on such date or dates as may be specified in the notification.

(4) When a new Municipality is established, it shall, as far as may be, be constituted in accordance with the provisions of this Act relating to general election to a Municipality.

(5) The State Government shall, when so requested by the State Election Commission, make available to the Commission such staff as may be necessary for discharge of the functions conferred on the State Election Commission by sub-section (1).

12. Delegation of functions of State Election Commission.- The function of the State Election Commission under this Act or the rules made or orders issued thereunder, may, subject to such general or special directions, if any, as may be given by the State Election Commission in this behalf, be performed also by a Deputy Election Commissioner, if any, or by the Secretary to the State Election Commission.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼383½

13. Electoral Roll for every ward.- (1) For every ward there shall be an electoral roll prepared, revised, modified, updated and published in the prescribed manner by an Electoral Registration Officer who shall be such officer of the State Government or a local authority as the State Election Commission may, in consultation with the State Government, designate or nominate in this behalf.

(2) The Electoral Registration Officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for each ward.

(3) The State Election Commission may appoint one or more persons as Assistant Electoral Registration Officers to assist any Electoral Registration Officer in the performance of his functions.

(4) Every Assistant Electoral Registration Officer shall, subject to the control of the Electoral Registration Officer, be competent to perform all or any of the functions of the Electoral Registration Officer.

(5) Subject to the provisions of section 14, every person who-

(a) is not less than eighteen years of age on the qualifying date, and

(b) is ordinarily resident in a ward of the Municipality,

shall be entitled to be registered in the electoral roll for that ward.

Explanation.- (i) A person shall not be deemed to be ordinarily resident in a ward on the ground only that he owns, or is in possession of, a dwelling house therein.

(ii) A person absenting himself temporarily from his place of ordinary residence shall not, by reason thereof, cease to be ordinarily resident therein.

9 ¼384½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(iii) A person who is a patient in any establishment, maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or any other illness involving long treatment or who is detained in prison or other legal custody at any place or residing in a hostel for study or residing in a hotel etc. as a casual visitor shall not, by reason thereof, be deemed to be ordinary resident therein.

(iv) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the same shall be determined with reference to all the relevant facts of the case and in accordance with such rules as may be made in this behalf by the State Government.

(v) A member of Parliament or the State Legislature shall not, during the term of his office, ceased to be ordinarily resident in the ward in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that ward in connection with his duties as such member.

(vi) "Qualifying date", for the purpose of this section, means the first day of January of the year in which electoral roll is so prepared or revised.

(6) No person shall be entitled to be registered in the electoral roll for more than one ward.

(7) No person shall be entitled to be registered in an electoral roll more than once.

14. Disqualifications for registration in an electoral roll.-(1) A person shall be disqualified for registration in the electoral roll for the ward if he-

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼385½

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person, who becomes so disqualified after registration, shall forthwith be struck off the electoral roll prepared under this Act:

Provided that the name of any person struck off the electoral roll of a ward by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be re-entered in that roll, if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.

15. Making false declaration.-If any person makes in connection with-

(a) the preparation, revision or correction of an electoral roll, or

(b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall on conviction be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees, or with both.

16. Chief Electoral Officer.- (1) There shall be a Chief Electoral Officer who shall be such officer of the State Government as the State Election Commission may, in consultation with the State Government, designate or nominate in this behalf.

(2) Subject to the superintendence, direction and control of the State Election Commission-

(a) the Chief Electoral Officer shall supervise the preparation, revision and correction of all electoral rolls in the State under this Act;

9 ¼386½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(b) shall supervise the conduct of all elections in the State under this Act; and

(c) shall exercise such other powers and functions as the State Election Commission may direct.

17. District Election Officers.- (1) For each district in the State, the State Election Commission shall, in consultation with the State Government, designate or nominate a District Election Officer who shall be an officer of the State Government:

Provided that the State Election Commission may designate or nominate more than one such officer for a district if the State Election Commission is satisfied that the functions of the office cannot be performed satisfactorily by one officer.

(2) Where more than one District Election Officers are designated or nominated for a district under the proviso to sub-section (1), the State Election Commission shall in the order designating or nominating the District Election Officers also specify the area in respect of which each such officer shall exercise jurisdiction.

(3) Subject to the superintendence, direction and control of the Chief Electoral Officer, the District Election Officer shall co-ordinate and supervise all work in connection with the conduct of elections in the Municipalities of the district within his jurisdiction.

(4) The District Election Officer shall also perform such other functions as may be entrusted to him by the State Election Commission and the Chief Electoral Officer.

18. Staff of local authorities etc. to be made available.-(1) Every local authority in the State shall, when so required by the Chief Electoral Officer, make available to any Electoral Registration Officer such Staff as may be necessary for the

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼387½

performance of any duties in connection with the preparation and revision of electoral rolls.

(2) The authorities specified in sub-section (3) shall, when so required by the Chief Electoral Officer, make available to any returning officer such staff as may be necessary for the performance of any duties in connection with an election.

(3) The following shall be the authorities for the purposes of sub-section (2), namely: -

(i) every local authority;

(ii) any other institution, concern or undertaking which is established by or under a State Act or which is controlled or financed wholly or substantially by funds provided directly or indirectly by the State Government.

19. Officers and staff deemed to be on deputation to the State Election Commission.- The officers and staff deployed in connection with the preparation, revision and correction of the electoral rolls and for the conduct of all elections under this Act shall be deemed to be on deputation to the State Election Commission for the period during which they are so deployed and such officers and staff shall, during that period, be subject to the control and superintendence of the State Election Commission.

20. Breach of official duty in connection with the preparation etc. of electoral rolls.- (1) If any Electoral Registration Officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or exclusion of any entry in or from that roll, is without reasonable cause guilty of any act or omission in breach of such official duty, he shall on conviction be punishable with imprisonment for a term which shall not be less than three months but which may extend to

9 ¼388½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

two years or with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees or with both.

(2) No suit or other legal proceedings shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.

(3) No court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of, or under authority from, the State Election Commission or the Chief Electoral Officer or the District Election Officer concerned.

21. Persons qualified for being members.- Subject to the provisions contained in sections 6 and 24 a person shall not be qualified to be chosen to fill a seat on a Municipality unless-

(a) in the case of a seat reserved for the Scheduled Castes or Scheduled Tribes or the Backward Classes, such person is a member of any of these Castes or Tribes or Classes, as the case may be, and is an elector for any ward in the Municipality;

(b) in the case of a seat reserved for a woman, such person belongs to the female sex and is an elector for any ward in the Municipality;

(c) in the case of a seat reserved for a woman belonging to the Scheduled Castes or Scheduled Tribes or the Backward Classes, such person is a member of any of these castes or tribes or classes, as the case may be, and is an elector for any ward in the Municipality and belongs to the female sex;

(d) in the case of any other seat, such person is an elector for any ward in the Municipality; and

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼389½

(e) he has attained the age of 21 years, in either case whether the seat is reserved or not.

21A. Special qualification for election on certain seats.-Notwithstanding anything to the contrary contained in any provision of this Act or of any other law for the time being in force, a person shall not be eligible for election on such seats in a Municipality, as may be determined by the State Government in the prescribed manner, unless he or she is within the age group of twenty one years to thirty five years and is otherwise eligible for election on such seats:

Provided that-

(i) not more than two seats each from the seats reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes or women in a Municipality shall be determined under this section;

(ii) where number of seats reserved in a Municipality for any of the Scheduled Castes, Scheduled Tribes, Backward Classes or women is three or less than three, only one seat from such Castes, Tribes, Classes or, as the case may be, women shall be determined under this section;

(iii) where number of unreserved seats in a Municipality is five or less than five, only one from such seats shall be determined under this section; and

(iv) where the number of unreserved seats in a Municipality is more than five, one seat out of each block of five such seats shall be determined under this section and any fraction of less than five seats shall be ingnored.

9 ¼390½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

22. Restriction on contesting elections for more than one ward.-Notwithstanding anything contained in section 21, no person shall be entitled, in cases where election to a seat is contested, to contest such election for more than one ward, and every person who may have filed his nomination paper for seats to a Municipality for more than one ward shall withdraw his candidature from all but one of the seats by a notice in writing which shall contain such particulars as may be prescribed and deliver the same before 3 P.M. on the last date fixed for withdrawal:

Provided that if a person fails to withdraw his candidature from all but one seat in the manner specified above, he shall be deemed to have withdrawn his candidature from all seats.

23. Restrictions on use of vehicles, loud-speakers etc. .-(1) The State Election Commission may impose reasonable restrictions on the use of vehicles or loudspeakers or on displaying of cut outs, hoardings, posters and banners by any candidate or his duly authorized election agent during the period of election commencing from the date of publication of

notification for election to a Municipality and ending on the date on which the whole process of election is completed.

(2) If any candidate or his duly authorized election agent contravenes any of the restrictions imposed by the State Election Commission under sub-section (1), he shall, on conviction, be punishable with a fine which may extend to two thousand rupees.

(3) Every person punished under sub-section (2) shall, by an order of the State Election Commission, be liable to be disqualified for being chosen as or for being a member of any Municipality for a period which may extend to six years from the date of such order:

Provided that the State Election Commission may by a subsequent order, for reasons to be recorded, remove any

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼391½

disqualification under this section or reduce the period of any such disqualification.

(4) No court shall take cognizance of an offence referred to in sub-section (2) except on the complaint made by an officer authorized in this behalf by any general or special order of the State Election Commission.

24. General disqualifications for members.- A person, notwithstanding that he is otherwise qualified, shall be disqualified, for being chosen as or for being a member of a Municipality-

(i) if he has been convicted of an offence involving moral turpitude or of any other offence by a competent court of law and sentenced to imprisonment for six months or more, or

(ii) if he has been convicted of an offence under section 245of this Act, or

(iii) if he is under trial in the competent court which has taken cognizance of the offence and framed the charges against him of any offence punishable with imprisonment for five years or more, or

(iv) if he has been convicted of an offence under the Prevention of Food Adulteration Act, 1954 (Central Act No. 37 of 1954), or

(v) against whom an order has been passed under section 117 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), in proceedings instituted under section 110 of the said Code, such order not having been subsequently reversed, or

(vi) if he has been dismissed or removed from the service of the Central or a State Government or any

9 ¼392½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

local authority or any other authority specified under clause (xi) for misconduct, or

(vii) if, he having been a professional practitioner, has been debarred from practicing as such by order of any competent authority, or

(viii) if he holds any place of profit in the gift or disposal of the Municipality, or

(ix) if he is disqualified under section 35 or section 41, or

(x) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Rajasthan Legislative Assembly:

Provided that no person shall be disqualified under this clause on the ground that he is less than 25 years of age, if he has attained the age of 21 years, or

(xi) if he holds a salaried or part-time appointment under the Central or a State Government or a local authority or any other authority, or

(xii) if he holds a salaried whole time or part-time appointment under a university or any corporation, body, enterprise or co-operative society, which is either controlled or wholly or partly financed by the State Government, or

(xiii) if he is an undischarged insolvent, or

(xiv) if he has been adjudged by a competent court to be of unsound mind, or

(xv) if he, save as hereinafter provided, has directly or indirectly, by himself or any member of his family or his partner, employer or employee, any share or interest in any work done or supply made by the

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼393½

order of such Municipality or in any contract or employment with or under or by or on behalf of such Municipality, or

(xvi) if he is employed as a paid legal practitioner on behalf of such Municipality or contesting as lawyer against the Municipality in any court of law at the time of filing nomination as candidate for such Municipality or accepts employment as legal practitioner against such Municipality during the term for which he has been elected, or

(xvii) if he has more than two children, or

(xviii) if he has been in arrear of any municipal dues for more than two years and proceedings for the recovery have been initiated against him under this Act, or

(xix) if he has been convicted of an offence involving misappropriation or embezzlement of municipal property or fund by a competent court :

Provided that-

(a) the disqualification mentioned in clause (i) shall cease to operate after the expiry of six years from the date of the release of the disqualified person from imprisonment;

(b) the disqualification mentioned in clause (v) shall cease to operate after the expiry of the period for which a person is ordered to furnish security;

(c) the disqualification mentioned in clause (ix) shall cease to operate after the expiry of the period for which a person is so disqualified unless such disqualification is removed

9 ¼394½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

earlier by an order of the State Election Commission;

(d) a person shall not be deemed to have incurred the disqualification under clause (xv) by reason of his-

(i) having any share or interest in any joint stock company, otherwise than as a managing director or agent which shall contract with or be employed by or on behalf of the Municipality, or

(ii) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(iii) having a share or interest in any newspapers in which any advertisement relating to the affairs of the Municipality may be inserted , or

(iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the Municipality, or

(v) having a share or interest in the occasional sale of any article in which he regularly trades to the Municipality to a value not exceeding in any official year such amount as the Municipality, with the sanction of the State Government, may fix in this behalf, or

(vi) having a share or interest in the occasional letting out on hire to the Municipality, or in the hiring from the

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼395½

Municipality, of any article for an amount not exceeding in any official year two thousand rupees or such higher amount not exceeding five thousand rupees as the Municipality, with the sanction of the State Government, may fix in this behalf;

(e) a person having more than two children shall not be disqualified under clause (xvii) for so long as the number of children he had on 27th November, 1995 does not increase.

Explanation.- For the purpose of clause (xvii) any number of children born out of a single delivery shall be deemed to be one entity and any child given in adoption shall not be excluded while computing the number of children.

25. Right to vote.- (1) Except as expressly provided by this Act, every one who is for the time being registered in the electoral roll of any ward, shall be entitled to vote in that ward.

(2) No person shall vote at an election in any ward, if he is subject to any of the disqualifications referred to in section14.

(3) No person shall at any election vote in more than one ward and if a person votes in more than one ward his votes in all the wards shall be void.

(4) No person shall at any election vote in the same ward more than once, notwithstanding that his name may have been registered in the electoral roll thereof more than once, and, if he does so vote, all his votes shall be void.

(5) No person shall vote at any election under this Act, if he is confined in a prison whether under a sentence or otherwise or

9 ¼396½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

is in the lawful custody of the police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

26. Manner of voting at election.- (1) At every election, where a poll is taken, votes shall be given by ballot in such manner as may be prescribed and no votes shall be received by proxy.

(2) Every elector shall have one vote. If an elector gives votes to more than one candidate then, at the time of counting of the votes, all votes given by him shall be rejected as void.

(3) Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines, in such manner as may be prescribed, may be adopted in such ward or wards of any Municipality as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation.-For the purpose of sub-section (3), __voting machine‘‘ means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used in any election.

27. Casual vacancy how to be filled.- (1) A casual vacancy in the office of a member occurring otherwise than by efflux of time shall be filled, subject to the provisions of sub-section (4), at a bye-election which shall be fixed to take place as soon as may be, in the manner as may be prescribed for a general election.

(2) A member elected at a bye-election shall hold office so long only as the member in whose place he is elected would have been entitled to hold the office, if the vacancy had not occurred.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼397½

(3) When a vacancy occurs by reason of death, resignation or removal of any elected member,-

(a) against a seat reserved in any ward for a member of the Scheduled Caste or, as the case may be, the Scheduled Tribes or the Backward Classes, such vacancy shall be filled in by a member of such caste or tribe or classes; and

(b) against a seat reserved in any ward for a woman, such vacancy shall be filled in by a woman.

(4) Where a vacancy occurs by reason of death, resignation, removal or avoidance of the election of an elected member and the term of office of that member would, in the ordinary course of events, have determined within six months of the occurrence of the vacancy, the State Government may direct that the vacancy be left unfilled until the next general election.

28. Electoral offences.- The provisions of sections 125, 126, 127,127A, 128, 129,130, 131,132, 132A, 133, 134, 134A, 134B, 135,135A, 135B, 135C and 136 of the Representation of People Act, 1951 (Central Act No. 43 of 1951) shall have effect as if -

(a) references therein to an election were references to an election under this Act,

(b) references therein to a constituency were references to a ward,

(c) in sections 125 and127, for the expression ―under this Act‖, the expression ―under the Rajasthan Municipalities Act, 2009 ‖ and in sections 134 and 136, for the expression "by or under this Act", the expression ―by or under the Rajasthan Municipalities Act, 2009‖ were substituted, and

9 ¼398½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(d) in sub-section (1) of section 135B for the words ―House of the People or the Legislative Assembly of a State‖, the words ―ward of the Municipality‖ were substituted.

29. Corrupt practices.&The following shall be deemed to be corrupt practices for the purposes of an election under this Act, namely:&

(i) bribery, that is to say, any gift, offer or promise by a candidate or his agent or by any other person of any gratification to any person whomsoever with the object, directly or indirectly, of inducing&

(a) a person to stand or not to stand as, or to withdraw from being, a candidate or to retire from contest at an election; or

(b) an elector to vote or refrain from voting at an election; or as a reward to&

(i) a person for having so stood or not stood, or for having withdrawn his candidature or having retired from contest; or

(ii) an elector for having voted or refrained from voting.

Explanation.&For the purpose of this clause the term ―gratification‖ is not restricted to pecuniary gratification or gratifications estimable in money, and it includes all forms of entertainment and all forms of employment for reward, but it does not include the payment of any expenses bonafide incurred at, or for the purpose of, any election;

(ii) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼399½

part of a candidate or his agent or of any other person, with the free exercise of any electoral right :

Provided that&

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who-

(i) threatens any candidate, or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or of expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered as object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause;

(iii) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community and language or the use of, or appeal to,

9 ¼400½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

religious symbols or the use, or appeal to national symbols such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate :

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purpose of this clause;

(iv) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate;

(v) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation.&For the purposes of this clause, ―sati‖ and ―glorification‖ in relation to sati shall have the meaning respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (Central Act No. 3 of 1988);

(vi) The publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼401½

does not believe to be true, in relation to the candidature or withdrawal or retirement from contest of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate‘s election;

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

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

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

Explanation.& In this clause the expression ―vehicle‖ means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise;

9 ¼402½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(viii) The incurring or authorizing by a candidate or his agent or by any other person of expenditure in contravention of the provision of any rule or order relating to election made under this Act;

(ix) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person any assistance (other than the giving of vote) for the furtherance of the prospects of the candidate‘s election from any person in the service of the Government and belonging to any of the following classes, namely:&

(a) Gazetted Officers;

(b) Members of the armed forces of the Union;

(c) Members of the police force;

(d) Excise Officers;

(e) Revenue Officers including Patwaries and like; and

(f) Such other class of persons in the service of the Government as may be prescribed.

Explanation.& (i) For the purposes of clause (ix), a person shall be deemed to assist in the furtherance of the prospects of a candidate‘s election if he acts as an election agent or polling agent or counting agent of that candidate;

(ii) In this section, the expression ―agent‖ includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

30. Jurisdiction of civil courts in electoral matters.& (1) No civil court shall have jurisdiction to entertain or adjudicate upon any question relating to the delimitation of wards, the

allotment of seats to such wards, preparation of electoral rolls or conduct of election.

(2) No election to any Municipality shall be called in question except by an election petition presented in accordance with the provisions of this Act.

31. Election petition.& (1) The election of any person as a member of a Municipality may be questioned by an election petition filed within one month from the date of election before the District Judge having territorial jurisdiction over the municipal area on one or more of the following grounds, namely:&

(a) that on the date of election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under this Act, or

(b) that any corrupt practice specified in section 29 has been committed by a returned candidate or his election agent or by any other person, with the consent of a returned candidate or his election agent, or

(c) that any nomination has been improperly rejected, or

(d) that the result of the election, in so far as it concerns a returned candidate has been materially affected&

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interest of the returned candidate by a person other than that candidate or his election agent or a person acting with the consent of such candidate or election agent, or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or

(iv) by any non-compliance with the provisions of this Act or of any rules or orders made thereunder, or

(e) that in fact the petitioner or some other candidate received a majority of the valid votes, or

(f) that, but for the votes obtained by the returned candidate by corrupt practices, the petitioner or some other candidate would have obtained a majority of the valid votes.

(2) In hearing the election petition, the District Judge shall follow such procedure and exercise such powers as may be prescribed.

32. Appeals from orders of District Judge.& (1) An appeal shall lie to the High Court from every order made by the District Judge on the petition presented under section 31.

(2) The High Court shall, subject to the provisions of this Act and the rules made thereunder, have the same powers, jurisdiction and authority, and follow the same procedure, with respect to an appeal under this section as if the appeal was an appeal from an original decree passed by a civil court situated within the local limits of its civil appellate jurisdiction.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of the order appealed from :

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼405½

(4) Where an appeal has been preferred against an order declaring the election of all or any of the returned candidates to be void, the High Court may, on sufficient cause being shown, stay operation of the order appealed from and in such a case the order shall be deemed not to have taken effect.

(5) Every appeal shall be decided as expeditiously as possible and endeavour shall be made to determine it finally within three months from the date on which the memorandum of appeal is presented to the High Court.

33. Procedure where election of all candidates is set aside.&Whenever the election of all the members or of more than two-thirds of the total number of the members of a Municipality is declared to be void under section 31 or on appeal under section 32 the State Government shall dissolve the Municipality whereupon the provisions of section 322, except the provisions of sub-section (1) thereof, shall apply.

34. Finality of orders and decision.&The decision of the High Court on an appeal under section 32, and, only subject to such decision, the order of the District Judge under section 31 shall be final and conclusive.

35. Disqualifications.&(1) The following shall entail disqualifications for membership of a Municipality, namely:&

(a) electoral offences referred to in section 28,

(b) corrupt practices specified in section29.

(2) The period of such disqualification shall be six years from the date of the finding of the District Judge as to such corrupt practice or from the date of conviction for such offence, as the case may be.

36. Removal or reduction of period of disqualification.-The State Election Commission may, for reasons to be recorded in writing, remove any disqualification under clause (a) of sub-

section (1) of section35 or reduce the period of any such disqualification.

37. Oath of office.&(1) Every member shall, before entering upon his duties as such, make and subscribe before the Collector or his nominee for the purpose an oath or affirmation in the prescribed form.

(2) Any member who fails to comply with the provisions of sub-section (1) within a period of one month from the date of the first meeting of the Municipality or in case of a member elected in a bye-election or a nominated member, from the date of his election or, as the case may be, his nomination, shall be deemed to have vacated his seat :

Provided that the period during which such member was in jail as an under trial prisoner or as a detenue or as a political prisoner shall not be taken into account.

38. Resignation.&A member may resign his membership by giving notice in writing to that effect duly attested by an Executive Magistrate to the Chairperson and such resignation shall take effect after the expiry of fifteen days from the date of the notice or from the date of the acceptance of the resignation by the Chairperson, whichever is earlier.

39. Removal of member.&(1) The State Government may, subject to the provisions of sub-sections (3) and (4), remove a member of a Municipality on any of the following grounds, namely:&

(a) that he has absented himself for more than three consecutive general meetings, without leave of the Municipality :

Provided that the period during which such member was in jail as an under trial prisoner

or as a detenue or as a political prisoner shall not be taken into account,

(b) that he has failed to comply with the provisions of section 37,

(c) that after his election he has incurred any of the disqualification mentioned in section14 or section 24 or has ceased to fulfill the requirements of section 21,

(d) that he has&

(i) deliberately neglected or avoided performance of his duties as a member, or

(ii)been guilty of misconduct in the discharge of his duties, or

(iii)been guilty of any disgraceful conduct, or

(iv)become incapable of performing his duties as a member, or

(v) been disqualified for being chosen as member under the provisions of this Act, or

(vi)otherwise abused in any manner his position as such member :

Provided that an order of removal shall be passed by the State Government after such inquiry as it considers necessary to make either itself or through such existing or retired officer not below the rank of State level services or authority as it may direct and after the member concerned has been afforded an opportunity of explanation.

(2) The power conferred by sub-section (1) may be exercised by the State Government of its own motion or upon the receipt of a report from the Municipality in that behalf or upon the facts otherwise coming to the knowledge of the State Government :

9 ¼408½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Provided that, until a member is removed from office by an order of the State Government under this section, he shall not vacate his office and shall, subject to the provisions contained in sub-section (6), continue to act as, and exercise all the powers and perform all the duties of, a member and shall as such be entitled to all the rights and be subject to all the liabilities, of a member under this Act.

(3) Notwithstanding anything contained in sub-section (1) where it is proposed to remove a member on any of the grounds specified in clause (c) or clause (d) of sub-section (1), as a result of the inquiry referred to in the proviso to that sub-section and after hearing the explanation of the member concerned, the State Government shall draw up a statement setting out distinctly the charge against the member and shall send the same for enquiry and findings by Judicial Officer of the rank of a District Judge to be appointed by the State Government for the purpose.

(4) The Judicial Officer so appointed shall proceed to inquire into the charge, hear the member concerned, if he makes appearance, record his findings on each matter embodied in the statement as well as on every other matter he considers relevant to the charge and send the record along with such findings to the State Government, which shall thereupon either order for re-inquiry, for reasons to be recorded in writing, or pass final order.

(5) While hearing an inquiry under sub-section (4), the Judicial Officer shall observe such rules of procedure as may be prescribed by the State Government and shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) while trying a suit in respect of the following matters, namely:&

(a) summoning and enforcing the attendance of any person and examining him on oath;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼409½

(b) requiring the discovery and production of any such document or any other material as may be predicable in evidence;

(c) requisitioning any public record; and

(d) any other matter which may be prescribed.

(6) Notwithstanding the foregoing provisions of this section, the State Government may place under suspension a member against whom proceedings have been commenced under this section until the conclusion of the inquiry and the passing of the final order and the member so suspended shall not be entitled to take part in any proceedings of the Municipality or otherwise perform the duties of a member thereof.

(7) Every final order of the State Government passed under this section shall be published in the Official Gazette and shall be final and no such order shall be liable to be called in question in any court.

40. Inquiry into certain allegations after expiry of term of office.&(1) In respect of any allegations of the nature specified in clause (d) of sub-section (1) of section 39 against any member or the Chairperson or Vice-Chairperson of a Municipality, the inquiry referred to in the proviso to the said sub-section, and in sub-sections (3) and (4) of that section may be initiated against such member, Chairperson or Vice-Chairperson even after the expiry of the term of office

of that Municipality or after he has ceased to be such member or Chairperson or Vice-Chairperson or, if already initiated before such expiry may be continued thereafter and in each such case except in the cases covered under sub-section (3), the State Government shall, by order in writing, only record its findings in conformity with those of the Judicial Officer recorded under sub-section (4) of section 39.

9 ¼410½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(2) The provisions of sub-section (6) of section 39 shall apply to the findings of the State Government so recorded.

(3) In case of a member, Chairperson or Vice-Chairperson, who is re-elected for the new term of the Municipality and against whom any inquiry referred to in sub-section (1) is initiated or, if it has already been initiated, is continued, in respect of his previous term in the Municipality, the provisions of section 39 shall *mutatis mutandis* apply.

41. Disability of members removed under section 39.&A member who has been removed under clause (d) of sub-section (1) of section 39 or against whom adverse findings have been recorded under section 40 shall not be eligible for re-election for a period of six years from the date of the order of his removal or of recording adverse findings as the case may be.

42. Restriction on simultaneous holding of the office of a member in Municipality and the membership of Parliament or State Legislative Assembly or a Panchayati Raj Institution.&No person shall remain both the elected or nominated member of a Municipality and a member of Parliament or State Legislative Assembly or a Panchayati Raj Institution and if a person who is already a member of Parliament or State Legislative Assembly or a Panchayati Raj Institution is elected as a member of a Municipality, then, at the expiration of fourteen days from the date of his being elected or nominated as such member, he shall cease to be such member unless he has previously resigned his seat in the Parliament or the State Legislative Assembly or the Panchayati Raj Institution, as the case may be :

Provided that if a person, who is already an elected or nominated member of a Municipality, is elected as a member of Parliament or the State Legislative Assembly or a Panchayati Raj Institution, then, at the expiration of fourteen days from the date of

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼411½

his being elected as a member of a Parliament or the State Legislative Assembly or a Panchayat Raj Institution, as the case may be, he shall cease to be such member unless he has previously resigned his seat in the Parliament or the State Legislative Assembly or the Panchayati Raj Institution, as the case may be.

43. Every Municipality to have a Chairperson and a Vice-Chairperson.&(1) There shall be a Mayor for every Municipal Corporation, a President for every Municipal Council and a Chairman for every Municipal Board, who shall be elected in the prescribed manner.

(2) There shall be a Deputy Mayor for every Municipal Corporation, a Vice-President for a Municipal Council and a Vice-Chairman for every Municipal Board who shall be elected in the prescribed manner.

(3) The offices of Chairpersons of Municipalities shall be reserved for the Scheduled Castes, Scheduled Tribes and the Backward Classes as also for women in such manner as may be prescribed.

(4) The State Government shall allocate the offices of Chairpersons reserved under sub-section (3) to different Municipalities in the State and in allocating such offices regard shall be had to the following provisions, namely:&

(i) Municipalities in which office is reserved for the Scheduled Castes or Scheduled Tribes shall be distributed throughout the State and located as far as practicable in those areas where the proportion of their population to the total population is comparatively large;

(ii) the Municipalities in which office is reserved for women shall be distributed throughout the State.

9 ¼412½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(5) The reservation of the office of the Chairpersons for the members of Scheduled Castes or Scheduled Tribes or the Backward Classes under this section shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.

(6) Every Chairperson or Vice-Chairperson who, for a period exceeding one month, remains absent from the Municipality so as to be unable to perform his duties as such Chairperson or Vice-Chairperson shall cease to be Chairperson or Vice-Chairperson unless leave so to absent has been granted by the Municipality.

(7) Leave under sub-section (6) shall not be granted for a period exceeding six months. Whenever leave is granted to a Chairperson and the office of the Vice-Chairperson is vacant the vacancy shall be filled up by election from amongst the members within such period and in such manner as may be prescribed. When leave is granted to a Vice-Chairperson or when the Vice-Chairperson is acting for the Chairperson, the vacancy in the office of the Vice-Chairperson may be filled up by election of some other member thereto.

(8) If the Vice-Chairperson of a Municipality is elected as Chairperson of the Municipality, he shall be deemed to have vacated his office as Vice-Chairperson.

(9) Every Chairperson and every Vice-Chairperson of a Municipality shall forthwith be deemed to have vacated his office, if a resolution expressing want of confidence in him is passed in accordance with the procedure prescribed.

(10) Every Chairperson and every Vice-Chairperson shall be removable from his office as such Chairperson and Vice-Chairperson on any of the grounds specified in clause (d) of sub-section (1) of section 39, and the provisions of sub-sections (2) to (6) of that section shall apply.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼413½

(11) The term of office of every Chairperson and every Vice-Chairperson shall, save as otherwise provided in this Act, correspond with the term of the Municipality.

(12) A Vice-Chairperson may resign his office by giving notice in writing to the Chairperson, and a Chairperson may resign by personally giving a like notice to such officer as may be appointed or authorized by the State Government in this behalf. Every such resignation shall take effect on its acceptance or as the case may be, the expiry of thirty days from the delivery of the notice to the Chairperson or such officer as the case may be whichever is earlier.

(13) (i) A vacancy in the office of a Chairperson occurring otherwise than efflux of time shall be filled within a period of six months from the occurrence of such vacancy and the person elected to fill up the vacancy shall hold office for the residue of the term for which the Chairperson in whose place he is so elected would have held, if the vacancy had not occurred:

Provided that in case of unavoidable circumstances the State Government may extend the date of such election up-to maximum period of three months beyond the aforesaid period.

(ii) A vacancy in the office of a Vice-Chairperson occurring otherwise than by efflux of time shall be filled in accordance with the provisions of the foregoing sub-sections and the person elected to fill up the vacancy shall hold office for the residue of the term for which the Vice-Chairperson in whose place he is so elected would have held, if the vacancy had not occurred.

(14) The names of the Chairperson and Vice-Chairperson elected in accordance with the provisions of this section shall be published, as soon as may be, in the Official Gazette.

9 ¼414½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(15) The Chairperson of a Municipality may receive out of the municipal fund such monthly allowances and facilities as may be prescribed.

44. Determination of validity of election of Chairperson or Vice-Chairperson.&(1) The election of a Chairperson or Vice-Chairperson under section 43 shall not be called in question except by an election petition presented to the District Judge having territorial jurisdiction, over the municipal area :

Provided that where an election petition is presented as aforesaid to a District Judge, he may, for the reasons to be recorded in writing, transfer the same for hearing and disposal to a Judge subordinate to him.

Explanation.&The District Judge or any other Judge to whom an election petition is or transferred and by whom it is heard in accordance with the provisions of this section is hereinafter referred to as the Judge.

(2) Such petition may be presented by a candidate who has been defeated or whose nomination has been rejected in such manner, on such grounds and within such period as may be prescribed, along with a deposit of one thousand rupees.

(3) In hearing the petition, the Judge shall follow such procedure and exercise such powers as may be prescribed.

(4) Without prejudice to the generality of the provision contained in sub-section (3), the Judge may, if the petition is found to be frivolous, direct that the deposit mentioned in sub-section (2) shall be forfeited to the State Government.

45. Core municipal functions.&(1) It shall be the duty of

every Municipality to make reasonable provision and proper

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼415½

arrangement for the following matters within the municipal area, namely:&

(a) public health, sanitation, conservation, solid waste management, drainage and sewerage, cleaning public streets, places and sewers, and all spaces, not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipality or not, removing noxious vegetation and abating all public nuisances;

(b) removing filth, rubbish, night-soil, odour, or any other noxious or offensive matter from privies, latrines, urinals, cesspools or other common receptacles for such matter in or pertaining to a building or buildings;

(c) lighting public streets, places and buildings;

(d) extinguishing fires and protecting life and property when fire occurs;

(e) regulating offensive or dangerous trades or practices;

(f) removing obstructions and projections in public streets or places and in spaces, not being private property which are open to the enjoyment of the public, whether such spaces are vested in the Municipality or not;

(g) securing or removing dangerous buildings or places and reclaiming unhealthy localities;

(h) acquiring, maintaining, changing and regulating places for the disposal of the dead and of the carcasses of dead animals;

9 ¼416½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(i) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, drains, sewers, drainage-works, sewerage-works, baths, washing places, drinking fountains, tanks, wells, dams and the like;

(j) constructing public latrines, privies and urinals;

(k) naming streets and numbering houses;

(l) registering births and deaths;

(m) arranging for detention and preservations of such dogs within the Municipality as may be dealt with under section 249 of this Act;

(n) paying the salary and the contingent expenditure on account of such police officers as may be required by the Municipality for the purposes of this Act or for the protection of any municipal property and providing such accommodation as may be required by the State Government under the law in force relating to police;

(o) raising volunteer force with such functions and duties in relation to the protection of persons, the security of property and the public safety as may be prescribed;

(p) making arrangements for preparation of compost manure from night soil and rubbish;

(q) establishing and maintaining cattle pounds;

(r) promoting population control, family welfare and small family norms;

(s) preparing plans for economic development and social justice;

(t) establishing communication systems including

construction and maintenance of roads, footpaths,

pedestrian pathways, transportation terminals, both for passengers and goods, bridges, over-bridges, subways, ferries, and inland water transport system;

(u) preparing transport system accessories including traffic engineering schemes, street furniture, parking areas and bus stops;

(v) arranging for planned development of new areas for human settlement;

(w) taking measures for beautification of the municipal area by setting up parks and fountains, providing recreational areas, improving river banks, and landscaping;

(x) collecting statistics and data significant to the community;

(y) integrating development plans and schemes of the municipal area with the district or regional development plan, if any;

(z) promoting educational, sports and cultural activities;

(za) disclosing material and vital information regarding finances of, and development work and other activities undertaken by the Municipality to the stakeholders and the public at large;

(zb) taking steps for securing the prevention of cruelty to animals; and

(zc) performing such other statutory or regulatory functions as may be provided by or under this Act or under any other law for the time being in force.

(2) The Municipality may, having regard to its managerial, technical, financial and organizational capacity, and

the actual conditions obtaining in the municipal area, decide not to take up, or postpone, the performance of, any of the functions as aforesaid.

(3) The State Government may direct a Municipality to perform any of the functions as aforesaid, if such function is not taken up, or is postponed, by the Municipality.

(4) The Municipality may plan, build, operate, maintain or manage the infrastructure required for the discharge of any of the functions, as aforesaid, either by itself or by any agency under any agreement referred to in section 154.

46. Other municipal functions.- A Municipality may, having regard to the satisfactory performance of its core functions which shall constitute the first charge on the municipal fund, and subject to its managerial, technical and financial capabilities, undertake or perform, or promote the performance of, any of the following functions, namely: -

(i) in the sphere of protection of environment-

(a) reclamation of waste lands, promotion of social forestry and maintenance of open spaces;

(b) establishment and maintenance of nurseries for plants, vegetables and trees and promotion of greenery through mass participation;

(c) organization of flower-shows and promotion of flower-growing as a civic culture; and

(d) promotion of measures for abatement of all forms of pollution;

(ii) in the sphere of public health and sanitation-

(a) mass inoculation campaigns for eradication of infectious diseases;

(b) reclamation of unhealthy localities;

(c) maintenance of all public tanks and regulating re-excavation, repair and up-keep of all private tanks, wells and other sources of water-supply on such terms and conditions as the Municipality may deem proper ; and

(d) advancement of civic consciousness of public health and general welfare by organizing

discourses, seminars and conferences;

(iii) in the sphere of education and culture-

(a) promotion of civic education, adult education, social education and non-formal education;

(b) promotion of cultural activities including music, physical education, sports and theatres and infrastructure therefor;

(c) advancement of science and technology in urban life;

(d) publication of municipal journals, periodicals and souvenirs, purchase of books, and subscription to journals, magazines and newspapers;

(e) installation of statues, portraits and pictures in appropriate manner;

(f) organization, establishment and maintenance of art galleries and botanical or zoological collections;

(g) conservation and maintenance of monuments and places of historical, artistic and other importance; and

9 ¼420½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(h) construction, establishment, maintenance or contribution to the maintenance of public libraries, museums, reading rooms, lunatic asylums, halls, offices;

(iv) in the sphere of public welfare-

(a) establishment and maintenance of shelters, in times of drought, flood, earthquake, or other natural or technological disasters, and relief works, for destitute persons within the limits of the municipal area;

(b) construction or maintenance of, or provision of aids to, hospitals, dispensaries, asylums, rescue homes, maternity houses, and child welfare centers;

(c) provision of shelters for the homeless;

(d) implementation of programmes for liberation and rehabilitation of scavengers and their families;

(e) organization of voluntary labour and co-ordination of activities of voluntary agencies for community welfare; and

(f) campaigns for dissemination of such information as is vital for public welfare; and

(v) in the sphere of community relations-

(a) civic receptions to persons of distinction and paying homage on death to persons of repute;

(b) organization and management of fairs and exhibitions; and

(c) dissemination of information of public interest.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼421½

47. Functions assigned by the Government.- The State Government may, by general or special order, require a Municipality to perform such other municipal functions as the State Government may, having regard to the necessity and the resources of the Municipality, think fit to be performed by the Municipality.

48. Functions of Chairperson and Vice-Chairperson.- (1) It shall be the duty of the Chairperson of a Municipality -

(a) to convene regular meetings of the Municipality as provided in section 58;

(b) to preside unless prevented by reasonable cause, at all meetings of the Municipality and subject to the provisions of the rules for the time being in force under clause (xiii) of sub-section (2) of section 337, to regulate the conduct of business at such meetings;

(c) watch over the financial and executive municipal administration of the Municipality;

(d) to perform all the duties and exercise all the powers specifically imposed or conferred upon him under and in accordance with Act; and

(e) to perform such other executive functions as may be prescribed.

(2) The Vice-Chairperson of a Municipality shall exercise such of the powers and perform such of the duties of the Chairperson as the Chairperson from time to time delegates to him.

It shall also be the duty of the Vice-Chairperson-

(a)in the absence of the Chairperson and unless prevented by reasonable cause, to preside at the meeting of the Municipality and when so presiding to exercise the same authority as is

9 ¼422½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

vested in the Chairperson under clauses (a) and (b) of sub- section (1); and

(b) during the absence of a Chairperson on leave, to exercise the powers and perform the duties of the Chairperson.

49. Powers and duties of the Chief Municipal Officer including custody of records.- (1) The Chief Municipal Officer shall be responsible for the custody and maintenance of all the records of the Municipality.

(2) Where any proceedings or resolution of a Municipality or of any of its committees or order of the Chairperson is inconsistent with the provisions of this Act and the rules made thereunder, it shall be the duty of the Chief Municipal Officer to tender advice to the Municipality, or committee or the Chairperson mentioning the relevant provisions of law to bring out the provisions of this Act or the rules made thereunder and record in the proceedings of the meeting of Municipality or committee or on the order of the Chairperson the fact that he had tendered such advice and thereupon put up a note of dissent on such proceedings, resolution, or as the case may be, the order and ensure the communication of the matter to the State Government or any officer authorized by it in this behalf within seven days of passing such resolution or order, or as the case may be, undertaking such proceedings.

(3) If the Chief Municipal Officer knowingly neglect his duty under sub-section (2), he shall be personally liable to any loss incurred by the Municipality as a result of the proceedings, resolution or the order of the nature specified in that sub-section and such loss may be recovered from him in the same manner in which municipal dues are recovered.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼423½

(4) After examining the note of dissent reported under sub-section (2), the State Government or the officer authorized by it in this behalf, may make such interim or final order as he thinks fit, which shall be binding on the Municipality:

Provided that if no such interim or final order is passed within a period of thirty days from the date of receipt of the dissent note, the Municipality may proceed with the proceedings or the resolution or, as the case may be, the order as if the dissent note was not put up.

(5) The Chief Municipal Officer or any other officer authorised in this behalf by the State Government shall have the power, subject to the provisions of this Act and the rules made thereunder, to authenticate under his signatures all resolutions, all licences, permissions which may be granted or given by the Municipality, Committee or order of Chairperson under this Act and no licence or permission or order shall be legal and valid unless it has been so authenticated by the Chief Municipal Officer or as the case may be, by such other officer.

(6) The Chief Municipal Officer shall exercise such other powers of the Municipality as the State Government may entrust him in the specified administrative exigency by a general or special order.

(7) All correspondence addressed to or meant for the Municipality shall ordinarily be sent in the name of the Chief Municipal Officer but may also be sent to the Chairperson and all correspondence issued or made on behalf of the Municipality shall ordinarily be issued under the seal and signature of the Chief Municipal Officer and may also be issued under the seal and signature of the Chairperson.

(8) The Chief Municipal Officer shall furnish any extract from the minutes of the proceedings of the Municipality or of any

9 ¼424½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

committee or other document or thing, which the officer appointed or authorized by the State Government in this behalf, calls from time to time.

(9) The Chief Municipal Officer shall,-

(i) take prompt steps to remove any defect or irregularity brought to his notice in the course of the audit of the municipal accounts or pointed out in the audit report;

(ii) report to the Municipality all cases of fraud, embezzlement, theft or loss of municipal money or property;

(iii) supply any return, statement, account or report or any other document in his charge or a copy thereof requisitioned by the Municipality;

(iv) make an explanation in regard to a subject under discussion at a meeting thereof but not vote upon or make any proposition thereat;

(v) carry out the policies, decisions and directions of the Municipality if not inconsistent with provisions of this Act and rules made thereunder, and take necessary measures for the speedy execution of all works and development schemes of the Municipality;

(vi) discharge such other duties as may be assigned to him by or under this Act or the rules and bye-laws made thereunder; and

(vii) subject to the general superintendence and control of the Chairperson, exercise

supervision and control over the officers and servants of the Municipality subordinate to him.

50. Handing over charge.&(1) Whenever-

(i) a Chairperson resigns or ceases to be such or is removed from or vacates the office of Chairperson, or is placed under suspension or his election as a member or Chairperson is declared to be void;

(ii) a Vice-Chairperson resigns or ceases to be such or is removed from, or vacates the office of Vice-Chairperson or is placed under suspension or his election as a member or Vice-Chairperson is declared to be void;

(iii) a member resigns or is removed or placed under suspension or his election is declared to be void;

(iv) a Municipality is dissolved or it otherwise becomes defunct,

such Chairperson, Vice-Chairperson or member or the Chairperson, Vice-Chairperson and members of such Municipality, as the case may be, shall forthwith hand over charge in the prescribed manner of his or their office including all papers and properties pertaining to such office, in his or their actual possession or occupation-

(a) in the case of a Chairperson, to the Vice-Chairperson and if there be no Vice-Chairperson, to such member as the State Government may direct:

9 ¼426½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Provided that charge of office of any Chairperson who was elected to an office reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes, Backward Classes, or for Women, shall be handed over to the Vice-Chairman if he belongs to the same category and if there be no such Vice-Chairperson as per directions of the State Government, to a member, if any, of the said Castes, Tribes or Classes or a woman member, as the case may be, in the manner as may be prescribed and where there is no such member belonging to said Castes, Tribes, Classes or a woman member to whom charge can be given as aforesaid, the charge shall be handed over in the manner as may be prescribed, to any other member not belonging to the aforesaid categories;

(b) in the case of a Vice-Chairperson, to the Chairperson, and if there be no Chairperson, to such member as the State Government may direct;

(c) in the case of a member, to a Chairperson, and in his absence, to the Vice-Chairperson; and

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼427½

(d) in the case of a Municipality dissolved or otherwise becoming defunct, to the newly constituted Municipality or, as the case may be, to the officer appointed under section 322:

Provided that a member to whom charge has been handed over under clauses (a) and (b) shall hold charge for a period, not exceeding sixty days, or till the taking over of charge by the Chairperson or, the Vice-Chairperson, as the case may be, whichever may be earlier.

(2) If any person fails or refuses or is not available to hand over the charge of office as required under sub-section (1), the person who is entitled to take over the charge of office shall assume charge and thereupon he shall be deemed to have taken over the charge of such office in accordance with the provisions of this Act.

CHAPTER III

Conduct of Business and Ward Committee

51. Provisions in regard to meetings of a Municipality.-(1) There shall be an ordinary general meeting of the Municipality once within sixty days and minimum six meetings in a calendar year and the business of the meeting shall be conducted in accordance with such procedure as may be prescribed.

(2) The Chairperson shall call a special meeting for a date not more than seven days from the date of receiving a request in writing signed by not less than one-third of elected members of the

9 ¼428½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Municipality specifying the resolution, which is proposed to be moved.

(3) If the Chairperson fails to call a special meeting within the time specified under sub-section (2), the Chief Municipal Officer shall call such meeting within ten days from the date on which the time specified in sub-section (2) expires.

52. Rights and privileges of individual members.-(1) Any member may call the attention of the proper authority to any neglect in the execution of a municipal work, to any wastage of municipal property or to the civic problems of any locality, and may suggest any improvement which he considers desirable.

(2) Every member shall have the right to put questions to the Chairperson and to move resolutions on matters connected with the administration of the Municipality, subject to the rules prescribed.

(3) Every member shall have the right to inspect, without payment of any fees, records of the Municipality at the municipal office, after giving due notice to the Chief Municipal Officer.

53. Motion of non-confidence against Chairperson.-(1) Motion expressing no confidence in the Chairperson or the Vice-Chairperson shall be made and considered in the prescribed manner.

(2) No notice of motion under this section shall be made within one year of the assumption of office by a Chairperson or a Vice-Chairperson.

(3) If a motion under sub-section (1) is not carried, no notice of a subsequent motion expressing no confidence in the same Chairperson or Vice-Chairperson shall be made until after the expiration of two years from the date of the meeting in which the motion was considered.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼429½

54. Constitution of Wards Committee.-(1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial areas of the Municipalities having population of three lakh or more.

(2) Each Ward Committee shall consist of&

(a)the members of the Municipality representing the wards within the territorial areas of the Wards Committee; and

(b) such other members, not exceeding five who are not less than 25 years of age and who have special knowledge or experience in municipal administration to be nominated by the Municipality :

Provided that a person shall be disqualified for being nominated , and for being , a member of the Wards Committee, if under the provision of this Act or any other law for the time being in force, he would be disqualified for being elected as, and for being, a member.

(3) Where a Wards Committee consists of one ward, the member representing that ward in the municipality shall be the Chairperson of that Committee.

(4) (a) The Ward Committee shall at its first meeting after its constitution under sub-section (1) and at its first meeting in the same month in each succeeding year shall elect where the Wards Committee consists of two or more wards, one of the members representing such wards in the Municipality to be the Chairperson of that Committee.

(b) The Chairperson shall hold office until his successor has been elected and shall be eligible for re-election.

9 ¼430½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(5) The Chairperson shall vacate office as soon as he ceases to be a member.

(6) In the event of the office of the Chairperson falling vacant before the expiry of his term, the Wards Committee shall, as soon as conveniently may be after the occurrence of the vacancy, elect new Chairperson in accordance with sub-section (4) :

Provided that a Chairperson so elected shall hold office so long only as the person in whose place he is elected would have held it if such vacancy had not occurred.

(7) The duration of the Wards Committee shall be co-extensive with the duration of the municipality.

(8) The Municipality shall by order define the functions and duties of the Wards Committee, the territorial areas of such Committee and the procedure to be adopted by such Committee for transaction of its business.

(9) Three members including the Chairperson of the Wards Committee shall constitute the quorum and the Wards Committee shall observe such rules of procedure in transacting its business as may be made by the Municipality.

55. Committees.-(1) In every Municipality there shall be an Executive Committee constituted and consisting of-

(i) the Chairperson of the Municipality;

(ii) the Vice-Chairperson of the Municipality;

(iii) the leader of the opposition;

(iv)in case of a Municipal Corporation or Municipal Council seven members elected by the Municipal Corporation or, as the case may be, Municipal Council, including two from the women members;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼431½

(v) in case of a Municipal Board, such number of members not exceeding five, as may be determined by the Municipal Board, elected by the Municipal Board; and

(vi)the Chairperson of the committees constituted

by the Municipality under sub-section (3).

(2) The Chief Municipal Officer of the Municipality shall be ex-officio Secretary of the Executive Committee.

(3) In addition to the Executive Committee, every Municipality shall also constitute the following Committees consisting of not more than ten members, namely:-

(i) a finance committee;

(ii) a health and sanitation committee;

(iii) a buildings permission and works committee;

(iv) a slum improvement committee;

(v) a rules and bye-laws committee;

(vi) a compounding and compromising of offences committee; and

(vii) looking to the functions of a Municipality, it may also constitute such other committees, not exceeding eight in case of Municipal Corporation, not exceeding six in case of Municipal Council ,and not exceeding four in case of Municipal Board, as it may deem necessary:

Provided that the State Government may, looking to the functions of a Municipality, increase the maximum limit of committees specified in this clause.

9 ¼432½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(4) The Executive Committee and the committees mentioned in sub-section (3) may exercise, perform and discharge such powers, duties and functions as may be prescribed.

(5) The above referred committees shall be constituted by the Municipality within ninety days of the constitution of the Municipality, failing which the State Government may constitute such committees.

Explanation.- For the removal of doubts it is clarified that a nominated member may also be appointed as a member of a committee constituted under this section.

56. When persons other than members may serve on committee.-(1) Notwithstanding anything contained in this Act, it shall be lawful for the Municipality, from time to time, by a resolution supported by not less than one-half of the whole number of members, to appoint, as members of any committee under section 55, except the Executive Committee, any persons who are not members, but who may in the opinion of such Municipality possess special qualifications for serving on such committee:

Provided that the number of persons so appointed on any committee shall not exceed one-third of the total number of the members of such committee.

(2) All the provisions of this Act relating to the duties, powers, liabilities, disqualification and disabilities of members shall be applicable, so far as may be, to such persons.

57. Chairman of committee.-(1) The Chairperson of the Municipality, if a member of any committee, shall be *ex-officio* Chairman thereof.

(2) The Vice-Chairperson of the Municipality, if appointed as a member of any committee of which the Chairperson is not a member, shall be *ex-officio* Chairman thereof.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼433½

(3) The Municipality may appoint a member, as Chairman of any committee of which there is no *ex-officio* Chairman.

(4) Every committee, of which there is an *ex-officio* Chairman or a Chairman appointed by the Municipality, shall, at each meeting which such Chairman does not attend, appoint from amongst its members a Chairman of such meeting.

(5) Every committee, of which there is no *ex-officio* Chairman or Chairman appointed by the Municipality, shall appoint from time to time its own Chairman from amongst its own members.

58. Procedure at meetings.-(1) The ordinary meetings of a committee of a Municipality shall be conducted within two months in accordance with such procedure as may be prescribed.

(2) If the Chairman of any committee has been absent from the Municipality for a period exceeding fifteen days, the Chairperson or Vice-Chairperson of the Municipality may, in his absence, call a meeting thereof.

(3) Committees may meet and adjourn as they think proper but the Chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the Chairperson of the Municipality or of not less than two members of the committee, and for a date not more than two days after the presentation of such request, call a special meeting of such committee.

(4) No business shall be transacted at any meeting of the committee unless one-half of the members of the committee be present thereat.

59. Subordination of committees to instructions of Municipality and compliance with requisitions of Municipality.-(1) Every committee including Wards Committee shall conform to any instructions that may from time to time be given to it by the Municipality. No committee can approve any

9 ¼434½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

scheme or expenditure from the municipal fund unless it has already been approved in the annual budget or supplementary budget passed by the Municipality. The Municipality may, at any time, call for any extract from any proceedings of any committee, and any return, statement of accounts or report concerning or connected with any matter with which any committee has been authorized or directed to deal, and every such requisition shall without unreasonable delay, be complied with by the committee so called upon.

(2) Every resolution passed by a committee appointed under sections 54 and 55 shall be subject to revision by, and open to appeal to, the Municipality in accordance with rules that may be framed by the Municipality in this behalf.

60. General functions of the Ward Committee.-The Ward Committee may discharge the following functions, namely:-

(a) assisting in solid waste management in the ward;

(b) assisting in supervision of sanitation work in the ward;

(c) assisting in the preparation and encouragement of the development scheme for the ward;

(d) encouraging harmony and unity among various groups of people in the ward;

(e) mobilizing voluntary labour and donation by way of goods or money for social welfare programmes;

(f) assisting in the implementation of development schemes relating to the ward;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼435½

(g) assisting in identifying beneficiaries for the implementation of development and welfare schemes;

(h) encouraging art and cultural activities and activities of sports and games;

(i) ensuring people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the Municipality;

(j) assisting in timely collection of taxes, fees and other sums due to the Municipality;

(k) assisting in maintenance of parks in the ward;

(l) assisting in maintenance of street lighting in the ward; and

(m) such other functions as may be assigned to it by the Municipality.

61. Powers, duties and functions which may be delegated.- (1) Any powers, duties or executive functions which may be exercised, discharged or performed by or on behalf of the Municipality may, subject to such restrictions, limitations and conditions as may be prescribed, be delegated to the committees under this Act, without prejudice to the powers, duties and functions prescribed under sections 55, 157 or 158.

(2) When the office of a Chairperson becomes vacant and there is no Vice-Chairperson to take over, the Municipality shall at a meeting to be called in prescribed manner, delegate the powers, duties and executive functions of the Chairperson to such member of the Municipality as it thinks proper to be exercised by him till a Chairperson is elected in accordance with the rules in force:

9 ¼436½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Provided that when the office of a Chairperson reserved for Scheduled Castes, Scheduled Tribes, the Backward Classes or for women becomes vacant, the powers, duties and executive functions of the chairperson shall be delegated to a member belonging to said castes, tribes, classes or, as the case may be, a woman member and if there is no member belonging to said castes, tribes, classes or, as the case may be, woman member to such other member as it thinks proper.

62. Acts and proceedings of Municipality and committees not vitiated by disqualifications etc., of members thereof.-(1) No disqualification of or defect in the election, nomination or appointment of any person acting as member, or as the Chairperson or presiding authority of a general meeting or a committee appointed under this Act shall be deemed to vitiate any act or proceeding of the Municipality or such committee, as the case may be, in which such person has taken part.

(2) Where a member or a Chairperson or a Vice-Chairperson is declared, as the result of an election petition, not to have been duly elected he shall cease to act as such from such date but acts done by him till then in the execution of his office shall not be invalidated by reason of such declaration.

(3) No resolution of a Municipality or any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member; provided that the proceedings of the Municipality or committee were not prejudicially affected by such irregularity.

(4) Unless the contrary is proved, every meeting of the Municipality or of a committee appointed under this Act in respect of the proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held, and all the members at the meeting shall be

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼437½

deemed to have been duly qualified, and, where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

(5) During any vacancy in a Municipality or committee, the continuing members may act as if no vacancy had occurred.

63. Municipal fund ordinarily liable for all costs and expenses incurred by Municipalities.-(1) Except as herein otherwise provided, no Chairperson or Vice-Chairperson or member shall be personally liable in respect of any contract or agreement made, or for any expense incurred by or on behalf of the Municipality, and the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

(2) Every Chairperson, Vice-Chairperson or member shall be liable for the misapplication of any money or other property owned by or vested in the Municipality to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The Chairperson, the Vice-Chairperson, member, the Chief Municipal Officer or other officer or person to whom executive powers are conferred by or under this Act shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

64. Official of the Municipality not to be interested in any contract.&Any person who has, directly or indirectly, by himself or his partner, any share or interests in any contract with, by or on behalf of, a Municipality or in any employment with, under, by or on behalf of a Municipality other than as a municipal officer or servant shall be liable for disciplinary action under the appropriate rules.

9 ¼438½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

65. Penalty for member, officer or employee interested in a contract etc., with Municipality.-(1)Any member who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of a Municipality of which he is a member, not being a share or interest such as under section 24, it is permissible for a person to have without being thereby disqualified for being member, shall be liable, on conviction before a criminal court, to a fine which may extend to five thousand rupees.

(2) Any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract or, except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by or on behalf of a Municipality of which he is an officer or servant shall be liable, on conviction before a criminal court, to a fine which may extend to five thousand rupees and shall also be liable for disciplinary action in accordance with the rules applicable to him.

66. Members etc. to be deemed public servant.-Every member, officer, servant of the Municipality or employee of Municipality and every lessee of the levy of any municipal tax, and every servant or other employee of any such lessee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

CHAPTER IV

Municipal Property

67. Power to acquire and hold property.-The Municipality shall, for the purposes of this Act, have power to acquire, by gift, purchase or otherwise, and hold, movable and immovable properties or any interest therein, whether within or outside the limits of the municipal area.

68. Vesting of property.- (1) All property of the nature hereinafter in this section specified and not being specially

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼439½

reserved by the State Government shall, subject to any other law

for the time being in force, vest in and belong to the Municipality, and shall together with all other property of whatsoever nature or kind not being specially reserved by the State Government, which may become vested in the Municipality, be under its direction, management and control, and shall be held and applied by it as trustee subject to the provisions and for the purpose of this Act, that is to say&

(a) all vested public lands;

(b) all public city or town walls, gates, markets, slaughterhouses, manure, night-soil depots, and public building of every description which have been constructed or are maintained out of municipal fund;

(c) all public tanks, streams, reservoirs, cisterns, springs, aqueducts, conduits, tunnels, pipes and pumps; and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto and also any adjacent land, not being private property, appertaining to any public tank or well;

(d) all public sewers and drains, channels, tunnels, culverts and watercourses in, alongside, or under, any street;

(e) all public streets and pavements, and stones and other materials thereon, and also trees, erections, materials, implements and things provided for such streets;

(f) all public parks and gardens, including squares and public open spaces;

9 ¼440½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(g) all public ghats on rivers or streams or tanks;

(h) such Government lands, whether situate within or out of the municipal area, as the State Government may by general or special order vest in the Municipality;

(i) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(j) all Government buildings and all private lands and buildings transferred to it by gift or otherwise;

(k) all public places for disposal of the dead, excluding those governed by any specific law in this behalf;

(l) all solid wastes collected on a public street or public place, including dead animals and birds; and

(m) all stray animals not belonging to any private person.

(2) The State Government shall be competent to resume Government land vested in a Municipality under clause (h) of sub-section (1),&

(i) if such Municipality is found upon inquiry to have mismanaged such land, or

(ii) if such land is otherwise required by the State Government in the public interest,

on such terms as the State Government may determine.

69. Acquisition of property by Municipality by agreement, exchange, lease, grant, etc..-(1) The Municipality

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼441½

may, on such terms and conditions as may be approved by it and with the prior approval of the State Government,&

(i) acquire by agreement&

(a) any immovable property, and

(b) any easement affecting immovable property;

(ii) acquire any property by exchange; and

(iii) hire or take on lease immovable property.

(2) The Municipality may receive any grant or dedication by donor, whether in the form of any income or any movable or immovable property, by which the Municipality may be benefited in the discharge of any of its functions.

(3) It shall be lawful for the Municipality to be the beneficiary of any trust created under the Charitable and Religious Trusts Act, 1920 (Central Act No. 14 of 1920), or the Indian Trusts Act, 1882 (Central Act No. 2 of 1882).

70. Compulsory acquisition of land.-When any land or right in land whether within or without the limits of the Municipality, is required for the purposes of this Act, the State Government may, at the request and on behalf of the Municipality, proceed to acquire it under the provisions of the Land Acquisition Act, 1894 (Central Act No. 1 of 1894) and on the

payment by the Municipality to the State Government of compensation awarded thereunder and of other charges incurred by the State Government in connection with such acquisition, the land or right, as the case may be, shall vest in the Municipality.

71. Allotment, regularization etc. of certain lands.-(1) All lands which are deemed to have been placed at the disposal of a Municipality under section 90-B of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) upon resumption or surrender of

9 ¼442½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

tenancy rights and interest of Khatedars thereof, as the case may be, shall be available for allotment or regularization preferably to the persons having possession on the basis of the documents referred to in sub-section (1) of the said section 90-B or as the case may be to the person who surrendered the land under sub-section (3) of the said section 90-B, on such terms and conditions and after examining their eligibility for allotment and subject to payment to the Municipality of such charges or premium or both as the case may be, and at such rates as may be prescribed by the State Government in this behalf :

Provided that no allotment or regularization of any land shall be made which has been duly earmarked for public utilities or services such as park, nursery, civil or military aviation, bus-stand, transport terminal, railways, public roads, high-ways, footpath, sewage lines, water supply, electricity supply, telephone lines, hospital, school, educational institution, university, cremation ground, grave-yard and for such other purposes as the State Government may specify by notification in the Official Gazette.

(2) The charges realized under sub-section (1) shall be credited to the Consolidated Fund of the State and the fund of the Municipality as may be determined by the State Government.

72. Contracts by officers appointed by Government to execute municipal works and payment for such works.- Notwithstanding anything contained in section 82, any person appointed by the State Government to carry any work into execution on behalf of a Municipality may, subject to such control as the State Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution to the extent of the sum provided for such work; and the Municipality shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼443½

73. Provisions relating to transfers of property and contracts.-(1) Every Municipality shall be competent, subject to the prescribed restrictions and conditions to lease, sell, regularize, allot or otherwise transfer any movable or immovable property belonging to it, including municipal land as also any Government land and so far as is not inconsistent with the provisions and purposes of this Act and the rules made thereunder, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes :

Provided that&

(i) no such lease, sale, regularization, allotment or transfer and contract shall be binding on a Municipality unless it is in conformity with the provisions of this Act and the rules made thereunder;

(ii) no lease, sale, regularization, allotment or transfer of, or any other contract respecting any Government land shall be valid unless it is confirmed by the prescribed authority in the prescribed manner and on the prescribed conditions.

Explanation.- for the purposes of this section, the expression "Government land" means any land&

(a) which has become vested in a Municipality under clause (h) of sub-section (1) of section 68; or

(b) which is a Nazul land as defined in section 3 of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956); or

(c) which may be placed at the disposal of a Municipality by the State Government.

9 ¼444½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(2) (a) The State Government or any officer authorized by it in this behalf may, for the purpose of satisfying as to the correctness, legality or propriety of any proposal to lease, sell, regularize, allot or transfer any Municipal land or Government land made by or on behalf of a Municipality or Chairperson, or officer of a Municipality, call for the relevant record, and may while doing so direct that pending the examination of the matter, the proposal to lease, sell, regularize, allot, or transfer of the Municipal land or Government land shall remain in abeyance and no action in furtherance thereof shall be taken till the decision of the State Government or of the authorized officer under sub-section (2)(b).

(b) If after examination of the record and after giving to the persons interested in such proposal, a reasonable opportunity of being heard, the State Government or the officer authorized as aforesaid, is satisfied that the proposal to lease, sell, regularize, allot or transfer of the Municipal land or Government land is not in accordance with or is in contravention of the provisions of this Act, it may by order published in the Official Gazette, modify, cancel or rescind wholly or in part the proposal made for lease, sale, regularization, allotment or transfer of the Municipal land or Government land or any action or proceeding taken in pursuance thereof or may give any other direction as may be deemed proper.

(3) Where in pursuance of any lease, sale, allotment, transfer or any other contract made by a Municipality or by the Chairperson, or officer of a Municipality, in contravention of the provisions of this section, any person has entered into the possession of any Municipal land or Government land, such person shall be deemed to be in unauthorized occupation within the meaning of the Rajasthan Public Premises (Eviction of

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼445½

Unauthorized Occupants) Act, 1964 (Act No. 2 of 1965) and shall be liable to eviction from such land and to all the liabilities as to the payment of rent or damages for use and occupation under that Act unless notwithstanding anything contained in that Act, such lease, sale, allotment, transfer or contract is confirmed by the State Government or the officer authorized as aforesaid, in the prescribed manner :

Provided that where any such lease, sale, allotment, transfer or contract is not confirmed as aforesaid, the consideration, if any, received by the Municipality, Chairperson, or officer of the Municipality for such lease, sale, allotment, transfer or contract shall, be refunded to the person evicted from such land.

74. Inventory and map of immovable municipal property.- (1) The Municipality shall maintain an inventory and a map of all immovable properties which vest in or belong to or are acquired by it. The copies of updated inventories and maps shall be deposited in the office of the Director of Local Bodies by each Municipality within one year from the commencement of this Act.

(2) The Chief Municipal Officer shall in case of the inventory of an immovable property, prepare an annual statement indicating the changes, if any, in the said inventory and shall place the same before the Municipality and also send a copy thereof to the Director of Local Bodies.

75. Maintenance of records of urban land and properties.- The Municipality may, in consultation with other concerning departments or authority, as the case may be, prepare, maintain and regularly update the record of the urban land and all properties, including private properties, situated within the municipal area, in such manner as may be prescribed.

9 ¼446½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

CHAPTER V

Municipal Finance and Municipal Fund

76. State Finance Commission.- (1) The State Finance Commission shall review the financial position of the Municipalities and make recommendations to the Governor as to&

(a) the principles which should govern;

(i) the distribution, between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State which may be divided between them and the allocation between the Municipalities at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities; and

(iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Municipalities; and

(c) any other matter referred to the State Finance Commission in the interest of sound finances of the Municipality.

(2) Every recommendation made by the State Finance Commission together with an explanatory memorandum as to the action taken thereon shall be laid before the State Legislature.

77. Implementation of recommendations of the State Finance Commission.- After taking into consideration the recommendations of the State Finance Commission, the State Government shall determine&

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼447½

(a) the devolution of net proceeds of the taxes, duties, tolls and fees to the Municipalities,

(b) the assignment of taxes, duties, tolls and fees to the Municipalities,

(c) the sanction of grants-in-aid to the Municipalities from the Consolidated Fund of the State, and

(d) the other measures required to improve the financial position of the Municipalities.

78. Financial assistance from State Government.- (1) The State Government may, from time to time, give grants or financial assistance to the Municipality with or without direction as to the manner in which such grants or financial assistance shall be applied.

(2) The State Government may, for giving such grants or assistance, lay down a scheme, which may include the conditions of release of such grants or assistance and may provide for the division of Municipalities into different classes for that purpose.

(3) The State Government may give grants to the Municipality for implementation, in full or in part, of any scheme included in the annual development plan of the Municipality.

79. Municipal Fund.- (1) There shall be a fund to be called the Municipal Fund, which shall be held by the Municipality in trust for the purposes of this Act, and all moneys realized or realizable under this Act and all moneys otherwise received by the Municipality shall be credited thereto.

(2) Subject to such directions as the State Government may issue in this behalf, the receipts and expenditures of the Municipality shall be kept under such heads of accounts, including those for drainage and sewerage, solid waste management, road development and maintenance, slum services, commercial projects and other account heads as may be prescribed and the general

9 ¼448½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

account head, in such manner, and in such form, as may be prescribed, so as to facilitate the imposition of user charges and preparation of any subsidy report under this Act.

Explanation.&For the purposes of this section "commercial projects" shall include municipal markets, market development projects, property development projects, and such other projects of a commercial nature as may be specified by the Municipality from time to time.

(3) Every head of account specified under sub-section (2) shall be split up into a revenue account and a capital account and all items of receipts and expenditures shall be kept appropriately under such revenue account or capital account, as the case may be.

80. Application of Municipal Fund.- The moneys credited to the Municipal Fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules and the bye-laws made thereunder and for payment of all sums payable out of the Municipal Fund under any other law for the time being in force.

81. Payments not to be made out of Municipal Fund unless covered by budget grant.- No payment of any sum out of the Municipal Fund shall be made unless such expenditure is covered by a current budget grant and a sufficient balance of such budget grant is available, notwithstanding any reduction or transfer thereof under the provisions of this Act:

Provided that this section shall not apply to any payment in the following cases, namely:&

(a) refund of taxes and other moneys which are authorized by this Act,

(b) repayment of moneys belonging to contractors or other persons and held in deposit and all moneys

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼449½

collected by the Municipality or credited to the Municipal Fund by mistake,

(c) temporary payment for works urgently required by the State Government in the public interest,

(d) expenses incurred by the Municipality on special measures on the outbreak of dangerous diseases, natural or technological hazards or in any other emergent case,

(e) sums payable as compensation under this Act or the rules or the bye-laws made thereunder,

(f) sums payable&

(i) under orders of the State Government on failure of the Municipality to take any action required by the State Government under any provision of this Act, or

(ii) under any other law for the time being in force, or

(iii) under the decree or order of a civil or criminal court against the Municipality, or

(iv) under a compromise of any claim, suit or other legal proceeding, or

(v) on account of the cost incurred in taking immediate action by any of the municipal authorities to avert a sudden threat or danger to the property of the Municipality or to human life, or

(vi) on account of salaries or wages, and

(g) such other cases as may be determined by bye-laws.

82. Temporary payment from Municipal Fund for works urgently required in public interest.- (1) On a requisition,

9 ¼450½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

in writing, by the State Government, the Municipality may, at any time, require the Chief Municipal Officer to undertake the execution of any work certified by the State Government to be urgently required in the public interest and, for this purpose, to make payment for such work from the Municipal Fund in so far as such payment may be made without unduly interfering with the regular work of the Municipality.

(2) The cost of all work so executed, and the proportionate establishment charges for executing such work, shall be paid by the State Government and credited to the Municipal Fund.

83. Power to incur expenditure beyond the limits of Municipality.- Notwithstanding anything contained elsewhere in this Chapter, the Municipality may, with the approval of the State Government, authorize expenditure to be incurred beyond the limits of the municipal area for creation of physical assets relating to the core functions of the Municipality outside the limits of such municipal area and for maintenance thereof for carrying out the purposes of this Act.

84. Exclusive use of Municipal Fund for particular purpose.- (1) Notwithstanding anything contained elsewhere in this Chapter, the State Government may, by order, require the Municipality to earmark a particular portion of the Municipal Fund or a particular grant or a part thereof, or any item of receipt under any head of account, or any percentage thereof, or any share of tax receivable by the Municipality other than taxes, duties and fines assigned to the Municipality under this Act or any part thereof, to be utilized exclusively for such purpose related to municipal functions as may be specified by the State Government, and it shall be the duty of the Municipality to act accordingly.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼451½

(2) The State Government may, for carrying out the purposes of sub-section (1), make rules for different classes of Municipalities.

85. Operation of accounts.- Subject to the other provisions of this Act, payment from the Municipal Fund shall be made in such manner as may be prescribed in the rules made by the State Government.

86. Investment of surplus moneys.- (1) Surplus moneys standing at the credit of any of the heads of accounts of the Municipal Fund which are not required, either immediately or at any early date, to be applied for the purposes of this Act by the Municipality may, in accordance with the rules made by the State Government, be transferred by the Municipality, either in whole or in part, to any other head of account of the Municipal Fund:

Provided that such surplus money standing at the credit of the Commercial Projects Account of the Municipal Fund shall not be transferred to the General Account of the Municipal Fund.

(2) Surplus moneys which are not transferred under sub-section (1) may be invested in public securities or small savings schemes, approved by the State Government, or deposited at interest with such scheduled bank as may be determined by the Municipality.

(3) Profit or loss, if any, arising from the investment as aforesaid shall be credited or debited, as the case may be, to the account to which such profit or loss relates.

87. Preparation of budget estimate of Municipality.- (1) The Chief Municipal Officer shall prepare in each year, before fifteenth January, a budget estimate alongwith an establishment schedule of the Municipality for the ensuing financial year, and such budget estimate shall be an estimate of the actual income and expenditure of the Municipality. However, before submission to

9 ¼452½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

the Municipality for approval, the financial estimates shall be approved by the Finance Committee.

(2) Subject to the provisions of section 4 and sub-section (2) of section 79, the budget estimate shall separately state the income and the expenditure of the Municipality to be received and incurred in terms of the various heads of accounts:

Provided that without prior approval of the State Government, no proposal regarding-

(i) creation of new posts or filling of vacant posts;

(ii) purchase of new vehicles;

(iii) purchase of immovable property;

(iv) making grant-in-aid to any private institution or person; or

(v) for any other matter as may be directed by the State Government, from time to time,

shall be included in the budget.

(3) The budget estimate shall state the rates at which various taxes, surcharges, cesses and fees shall be levied by the Municipality in the year next following.

(4) The budget estimate shall state the amount of money to be raised as loan during the year next following.

(5) The Chairperson shall present the budget estimate to the Municipality on such date, not being later than 31st January in each year, as may be fixed by the Executive Committee and it shall be passed by the Muncipality prior to 15th February of every year.

(6) The budget estimate shall be prepared, presented and adopted in such form and in such manner, and shall provide for such matters, as may be prescribed.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼453½

(7) The annual inventory prepared under sub-section (1) of section 74 and the statement prepared under sub-section (1) of section 150 shall be enclosed with the budget estimate.

88. Sanction of budget estimate of Municipality.-The Municipality shall consider the budget estimate and shall, by the fifteenth day of February in each year, adopt the budget estimate for the ensuing year with such changes as it may consider necessary, and submit a copy of the same to the State Government through the Director of Local Bodies and if, after considering the budget estimates, the State Government is of the opinion that it is necessary in the interest of Municipality to make changes in budget estimates, it may direct the Municipality to carry out the changes and such directions shall be binding on the Municipality.

89. Power to alter budget grant.- A Municipality may, from time to time, during thefinancialyear-

(a) increase the amount of any budget grant under any head,

(b) make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year,

(c) transfer the amount of any budget grant or portion thereof under one head to the amount of budget grant under any other head, or

(d) reduce the amount of the budget grant under any head:

Provided that nothing shall be done under clause (a) or clause (b) or clause (c) or clause (d) without the recommendation of the Finance Committee.

9 ¼454½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

CHAPTER VI

Accounts and Audit

90. Maintenance of accounts.- The Chief Municipal Officer shall prepare and maintain accounts of receipts and expenditures of the Municipality in such form, and in such manner, as may be prescribed.

91. Preparation of Municipal Accounting Manual.- The State Government shall prepare and maintain a Manual to be called the Municipal Accounting Manual containing details of all financial matters and procedures relating thereto in respect of the Municipality.

92. Financial statement and balance sheet.- (1) The Chief Municipal Officer shall, within three months of the close of a financial year, cause to be prepared a financial statement containing an income and expenditure account and a receipts and payments account for the preceding financial year in respect of the accounts of the Municipality and a balance sheet of the assets and liabilities of the Municipality for the preceding financial year.

(2) The form of the financial statement and the balance sheet, and the manner in which the financial statement and the balance sheet shall be prepared, shall be such as may be prescribed.

93. Submission of financial statement and balance sheet to Auditor.- The financial statement and the balance sheet shall be placed by the Chief Municipal Officer before the Finance Committee which, after examination of the same, shall adopt and remit them to the Auditor.

94. Audit of accounts.- (1) The municipal accounts as contained in the financial statement and the balance sheet shall be examined and audited by the Auditors of Local Fund Audit in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Act No. 28 of 1954).

(2) The Comptroller and Auditor General of India may, on the request of the State Government provide technical guidance for proper maintenance of accounts of Municipalities.

(3) The Chief Municipal Officer shall submit such further accounts to the Auditor, as may be required by him.

(4) The Auditor, or the officer subordinate to him, may report any item of accounts contrary to the provisions of this Act to the Finance Committee.

(5) The Finance Committee shall consider the report of the Auditor as early as possible and shall, if necessary, take prompt action thereon, and shall also, if necessary, surcharge the amount of any illegal payment on the person making or authorizing it, and charge against any person responsible therefore the amount of any deficiency loss incurred by the negligence or misconduct of such person or any amount which ought to have been, but is not, brought into account by such person, and shall in every such case, certify the amount due from such person:

Provided that any person aggrieved by an order of payment of certified sums may appeal to the State Government or any officer authorized by it in this behalf whose decision on such appeal shall be final.

95. Placing of Audited Accounts before the Municipality.- (1) The Chief Municipal Officer shall place the audited financial statement, the balance sheet and the report of the Auditor and his comments before the Finance Committee which, after the examination thereof, shall place them before the Municipality with its comments, if any.

(2) The Chief Municipal Officer shall remedy any defect that has been pointed out by the Auditor in his report and place before the Municipality the reply of the objections and defects as pointed out by the Auditors .

96. Submission of audited accounts.- (1) The Chief Municipal Officer shall, after adoption of the financial statement and the balance sheet and the report of the Auditor, if any, by the Municipality, forward the same to the State Government together with a report of the action taken thereon by the Municipality.

(2) If there is any difference of opinion between the Auditor and the Municipality or if the Municipality does not remedy the defects or the irregularities mentioned in the report of the Auditor within a reasonable period, the Auditor shall refer the matter to the State Government whose decision thereon shall be final and binding.

97. Power of State Government to enforce order upon audit report.- If any order made by the State Government under this Chapter is not complied with, it shall be lawful for the State Government to take such steps as it thinks fit to secure the compliance of the order and to direct that all expenses thereof shall be defrayed from the Municipal Fund.

98. Special audit.- In addition to the audit of annual accounts, the State Government or the Municipality may, if it thinks fit, appoint an auditor to conduct special audit pertaining to a specified item or series of items requiring through examination, and the procedure relating to audit shall apply *mutatis mutandis* to such special audit.

99. Internal audit.- The State Government or the Municipality may provide for internal audit of the day-to-day accounts of the Municipality in the manner prescribed.

100. Annual administration report.- (1) As soon as may be after the first day of April in every year and not later than thirtieth day of June, the Municipality shall submit to the State

Government a report on the administration during the preceding year in such form and with such details as the State Government may direct.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼457½

(2) The Chief Municipal Officer, shall prepare the report and place it before the Municipality for consideration and forward it to the State Government with the resolution of the Municipality thereon.

(3) The report may be published in such manner as the Municipality may direct.

CHAPTER VII

Municipal Revenue

101. Internal revenues of Municipality.- The internal revenues of the Municipality shall consist of its receipts from the following sources, namely:-

(a) taxes levied by the Municipality,

(b) user charges levied by the Municipality for provision of civic services, and

(c) fees and fines levied for performance of regulatory and other statutory functions.

102. Obligatory taxes.- (1) Subject to the provisions of section 4, every Municipality may, and if so required by the State Government shall, levy, at such rate and from such date as the State Government in each case direct by notification in the Official Gazette and in such manner as is laid down in this Act and as may be provided in the rules made by the State Government in this behalf, the following taxes, namely:-

(a) tax on lands and buildings situated in the municipal limits, by unit area base method or by any other method;

(b) tax on professions, trades, callings and employment;

(c) toll on roads, bridges and ferries owned by, or built from the funds of, the Municipality;

9 ¼458½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(d) a tax for pollution control from the trade and industries which are the source of environment polluton within the municipal limits;

(e) a tax on permissible display or advertisements on public place or on private land or building;

(f) any other tax which State Government has power to impose under the Constitution of India:

Provided that upon a representation made to it by and at the request of a Municipality, the State Government, if it is satisfied that circumstances exist which sufficiently provide the justification for a Municipality not to levy, or to stop the levy, or reduce the rate of, any of the taxes mentioned in this section, may, by special order published in the Official Gazette, along with the reasons for making such order, permit the Municipality not to levy, or to stop the levy, or reduce the rate, of any such tax.

(2) A direction under sub-section (1) may provide for the levy of taxes at different rates in different Municipalities having regard to their varying local conditions and needs, and on the

same considerations and by a like direction, the State Government may, from time to time vary uniformly or differently in relation to different Municipalities, the rates of taxes levied.

103. Other taxes that may be imposed.- (1) Subject to any general or special orders of the State Government in this behalf, a Municipality may impose and levy in the whole or any part of the Municipality for which it is established, all or any of the following taxes, namely:-

(i) a tax on vehicles plying within the Municipality;

(ii) a tax on boats moored within the Municipality;

(iii) a lighting tax;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼459½

(iv) a tax on congregations;

(v) tax on pilgrims and tourists;

(vi) a tax on land or building used for erecting hoardings or any other structures for advertisement;

(vii) fire tax;

(viii) a tax on deficit in parking spaces in any non-residential building;

(ix) a surcharge on stamp duty at the rate not exceeding half percent of the stamp duty;

(x) any other tax which the State Government has power to impose under the Constitution.

(2) Nothing in this section shall authorise or be deemed to authorise the imposition or levy of any tax which the State Government has no power under the Constitution to impose or levy in the State.

(3) The levy, assessment and collection of taxes under this section shall be in accordance with the provisions of this Act and the rules and the bye-laws made thereunder.

104. Power to levy user charges.-The Municipality may levy user charges for -

(i) provision of drainage and sewerage,

(ii) solid waste management,

(iii) parking of different types of vehicles in different areas and for different periods,

(iv) stacking of materials or rubbish on public streets for construction, alteration, repair or demolition work of any type, and

(v) any other civic service,

9 ¼460½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

in such manner, and at such rates as may be determined by it from time to time with prior approval of the State Government :

Provided that the State Government may direct the Municipality to levy any of the user charges as aforesaid, which the Municipality has not levied or has postponed.

105. Power to levy fees and fines.- The Municipality shall have the power to levy fees and fines in exercise of the regulatory powers vested in it by or under this Act or the rules or the bye-laws made thereunder for -

(a) sanction of building plans and issue of completion certificates,

(b) issue of municipal licences for various non- residential uses of lands and buildings,

(c) licensing of –

(i) various categories of professionals such as plumbers and surveyors,

(ii) various activities such as sinking of tube-wells, sale of meat, fish or poultry, or hawking of articles,

(iii) sites used for advertisements or premises used for private markets, slaughterhouses, hospitals, nursing homes, clinics, factories, warehouses, godowns, goods transport depots, eating-houses, lodging-houses, hotels, theatres, cinema-houses and places of public amusement and for other non-residential uses,

(iv) animals,

(v) carts or carriages, and

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼461½

(vi) such other activities as require a licence or permission under the provisions of this Act, and

(d) issue of birth and death certificates,

in accordance with the provision of this Act, and the rules or bye-laws made thereunder.

106. Power to levy development charge.-(1) The Municipality may levy such development charge as may be determined by bye-laws, from time to time-

(a) on any residential building with a height of more than fourteen meters, or any non-residential building, having regard to its location along a particular category of street, its use characteristics, and sanctioned built up area, and

(b) for development or redevelopment of any existing area, in accordance with any development plan or while approving any sub-division plan of that area.

(2) Any such development charge shall be paid in advance by the developer before commencing any activity on the approved plan or sub-division.

(3) In case of redevelopment of the area, the charges shall be payable by all the residents and beneficiaries of the development.

(4) The Municipality shall keep a separate account of such development charge and shall not divert it for any other use.

107. Exemption from taxation.- (1) None of the taxes specified in sections 102 and 103 shall be leviable by a Municipality in respect of any property belonging to or vested in it.

(2) None of the taxes specified in clause (a) of sub-section (1) of section 102 and clauses (i) and (ii) of sub-section (1) of

9 ¼462½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

section 103 shall be leviable in respect of any lands, buildings, vehicles, conveyance and boats belonging to or vested in the Central Government or the State Government:

Provided that, so long as any such tax continues to be levied by the Municipality on like properties of other persons, nothing in this sub-section shall prevent the Municipality from levying that tax to which, immediately before the 26th day of January, 1950, any lands, buildings, vehicles, conveyances and boats of the Central Government were liable or treated as liable:

Provided further that any land, building, vehicle, conveyance or boat belonging to or vested in the State Government shall be so exempted from payment of any such tax, if the same is used or intended to be used solely for public purposes and not for purposes of profit.

(3) The tax specified in clause (a) of sub–section (1) of section 102 shall not be leviable in respect of lands and buildings used solely as places of public worship and duly recognized as such by the Municipality.

(4) The State Government may, if in its opinion reasonable ground exists for doing so, grant and define by general or specific order published in the Official Gazette such exemptions from payment of a tax leviable under this Act as it may consider necessary.

108. Procedure preliminary to imposing tax.- A Municipality, before imposing a tax under section 103 shall observe the following preliminary procedure namely: -

(a) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼463½

section 103, and prepare a draft of the rules prescribing the tax and shall in such rules specify-

(i) the classes of persons or of property or of both which the Municipality proposes to make liable, and any exemptions which it proposes to make,

(ii) the amount or rate at which the Municipality proposes to assess each such person or class of persons,

(iii) in the case of a rate on buildings or lands or both, the basis for each class of the valuation on which such rate is to be imposed, and

(iv) all other matters which the State Government may require to be specified therein;

(b) when such resolution has been passed the Municipality shall publish the draft rules so prepared with a notice in the form set forth in the First Schedule;

(c) any inhabitant of the Municipality objecting to the imposition of the said tax or to the amount or rate proposed or to the classes of persons or property to be made liable thereto or to any exemption, proposed may, within one month from the publication of the said notice, send his objection in writing to the Municipality and the Municipality

shall take all such objections into consideration, or shall authorize a committee to consider the same and report thereon, and, unless it decides to abandon the proposed tax, shall by special resolution direct the imposition of the tax with effect from a date to be specified in the resolution.

109. Imposition of tax etc..- (1) After the passing of the special resolution referred to in section 108 the Municipality shall

9 ¼464½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(2) A notification of the imposition of a tax under sub-section (1) shall be conclusive proof that the tax has been imposed in accordance with the provisions of this Act:

Provided that-

(a) a tax leviable by the year-

(i) shall not come into force except on one of the following dates viz., the first day of April, the first day of July, the first day of October, or the first day of January in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first April, it shall be leviable by the quarter till the first day of April then next ensuing;

(b) on or before the day on which a notice is issued under this section, the Municipality shall publish such further detailed rules as may be required, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof shall be payable; and

(c) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼465½

110. Procedure for altering taxes.- The procedure for abolishing or altering a tax imposed under section 103, shall, so far as may be, be the procedure prescribed by sections 108 and 109 for its imposition.

111. Power of Government to suspend or prohibit or remedy tax.- If it appears to the State Government on complaint or

otherwise that any tax, levied by a Municipality under sections 102 and 103 is unfair in its incidence or that the levy thereof or any part thereof is contrary or obnoxious to the interest of the general public, the State Government may require the said Municipality within such period as it shall fix in this behalf to take measures for removing any defect or objection which appear to it to exist in the said tax or in the method of assessing or collection of the same, and if, within the period so fixed, such requirement is not carried into effect to the satisfaction of the State Government it may, by of any part thereof, until such time as the defect or objection is removed or may abolish or reduce such tax.

112. Power of Municipality to suspend or abolish tax.- Subject to any general or special orders of the State Government, a Municipality may, if it is satisfied that it is in public interest so to do, suspend or abolish any tax, which has been or is deemed to have been imposed under section 103.

113. Assessment of tax and appointment of Assessors.-(1) For assessing municipal tax the State Government may appoint Assessors who shall assess tax in such form and in such manner as may be laid down in rules made by the State Government in that behalf.

(2) The Assessors may be assigned any other functions by general or special orders of the State Government.

114. Supply of certain information and consequence of failure to supply.- (1) On the requisition of the Assessor, the

9 ¼466½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

owner or occupier of any building or land or both referred to in sub-section (1) of section 102 shall, within such reasonable period as shall be specified in the requisition be bound-

(i) to furnish a return in such form, as may be prescribed; and

(ii) to give such information as may be requisite for determining the person from whom the tax is primarily leviable under section 120.

(2) If such owner or occupier fails or refuses to comply with the requisition within the period specified therein, then without prejudice to any other action that may be taken against him under any other provision of this Act, the Assessor shall, after making such inquiry as he considers necessary, assess the tax payable on such building or land or both to the best of his judgment.

115. Obligation to supply information for purposes of amendment.- (1) When a building is built or enlarged, the owner shall give notice thereof to the Municipality within one month from the date of completion of such building, re-building or enlargement, or from the date of the occupation of such building, whichever date happens first.

(2) If any person fails to give the notice required by sub-section (1), the Municipality may impose upon him such penalty not exceeding five hundred rupees or ten times the amount of the tax payable on the said building or enlargement for period of three months, whichever is greater, as the Municipality may think fit.

116. Notice to be given to Municipality of all transfers of title by persons primarily liable to payment of taxes on building or lands.- (1) Whenever the title of any person primarily liable for the payment of a tax imposed on a building or land or both, is transferred, the person whose title is so transferred and the

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼467½

person to whom the same shall be transferred shall give notice of such transfer in writing to the Municipality.

(2) In the event of the death of any person primarily liable as aforesaid the person to whom the title of the deceased is transferred as heir or otherwise shall give notice of such transfer to the Municipality.

117. Form of notice.- (1) The notice to be given under the last preceding section shall be in the form either of the Second Schedule or the Third Schedule, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Municipality may, if it thinks necessary, require the production of the instrument of transfer, if any or of a copy thereof.

118. Name of transferee to be substituted in the municipal registers.-Whenever such transfer comes to the knowledge of the Municipality either through such notice or otherwise and after such enquiry as may be necessary, the name of the transferee shall be substituted in the municipal register for that of the person primarily responsible.

119. Liability for payment of taxes on buildings or lands to continue in absence of a notice of transfer.- (1) Every person primarily liable for the payment of the tax imposed on a building or land or both, who transfers his title thereto without giving notice of such transfer to the Municipality as aforesaid, shall continue to be liable for the payment of all taxes from time to time payable in respect thereof until he gives such notice, or until the transfer shall have been recorded in the register of the Municipality.

(2) Nothing in this section shall be held to diminished the liability of the transferee for the said tax or to affect the prior claim of the Municipality on the premises conferred by section 140, for the recovery of the tax due thereupon.

9 ¼468½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

120. Tax from whom primarily leviable.- (1) Every tax imposed on the buildings or lands or both shall be leviable primarily from the actual occupier of the property assessed to such tax, if he is the owner of the building or land or both, or holds them on a building or other lease from the State Government or from the Municipality, or on a building lease from any person.

(2) Subject to the provisions contained in sub-section (1), the tax shall be primarily leviable as follows namely:-

(a) if the property is let, from the lessor;

(b) if the property is sub-let, from the superior lessor;

(c) if the property is not let, from the person in whom the right to let the same vests:

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the building or land as is payable proportionately in respect of such part:

Provided further that, for any sum paid by, or recovered from, any occupier who is not primarily liable under this section he shall be entitled to get credit in account with the person primarily liable.

121. Appeals relating to taxation.-An appeal against an assessment, or any alteration of an assessment, and, in all cases in which no appeal has been made as aforesaid an appeal against a notice of demand under section 130, may be made to the Collector or such other officer as may be empowered by the State Government in this behalf.

122. Limitation and preliminary deposit of tax claimed.-No such appeal shall be heard and determined unless-

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼469½

(a) the appeal is, in the case of tax assessed on buildings or lands or both, brought within thirty days next after the date of communication of the order (exclusive of the time requisite for obtaining a copy thereof) and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment of or alteration of assessment or, if no notice has been

given, within thirty days next after the date of the first demand under the assessment or alteration of assessment; and

(b) the amount claimed from the applicant has been deposited by him in the municipal office:

Provided that the appellate authority may, for reasons to be recorded in writing and on such terms and conditions as it may impose, entertain an appeal without deposit of the amount mentioned in clause (b) or on deposit of such smaller amount as the said authority may direct.

123. Costs.- (1) In every appeal the costs shall be in the discretion of the officer deciding the appeal.

(2) Costs awarded under this section to the Municipality shall be recoverable by the Municipality in the manner provided in this Chapter.

(3) If the Municipality fails to pay costs awarded to an appellant within thirty days after the date of the communication to the Municipality of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

124. Bar to jurisdiction of civil and criminal courts in matter of taxation.- (1) No objection shall be taken to a valuation or assessment nor shall the liability of a person to be assessed or taxed be questioned in any other manner or by any other authority than is provided in this Act.

9 ¼470½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(2) The order of the appellate authority confirming, setting aside or modifying an order in respect of valuation or assessment or liability to assessment or taxation shall be final:

Provided that it shall be lawful for the appellate authority, upon application or on its own motion, to review any order passed by it in appeal by a further order passed within three months from the date of the original order.

125. Savings.- (1) No assessment list or other list, notice, bill or other such document specifying or purporting to specify, with reference to any tax, charge, rent or fee, any person, property, thing or circumstance shall be invalid by reason only of a mistake in the name, residence, place of business or occupation of the person or in the description of the property, thing or circumstance, or by reason of any mere clerical error or defect of form, and it shall be sufficient that the person, property, thing or circumstance is described sufficiently for the purpose of identification, and it shall not be necessary to name the owner or occupier of any property liable in respect of a tax.

(2) The levey of taxes shall not be deemed to be the title of the property.

126. Obligation to disclose liability.- (1) The Municipality, the Chief Municipal Officer, the Assessor or any other officer authorized by the Municipality in this behalf, may by written communication, call upon a inhabitant of the Municipality to furnish such information as may be necessary in order to ascertain,-

(a) whether such inhabitant is liable to pay tax imposed under this Act;

(b)

at the amount at which he should be assessed; (c) the name and address of the owner.

(2) If an inhabitant so called upon to furnish information omits to furnish it or furnishes information which is untrue, he

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼471½

shall be liable upon conviction to a fine, which may extend to one thousand rupees.

127. Duty to recover the taxes.- The Chief Municipal Officer or any officer authorized by him shall be responsible for proper levy and recovery of the taxes imposed under sections 102 and 103.

128. Presentation of bill of tax.- When any amount&

(a) which, by or under any provision of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(b) which is due to the Municipality on account of rent in respect of any building or land vested in it,

the Municipality shall with least practicable delay cause to be presented to the persons liable for the payment thereof a bill for the sum claimed as due.

129. Contents of bill.- Every such bill shall specify-

(a) the period for which, and

(b) the property occupation, circumstance or thing in respect of which,

the sum is claimed, and shall also give notice of-

(i) the liability to be incurred in default of payment, and

(ii) the time within which an appeal may be preferred as provided in this Act.

130. Notice of demand.- If the sum for which any bill has been presented as aforesaid is not paid into the municipal office or to a person authorized by any rule in that behalf to receive such payment, within fifteen days from the presentation thereof, the Municipality may cause to be served upon the person to whom

9 ¼472½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

such bill has been presented, a notice of demand in the form of the Fourth Schedule or to the like effect.

131. In what cases warrant may issue.- (1) If the person on whom a notice of demand has been served under section 130 does not, within fifteen days from the service of such notice of demand, either,&

(a) pay the sum demanded in the notice, or

(b) show cause to the satisfaction of the Municipality, or of such officer as the Municipality by rule may appoint in this behalf, or of the Chief Municipal Officer, if any, why he should not pay the same, or

(c) prefer an appeal in accordance with the provisions of section 121 against the demand,

such sum with all costs of the recovery may be levied by attachment and sale of any property of the defaulter and in case of attachment of movable property, the warrant shall be caused to be issued by the Chief Municipal Office in the form of the Fifth Schedule or to the like effect and in the case of attachment of immovable property, the warrant shall be caused to be issued by the Municipality in such form as may be prescribed.

(2) No warrant for attachment and sale shall be issued under sub-section (1) for the recovery of any sum due to the Municipality under this Act after the expiration of a period of three years from the date on which such warrant might have been issued under that sub-section :

Provided that after the expiry of the said period of three years the Municipality shall be entitled to request the concerned authorities for recovery of any sum due to the Municipality as arrears of land revenue.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼473½

(3) Every warrant shall be signed and issued by the Chief Municipal Officer.

(4) Where such property is within the jurisdiction of the Municipality, the warrant shall be addressed to an officer of the Municipality.

(5) Where such property is in another Municipality or in a place, which is not a Municipality, the warrant shall be addressed to the Chief Municipal Officer of the Municipality concerned or to the Tehsildar, as the case may be :

Provided that such Chief Municipal Officer or Tehsildar may endorse such warrant to a subordinate officer.

132. Forcible entry for executing warrant.- It shall be lawful for any officer to whom a warrant issued under section 131 is addressed or endorsed, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the attachment directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated for women until he has given three hours notice of his intention, and has given such women an opportunity to withdraw.

133. Manner of executing warrant.- (1) It shall be lawful for any such officer to attach wherever it may be found, any movable or immovable property of the person named in the warrant issued under section 131 as defaulter, subject to the provisions of the following sub-sections.

(2) The following property shall not be attached namely:&

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

9 ¼474½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(ii) his cooking utensils,

(iii) the tools of artisans, and

(iv) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle's as may be necessary to enable the defaulter to earn his livelihood.

(3) The attachment of movable property shall not be excessive, that is to say, the movable property attached shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been attached which, in the opinion of a person

authorized by or under sub-section (3) of section 131 to sign a warrant or of the person to whom the warrant is addressed, should not have been so attached, they shall forthwith be returned.

(4) The officer shall on attaching the movable property forthwith make an inventory thereof and shall before removing the same give to the person in possession thereof at the time of attachment, a written notice in the form of the Sixth Schedule.

(5) When the property is immovable,&

(i) the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and

(ii) the order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and on a conspicuous part of the office of the Municipality and also, when the property is land paying revenue to the State

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼475½

Government, in the office of the Collector of the district in which the land is situate.

(6) Any transfer of or charge on the property attached or of any interest therein made subsequent to such attachment, and without the written permission of the Chief Municipal Officer shall be void as against all claims of the Municipality enforceable under the attachment.

134. Sale of property attached in special cases.- (1) When the property seized is subject to speedy and natural decay or when the expense of keeping it in custody together with the amount to be recovered is likely to exceed its value, the Chief Municipal Officer, shall at once give notice to the person in whose possession the property was, when attached, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid or a security equal to that amount be furnished.

(2) If property is not sold at once under sub-section (1), the attached property or a sufficient portion thereof may, unless the sum due by the defaulter together with all costs incidental to the notice, warrant, attachment and detention of the property is paid, be sold by public auction under the orders of Chief Municipal Officer in the manner prescribed by the State Government and the proceeds or such part thereof as shall be requisite shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the persons in whose possession the property was at the time of attachment but if the same be claimed by written application to the Municipality within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice, shall be the property of the Municipality.

9 ¼476½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

135. Attachment and sale outside the Municipality.-Where the warrant is to be executed outside the Municipality, the authority issuing the warrant, may by endorsement direct the officer to whom the warrant is addressed to sell the property attached and in such case, it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis.* Such officer shall after deducting all costs of

recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 131.

136. Summary proceedings may be taken against persons about to leave the Municipality.- (1) If the Municipality shall at any time have reason to believe that any person, from whom any sum recoverable under the provisions of this Chapter is due or is about to become due, is about to remove himself from the municipal area, Chief Municipal Officer may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by attachment and sale of the movable or immovable property of the defaulter in the manner herein before prescribed, except that it shall not be necessary to serve on the defaulter any notice of demand and the warrant for attachment and sale may be issued and executed without any delay.

137. Savings.&No attachment or sale made under this Act shall be deemed unlawful nor shall any person making the same be deemed a trespasser on account of an error, defect or want of

form in the bill, notice of demand, warrant, inventory or other proceedings relating thereto.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼477½

138. Receipt to be given for all payments.- For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid, shall be tendered by the person receiving the same.

139. Alternative power of bringing suit.- Instead of proceeding by attachment and sale or in case of failure to realize thereby the whole or any part of the demand, Chief Municipal Officer may sue the person liable to pay the same in any court of competent jurisdiction.

140. Liability of land, building, etc., for taxes.- All sums due on account of any tax imposed on the lands or buildings or both shall, subject to the prior payment of land revenue, if any, due to the State Government thereupon, be a first charge upon the building or land in respect of which such tax is leviable and upon the movable property, if any, found within or upon such building or land and belonging to the person liable for such tax :

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

CHAPTER VIII

Borrowings

141. Comprehensive debt limitation policy.- The State Government shall frame a comprehensive debt limitation policy applicable in the case of loans, including short-term loans, to be raised by the Municipalities, laying down, *inter alia*, the general principles governing the raising of loans by the Municipalities, the limit of the loans which any Municipality may raise having regard to its financial capacity, the rate of interest to be paid for such loans and the terms and conditions, including the period of repayment thereof.

9 ¼478½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

142. Power of Municipality to raise loan.- (1) The Municipality may, from time to time, raise, by a resolution in this behalf passed at a meeting of the Municipality, a loan within the limits set by the comprehensive debt limitation policy framed under section 141, any sum of money which may be required for the purpose of-

(a) construction of works under this Act, or

(b) acquisition of lands and buildings for the purposes of this Act, or

(c) paying off any debt due to the State Government, or

(d) repayment of a loan raised under this Act, or

(e) acquisition of a public utility concern which renders such services as the Municipality is authorized to render under this Act, or

(f) purchase of vehicles, and other machinery necessary for carrying out the purposes of this Act, or

(g) any other purpose for which the Municipality is, by or under this Act or any other law for the time being in force, authorized to borrow:

Provided that any loan proposed to be raised which goes beyond the limits set by the comprehensive debt limitation policy as aforesaid shall require the

previous sanction of the State Government in that regard to its purposes, the quantum, the rate of interest and the period for repayment, and the other terms and conditions, if any:

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼479½

Provided further that in addition to the loans as aforesaid, the Municipality may also take loan from the State Government or any statutory body or public sector corporation:

Provided also that the State Government shall grant any loan to, or guarantee any loan raised by, the Municipality subject to its repaying capacity ascertained in the prescribed manner.

(2) When any loan has been raised under sub-section (1),-

(a) no portion thereof shall, without the previous sanction of the State Government, be applied to any purpose other than that for which it has been raised, and

(b) no portion of any loan raised for any of the purposes referred to in that sub-section shall be applied to the payment of salaries or allowances to any officer or other employee of the Municipality, other than those who are exclusively employed for the purpose for which the loan has been raised.

Explanation.- The expression "dues under this Act" in sub-section (1) shall, for the purposes of clause (e) of that sub-section, be deemed to include the income derivable from the public utility concern referred to in that clause.

143. Power of Municipality to open credit account with bank.- Notwithstanding anything contained in section 142, the Municipality may, where the raising of a loan is sanctioned by the State Government under that section, instead of raising such loan or any part thereof, take credit, on such terms as may be approved by the State Government, from any scheduled bank, to be kept in a cash account bearing the name of the Municipality to the extent of

9 ¼480½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

such loan or any part thereof and, with the sanction of the State Government, may grant mortgage of all or any of the properties vested in the Municipality by way of securing the repayment of the amount of such credit or of the sums advanced from time to time on such cash account with interest.

144. Power of Municipality to raise short-term loan.-Notwithstanding anything contained in this Chapter, the Municipality may, within the limits set by the comprehensive debt limitation policy framed under section 141 from time to time, take a short-term loan repayable within such period, not exceeding twelve months, from any other scheduled bank, for such purpose, not being a purpose referred to in sub-section (1) of section 142, on such terms, and on furnishing such security for the repayment of such loan, as may be approved by the State Government.

145. Establishment of Sinking Fund.- The Municipality shall establish a Sinking Fund in respect of each loan raised under section 142 for the repayment of moneys borrowed and shall, every year, pay into such Sinking Fund such sum as shall be sufficient for the repayment, within the period fixed for the loan, of the moneys borrowed.

146. Application of Sinking Fund.- A Sinking Fund or any part thereof shall be applied to the discharge of the loan or a part of the loan for which such fund was created and, until such loan or part thereof is wholly discharged, such Fund shall not be applied to any other purpose.

147. Power to discontinue payment towards Sinking Fund.- If, at any time, the sum standing at the credit of a Sinking Fund established under section 145 for the repayment of any loan is of such amount that if allowed to accumulate at the rate of interest sanctioned under the first proviso to sub-section (1) of section 142, it will be sufficient to pay off the loan within the

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼481½

period approved by the State Government under the said proviso, further payment towards such fund may be discontinued.

148. Investment of amount at the credit of Sinking Fund.- (1) All moneys paid into a Sinking Fund shall, as soon as possible, be invested by the Municipality in-

(a) Government securities, or

(b) securities guaranteed by the Central Government or any State Government, or

(c) such other public securities as may be approved by the State Government,

and shall be held by the Municipality for the purpose of repaying, from time to time, the loans raised by.

(2) All sums received in respect of any investment under sub-section (1) shall, as soon as possible, after their receipt, be paid into the Sinking Fund and shall be invested in the manner laid down in that sub-section.

(3) Moneys standing at the credit of two or more Sinking Funds may, at the discretion of the Municipality, be invested together as a common fund, and it shall not be necessary for the Municipality to allocate the securities held in such investments to the several Sinking Funds.

(4) Subject to the provisions of sub-section (1), any investment made under this section may, from time to time, be varied or transposed.

149. Manner of repayment of loans.- Every loan raised by the Municipality under section 142 shall be repaid within the time approved under that section and such repayment shall be made either from a Sinking Fund established under section 145 in respect of such loan or partly from such Sinking Fund and, to the extent to which such Sinking Fund falls short of the sum required

9 ¼482½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

for the repayment of such loan, partly from the loan raised for the purpose under section 142, as may be approved by the State Government.

150. Annual statement.- (1) The Chief Municipal Officer shall, at the end of every year, prepare and submit to the Municipality, an annual statement showing-

(a) the amount which has been paid into the Sinking Fund or Sinking Funds during the year under section 145,

(b) the date of the last investment made during the year,

(c) the aggregate amount of the securities in the hand of the Municipality at the end of the year, and

(d) the aggregate amount which has been applied for the purpose of repayment of the loan under section 149.

(2) A copy of every such annual statement shall be submitted to the State Government by the Chief Municipal Officer.

151. Annual examination of Sinking Funds.- (1) All Sinking Funds established under this Act shall be subject to annual examination by the Auditor who shall ascertain whether the cash and the value of securities belonging to such Sinking Funds are equal to the amount which should be at the credit of such Sinking Funds, had the investment under section 148 been regularly made and had the interest accruing from such investments been regularly obtained.

(2) The amount which should be at the credit of a Sinking Fund shall be calculated on the basis of the sums paid into such Sinking Fund under section 145.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼483½

(3) The value of securities belonging to a Sinking Fund shall be the current value of such securities, unless such securities become due for redemption at par with, or above, their face value before maturity in which case their current value shall be taken as their redemption value.

(4) The Municipality shall forthwith pay into a Sinking Fund such amount as the Auditor may certify to be deficit in respect of such Sinking Fund, unless the State Government specially sanctions a gradual readjustment of such deficit.

(5) If the cash and the value of the securities at the credit of a Sinking Fund are in excess of the amount which should be at the credit of such Sinking Fund, the Auditor shall certify the amount of such excess sum, and the Municipality shall, thereupon, transfer the excess sum to the Municipal Fund in the General Account.

(6) If any dispute arises as to the accuracy of any deficit or excess referred to in the certificate under sub-section (4) or sub-section (5), the Municipality may, after payment of such deficit or after transfer of such excess, as the case may be, refer the matter to the State Government whose decision thereon shall be final.

CHAPTER IX

Commercial Projects, Private Sector Participation Agreements and Assignment to other Agencies

152. Commercial projects and receipts therefrom.- The Municipality may, either on its own or through public or private sector agencies, undertake the planning, construction, operation, maintenance or management of commercial infrastructure projects, including district centers, shopping centers, bus or truck terminals and tourist lodges with commercial complexes and any other type of commercial projects on commercial basis.

153. Undertaking of project by Municipality or by other agency.- Notwithstanding anything contained elsewhere in this Act,

9 ¼484½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

but subject to the provisions of any State law relating to planning, development, operation, maintenance and management of municipal infrastructure and services, a Municipality may, in the discharge of its functions specified in section 45 section 46, and section 47, -

(a) promote the undertaking of any project for supply of urban infrastructure or services by

participation of a company, firm, society, trust or any body corporate or any institution, or government agency or any agency under any other law for the time being in force, in financing, construction, maintenance and operation of such project of a Municipality irrespective of its cost,

(b) consider and approve the undertaking of any project relating to urban infrastructure or services by a company, or firm, or society, or body corporate in terms of a private sector participation agreement or jointly with any such agency, and

(c) consider and approve the undertaking of any project relating to urban infrastructure or services by any institution, or government agency or any agency under any other law for the time being in force, or jointly with any such agency.

154. Types of private sector participation agreements.- (1) Private sector participation agreements shall be such as may be prescribed.

(2) Without prejudice to the generality of the foregoing provisions of this section, such agreements include the following:

(a) Build-Own-Operate-Transfer Agreement,

(b) Build and Transfer Agreement,

(c) Build-Lease-Transfer Agreement,

(d) Build-Operate-Transfer Agreement,

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼485½

(e) Lease and Management Agreement,

(f) Management Agreement,

(g) Rehabilitate-Operate-Transfer Agreement,

(h) Rehabilitate-Own-Operate-Transfer Agreement,

(i) Service Contract Agreement, and

(j) Supply-Operate-Transfer Agreement.

155. Functions assigned to Municipality or other agencies.- In the discharge of its obligations assigned under section 47, the Municipality may, wherever considered appropriate in the public interest,-

(a) discharge any of its obligations on its own, or

(b) enter into any private sector participation agreement with prior approval of the State Government, on such terms and conditions as may be provided in the agreement.

CHAPTER X

Economic and Development Planning

156. City Development Plan.- (1) Every Municipality shall prepare a City Development Plan for such periodicity, and containing such Chapters, material and schemes, as may be prescribed by the rules framed by the Government in this behalf. The City Development Plan shall be prepared in consultation with the District Collector and other district level officials of the following departments of the Government, namely:-

(i) Public Works Department;

(ii) Public Health Engineering Department;

(iii) Irrigation Department;

(iv) Medical and Health Department;

(v) Education Department;

9 ¼486½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(vi) Local Self Government Department;

(vii) Planning Department;

(viii) Urban Improvement Trust/ City Development Authority, if any; and

(ix) any other department or Agency which the Municipality may consider necessary to consult.

(2) The Municipality may also take the assistance of experts and knowledgeable persons for the preparation of the City Development Plan with the help of the aforesaid departments in the co-ordination of the District Collector.

(3) The City Development Plan, as prepared under sub-section (1), shall be sent to the Metropolitan Planning Committee for inclusion in the Metro Region Development Plan, in case the Municipality is a part of any Metro Region; and in all other cases, it shall be sent to the District Planning Committee for inclusion in the District Master Development Plan.

(4) The Metropolitan Planning Committee or the District Planning Committee, as the case may be, shall include the City Development Plan or such elements of the Plan as it may find appropriate in the Metro Region Development Plan or District Master Development Plan, as the case may be, after due deliberations in the committee and with the concerned Municipality; and it shall thereafter submit the Plan prepared by it to the State Government for inclusion in the State Plan, and also for allocation of resources from the Government for execution of the Plan.

157. Committee for Metropolitan Planning.- (1) There shall be constituted in every Metropolitan Area having population of 10 Lakh or more a Metropolitan Planning Committee, hereinafter in this section referred to as "the Committee", to

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼487½

prepare a draft development plan for the Metropolitan Area as a whole. This plan shall be known as the "Metropolitan Region Development Plan".

(2) The Committee shall consist of such number of members as may be fixed by the State Government from time to time by notification in the Official Gazette.

(3) In so fixing the total number of members of the Committee, the State Government shall specify the number respectively of the nominated members and elected members:

Provided that not less than two thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan Area in the ratio that the population of the municipal areas in such Metropolitan region bears to the population of Panchayats in that region.

(4) The elected members shall be chosen in such manner as may be prescribed in the rules framed in this behalf by the Government.

(5) The nominated members may consist of-

(a) persons representing the Government of India ;

(b) persons representing the State Government; and

(c) persons representing such organisations and institutions as may be identified by the State Government.

(6) The nomination of the persons referred to in sub-section (5) shall be made by the State Government, subject, however, to the condition that in the case of persons representing the Government of India or any Central Government organisation or institution, the prior concurrence of the Government of India shall be obtained.

9 ¼488½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(7) The nomination may be made either by name or by virtue of office.

(8) The Committee shall have -

(i) the functions relating to planning and co-ordination for the Metropolitan Area, which may be assigned to it by the State Government; and

(ii) the powers and functions as may be conferred on or delegated or entrusted to it by the State Government for carrying out the purposes of this Chapter.

(9) The Chairperson of the Committee shall be nominated by the State Government .

(10) Every Metropolitan Planning Committee shall, in preparing the draft Metro Region Development Plan, have regard to -

(i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;

(ii) matters of common interest between the Municipalities and the Panchayats, including coordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the State Government; and

(iv) the extent and nature of investments likely to be made in the Metropolitan Area by agencies of the Government of India and of the State Government and other available resources whether financial or otherwise.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼489½

(11) The Chairperson of every Metropolitan Planning Committee shall forward the Metro Region Development Plan, as drafted by such Committee, to the State Government.

Explanation.-For the purposes of this Chapter generally, the term "Metropolitan Area" and "Panchayat" shall have the meanings respectively assigned to them in Article 243P of the Constitution of India.

158. Committee for District Planning.- The District Planning Committee constituted under the provisions of section 121 of the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994) shall be deemed to be the Committee constituted under Article 243ZD of the Constitution of India.

CHAPTER XI

Urban Development and Town Planning

159. Civic Survey and preparation of Master Development Plan and other Plans.- (1) Subject to the provisions of any other law for the time being in force, the Municipality, with a view to securing planned and integrated development of the city and balanced use of the land, shall carry out a detailed survey of the city and prepare a Master Development Plan and other statutory plans. The Municipality shall, for this purpose, co-ordinate with the Metropolitan Planning Committee or the District Planning Committee, as the case may be, and also Chief Town Planner of the State. The plans mentioned herein shall be prepared with the following time perspective, namely:-

(i) Master Development Plan - for a 20 year period;

(ii) Execution Plan - for a 5 year period; and

(iii) Annual Municipal Action Plan - for a 1 year period.

(2) In addition to the Master Development Plan, Execution Plan and Annual Municipal Action Plan, the Municipality, may prepare such other plans for each ward as it may consider

9 ¼490½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

appropriate or as may be directed by the State Government from time to time.

(3) The Master Development Plan shall precisely define the time targeted development to sub-serve the needs of the growing area of Municipality, the net work of public utilities, civic amenities, community facilities, housing, communications and transport, the projects or schemes for conservation and development of natural resources and may provide for following matters, wherever required-

(i) transport and communications such as roads, high-ways, railways, canals, international air ports, air cargo complexes and bus-service, including their development;

(ii) water supply, drainage, sewerage, sewage disposal and other public utilities, amenities and services, including electricity and gas;

(iii) preservation, conservation and development of areas of natural scenery, city forests, wild life, natural resources and landscaping;

(iv) preservation of objects, features, structures or places of historical, natural, architectural or scientific interest and educational value;

(v) prevention of erosion, provision for forestation or re-forestation, improvement of water front areas, rivers, drains, lakes and tanks;

(vi) irrigation, water supply and hydro-electric works, flood control and prevention of water and air pollution;

(vii) educational and medical facilities;

(viii) district business centers, other shopping complexes, export oriented industrial areas

and clearing houses, permanent exhibition centers, cattle fairs and markets;

(ix) games and sports complexes worthy of holding national and international events;

(x) amusement parks, including artificial lakes and water reservoirs;

(xi) cultural complexes including theatres, cinemas, studios, recreation centers, conference hall complexes, concert halls, town halls and auditoria;

(xii) tourist complexes including hotels and motels, car hiring services, organized tours and treks;

(xiii) allocation of land for different uses, general distribution and general location of land and the extent to which the land may be used as residential, commercial, industrial, agricultural, or as forests or for mineral exploitation or for other purposes;

(xiv) reservation of areas for open spaces, gardens, recreation centers, zoological gardens, nature-reserves, animal sanctuaries, dairies and health resorts and other purposes;

(xv) the relocation of the population or industry from over populated and industrially congested areas and indicating the density of population or the congested areas and indicating the density of population or the concentration of industry to be allowed in the area;

(xvi) housing;

9 ¼492½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(xvii) filling up or reclamation of low lying, swampy or un-healthy areas or leveling up of lands; and

(xviii) re-development and improvement of existing built-up areas.

(4) The Master Development Plan may also define the various zones, wherever required, into which the Municipality may be divided for the purposes of development and indicate the manner in which developmental works are to be carried out, and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out therein developmental works or otherwise), and the stages by which any such developmental works shall be carried out and shall serve as a basic pattern of frame-work within which the Zonal Development Plans of the various zones may be prepared:

Provided that the Municipality may, if it considers necessary in the public interest, alter the area of any zone.

(5) The Municipality may decide about the items of development to be included and extent of surveys required, in the case of other statutory plans mentioned above.

(6) Notwithstanding anything contained in this section the Municipality may undertake any of the schemes included in the Master Development Plan having regard to the availability of its financial resources.

160. Procedure to be followed in the preparation and sanction of Plan.- (1) Before preparing any Plan finally the Municipality shall prepare a Plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be determined by bye-laws inviting objections and suggestions from any person with respect to the draft Plan before such date as may be specified in the notice.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼493½

(2) The Municipality may, if it considers appropriate,

constitute an Advisory Committee consisting of the following to consider the draft plan before it is given a final shape: -

(i) All members of the Municipality;

(ii) Representatives of associations of industry, commerce and trade and professions;

(iii) Six representatives from academic institutions located in the city;

(iv) Six representatives from prominent Non-Government-Organizations located in the city; and

(v) Six any other prominent citizens of the city.

(3) After considering all objections, suggestions, representations and recommendations of the advisory committee, if any, the Municipality shall send the Plan to the State Government for approval and after receipt of the approval of the State

Government finally sanction the Plan.

(4) Provisions may be made by bye-laws with respect to the form and content of a Plan and with respect to the procedure to be followed and any other matter, in connection with the preparation and sanction of such Plan.

161. Date of operation of Plan.- Immediately after a Plan has been sanctioned by the Municipality, it shall be published through a public notice stating that a Plan has been approved and naming a place where a copy of the Plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid notice, the Plan shall come into operation.

162. Subsequent modification of Plans.- (1) At any time after a Plan has come into operation according to provisions of section 161, the Municipality may, with the prior approval of the State Government, make any modification to the Plan as it thinks 9 ¼494½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ fit, the modifications, which in its opinion, do not affect material alterations in the character of the Plan and which do not relate to the extent of land uses or the standards of population density.

(2) Before making any modification to the Plan, the Municipality shall publish a notice, inviting objections before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Municipality.

(3) Every modification made under the provisions of this section shall be published and the modification shall come into operation either on the date of publication or on such date as the Municipality may fix by notice published in the Official Gazette whereupon the modified Plan shall come into operation to all intents and for all purposes of this Act.

(4) Upon coming into operation of any modified Plan, any reference in any other section, except in the foregoing sections of this Chapter, to the Master Development Plan or any other plan, shall be construed as a reference to the Master Development Plan or, as the case may be other plan, as modified under the provisions of this section.

(5) No modification of the Plan shall be made under this section until and unless it is finally approved by the State Government.

163. Implementation of Plan.-After the coming into operation of any plan, the Municipality may initiate such action for implementation of the Plan as may be deemed necessary, subject to the provisions of this Act.

164. Plans prepared prior to this Act deemed to have been prepared under this Act.- Any Master Development Plan prepared under the provisions of any other law for the time being Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼495½ in force prior to the commencement of this Act, shall be deemed to have been prepared under the provision of this Act, to which the provisions of the foregoing sections relating to the sanction, modification and operation of Master Plan/Master Development Plan shall *mutatis mutandis* apply:

Provided that any Master Development Plan sanctioned for the Municipality under any other provisions of law shall cease to operate as soon as a Plan is sanctioned under the provisions of this Act.

165. Review of Plan.- Notwithstanding anything contained in this Act, if the State Government or the Municipality at any time within ten years from the date on which a Plan comes into operation under this Act is of the opinion that the revision of such Plan is necessary, the State Government may direct the Municipality to revise or the Municipality may of its own motion undertake revision of such Plan after carrying out, if necessary, fresh civic survey and preparing an existing land use map and thereupon the foregoing provisions of this Chapter shall, so far as they can be made applicable, apply to the revision of such Plan as those provisions apply in relation to the preparation, publication and sanction of a Plan.

166. Declaration of Development Areas.- (1) As soon as may be after a plan comes into operation as provided in section 161, the Municipality may, with the approval of the State Government and by notification in the Official Gazette, declare any area in the city to be a development area for the purposes of this Act.

(2) On or after the date on which notification under sub-section (1) is published in the Official Gazette, no person shall institute or change the use of any land or carry out any

9 ¼496½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

development of land without the permission in writing of the Municipality:

Provided that, no such permission shall be necessary-

(i) for carrying out works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance thereof;

(ii) the carrying out of works in compliance with any order or direction made by any authority under any law for the time being in force;

(iii) the carrying out of works by the Municipality in exercise of its powers under any law for the time being in force;

(iv) for the carrying out by the Central or the State Government or any local authority of any works-

(a) required for the maintenance or improvement of a highway, road or public street, being works carried out

on land within the boundaries of such highway, road or public street; and

(b) for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cable, telephone or other apparatus;

(v) for the excavation (including wells) made in the ordinary course of agricultural operation;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼497½

(vi) for the construction of a road intended to give access to land solely for agricultural purposes;

(vii) for normal use of land which has been used temporarily for other purposes; and

(viii) in case of land, normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose on occasion.

167. Penalty for unauthorized development or for use otherwise than in conformity with the Plan.- (1) Any person who, whether at his own instance or at the instance of any other person commences, undertakes or carries out development or changes the use of any land-

(a)without permission required under this Act; or

(b)which is not in accordance with any permission granted or in contravention of any condition subject to which such permission has been granted; or

(c)after the permission for development has been duly revoked; or

(d)in contravention of any permission which has been duly modified,

shall, on conviction, be punished with fine which may extend to five thousand rupees, and in the case of a continuing offence with a further fine which may extend to one hundred rupees for every day during which the offence continues after conviction for the first commission of the offence.

(2) Any person who continues to use or allows the use of any land or building in contravention of the provisions of a Plan

9 ¼498½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ without being allowed to do so under the provisions of this Act, or, where the continuance of such use has been allowed under this Act, continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed, shall, on conviction, be punished with fine which may extend to two thousand rupees; and in the case of a continuing offence, with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

168. **Power to require removal of unauthorized development.-**(1) Where any development of land has been carried out as indicated in sub-section (1) of section 167, the Municipality may, subject to the provisions of this section, serve on the owner a notice requiring

him, within such period being not exceeding one month, as may be specified therein after the service of the notice, to take such steps as may be specified in the notice-

(a) in cases specified in clause (a) or (c) of sub-section (1) of section 167 to restore the land to its condition existing before the said development took place; and

(b) in cases specified in clause (b) or (d) of sub-section (1) of section 167 to secure compliance with the conditions or with the permission as modified:

Provided that, where the notice requires the discontinuance of any use of land the Municipality shall serve a notice on the occupier also.

(2) In particular, such notice may, for purposes of sub-section (1), require-

(a) the demolition or alteration of any building or works;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼499½

(b) the carrying out on land of any building or other operations; or

(c) the discontinuance of any use of land.

(3) Any person aggrieved by such notice may, within the period specified in the notice and in the manner determined by bye-laws, apply for permission under the provisions of this Act for retention on the land, of any building or works or for the continuance of any use of the land, to which the notice relates and pending the final determination or withdrawal of the application, the mere notice itself shall not affect the retention of buildings or works or the continuance of such use.

(4) If the permission applied for is granted, the notice shall stand withdrawn; but if the permission applied for is not granted, the notice shall stand; or if such permission is granted for the retention only of some buildings or works, or for the continuance of use of only a part of the land, the notice shall stand withdrawn as respects such buildings or works or such part of the land, but shall stand as respects other buildings or works or other parts of the land, as the case may be; and thereupon the owner shall be required to take steps specified in the notice under sub-section (1) as respects such other buildings, works or part of the land.

(5) If within the period specified in the notice or within the same period after the disposal of the application under sub-section (4), the notice or so much of it as stands is not complied with, the Municipality may-

(a)prosecute the owner for not complying with the notice and where the notice requires the discontinuance of any use of land, any other person also who uses the land or causes or permits the land to be used in contravention of the notice; and

9 ¼500½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(b)where the notice requires the demolition or alteration of any building or works or carrying out of any building or other operations, itself cause the restoration of the land to its condition before the development took place and secure compliance with the conditions of the permission or with the permission as modified by taking such steps as the Municipality may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operation; and recover the amount of any expenses incurred by it in this behalf from the owner as arrears of land revenue.

(6) Any person prosecuted under clause (a) of sub-section (5) shall, on conviction, be punished with fine which may extend to five thousand rupees, and in the case of a continuing offence, with a further fine which may extend to two hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

169. Power to stop unauthorized development.-(1) Where any development of land as indicated in sub-section (1) of section 167 is being carried out but has not been completed, the Municipality may serve on the owner and the person carrying out the development, a notice requiring the development of land to be discontinued from the time of the service of the notice, and thereupon, the provisions of sub-sections (3), (4), (5) and (6) of section 168 shall, so far as may be applicable, apply in relation to such notice, as they apply in relation to notice under section 168.

(2) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such notice has been served shall, on

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼501½

conviction, be punished with fine which may extend to five thousand rupees, and when the non-compliance is a continuing one, with a further fine which may extend to five hundred rupees for every day after the date of the service of the notice during which the non-compliance has continued or continues.

(3) Notwithstanding anything contained in this Chapter, where any person continues to carry out unauthorized development after receiving a notice under sub-section (1), the Municipality or any officer authorized by it in this behalf, shall, in addition to any prosecution or other proceedings or action that may be initiated under this Act, have the power to require any police officer to remove the person by whom the erection of the building has been continued and all his assistants and workmen from the place of the unauthorized development within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly. In addition to such removal of persons, the Municipality may also confiscate such construction materials, tools etc. which such person was using for unauthorized development.

(4) After a requisition order under sub-section (3) has been complied with, any person or his assistants and workmen subsequently continuing unauthorized development shall, on conviction, be punishable with fine which may extend to five thousand rupees and in case of continuing offence, with a further fine which may extend to two hundred rupees for every day during which such offence continues after the conviction for the first commission of the offence.

(5) No compensation shall be claimed by any person for any damage which he may sustain in consequence of the discontinuation of the unauthorized development under this Act.

170. Removal or discontinuance of unauthorized temporary development summarily.-(1) Notwithstanding anything hereinbefore contained in this Chapter, where any person

9 ¼502½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

has carried out any development of a temporary nature unauthorizedly as indicated in sub-section (1) of section 167, the Municipality may, by an order in writing direct that person to remove any structure or work erected, or discontinue the use of land made, in an unauthorized manner as aforesaid, within fifteen days of the receipt of the order; and if thereafter, the person does not comply with the order within the said period, the Municipality or any officer authorized by it in this behalf may get such work summarily removed or get such use summarily discontinued

without any notice as directed in the order; and any unauthorized development made again shall similarly be summarily removed or discontinued without making any order as aforesaid:

Provided that standing crops shall not be summarily removed and reasonable period not exceeding six months shall be allowed to the person concerned by the Municipality for the crop to be cut and gathered.

(2) The decision of the Municipality on the question of what is development of a temporary nature shall be final.

171. Sanction for sub-division of plot or lay out of Private Street.-(1) Every person who intends to sub-divide his land or his plot or make or lay out a private street on such land or plot on or after the date of the operation of plan under section 161 shall submit the intended layout plan for such purpose together with such particulars and such fees, as may be determined by bye-laws or by Government orders, to the Municipality for sanction.

(2) The Municipality may, within the period specified in the bye-laws, sanction such plan either without modifications or subject to such modifications or conditions as it considers expedient or may refuse to give sanction, if the Municipality is of opinion that such division or laying out of street is not in any way consistent with the proposals of the plan.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼503½

(3) No compensation shall be payable for the refusal of a sanction or for the imposition of modifications or conditions in the sanction.

(4) If any person does any work in contravention of sub-section (1), or in contravention of the modifications or conditions in any sanction given under sub-section (2), or in spite of refusal of sanction under the said sub-section (2), the Municipality may direct such person by notice in writing to stop any work in progress and after making an inquiry in the manner determined by bye-laws remove or pull down any work or restore the land to its original condition.

(5) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such notice has been served shall, on conviction, be punished with fine which may extend to five thousand rupees, and when the non-compliance is a continuing one, with a further fine which may extend to two hundred rupees for every day after the date of the service of the notice during which the non-compliance has continued or continues.

172. Recovery of expenses incurred.-Any expenses incurred by the Municipality under sections 168, 169, 170 and 171 shall be a sum due to the Municipality under this Act from the person in default or the owner of the land or plot and shall be recovered as arrears of land revenue.

173. Making and contents of Projects and Schemes.-(1) Subject to the provisions of this Act or any other law for the time being in force, the Municipality for the purpose of implementing the proposals in any plan or otherwise, may make such projects and schemes for the integrated development of the city or any part thereof, as may be considered necessary.

(2) A project or scheme may make provisions for all or any of the following matters, namely:-

9 ¼504½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(a) acquisition, development, reservation and sale or leasing of land for purpose of public utilities such as roads, streets, open spaces, parks, gardens,

recreation and play grounds, hospitals, dispensaries, educational institutions, green-belts, dairies, housing development, development of markets, shopping centers, commercial complexes, cultural centers, administrative centers, transport facilities and public purposes of all kinds;

(b) preparation of layout plan of any land comprised in the scheme;

(c) re-distribution of sites belonging to owners of property comprised in the scheme;

(d) closure or demolition of buildings or portion of building unfit for human habitation;

(e) demolition of obstructive building or portions thereof;

(f) construction and reconstruction of buildings;

(g) construction and alteration of streets, including private streets;

(h) street lighting, water supply, drainage and other conveniences;

(i) provision of open spaces;

(j) sanitary arrangements required for the area comprised in the scheme;

(k) provision of accommodation for any class of the inhabitants;

(l) provisions of facilities for communications;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼505½

(m) sale, letting or exchange of any property comprised in the scheme;

(n) re-construction of plots for the purpose of buildings, roads, drainage inclusive of sewerage, surface or sub-soil drainage, sewerage disposal and other similar amenities;

(o) construction, alteration and removal of buildings, bridges and other structures;

(p) preservation of objects of historical or national interest or natural beauty and of buildings actually used for religious purposes;

(q) reservation of land in any scheme to such extent as may be prescribed in the rules made by the State Government for the purpose of providing housing accommodation to the members of Scheduled Castes, Scheduled Tribes, the Backward Classes and weaker sections of the society, including disabled, handicapped and mentally retarded persons and unassisted elderly persons;

(r) imposition of conditions and restriction in regard to the open space to be maintained around buildings, the percentage of building area for a plot, the number,

size, height and character of building allowed in specified areas, the purposes to which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of lands in any area in specified periods, parking space and loading and unloading space for any building and the sizes or locations of projections, advertisement signs, and hoardings;

9 ¼506½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(s) any other work of a nature such as would bring about environmental improvements which may be taken up by the Municipality and all such other matters not inconsistent with the objects of this Act.

(3) The draft project or scheme shall contain the following particulars, namely: -

(a) the area, ownership and tenure of each original plot;

(b) the particulars of land allotted or reserved under clause (a) of sub-section (2) with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses;

(c) the extent to which it is proposed to alter the boundaries of original plots;

(d) the estimate of the net cost of the scheme to be borne by the appropriate Municipality;

(e) a full description of all the details of the scheme under sub-section (2) as may be applicable;

(f) the laying out or relaying out of land either vacant or already built upon;

(g) the filling up or reclamation of low laying, swampy or unhealthy areas or leveling up of land; and

(h) any other particular as may be determined by the bye-laws.

174. Preparation of Projects and Schemes.- (1) The Municipality may, by resolution, declare its intention to prepare a project or scheme as provided in section 173 in any development area.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼507½

(2) Not later than thirty days from the date of such declaration of intention to make such project or scheme, the Municipality shall publish the declaration in the Official Gazette and in such other manner as may be determined by bye-laws.

(3) Not later than one year from the date of publication of the declaration under sub-section (2) the Municipality shall prepare a project or scheme in draft form and publish it in such form and manner as may be determined by bye-laws together with a notice inviting objections and suggestions from any person with respect to the said draft project or scheme before such date as may be specified therein, such date being not earlier than thirty days from the date of publication of such notice.

(4) The Municipality shall consider all the objections and suggestions as may be received within the period specified in the notice under sub-section (3) and shall, after giving a reasonable opportunity to such persons affected thereby as are desirous of being heard, approve the draft project or scheme as published or make such modifications, as it may deem fit.

(5) Immediately after a project or scheme is approved under sub-section (4) with or without modifications, the Municipality shall publish in the Official Gazette and in such other

manner as may be determined by bye-laws, a final project or scheme and specify the date on which it shall come into operation.

(6) Notwithstanding anything contained in the foregoing sub-sections, the procedure as laid down therein shall not be required to be followed in case the project or scheme is to be carried out on any land vested in the Municipality and no demolition of any building or removal of persons living thereat is involved in its execution.

9 ¼508½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

175. Redevelopment Scheme.- Where the Chief Municipal Officer upon information in his possession is satisfied in respect of any area-

(a) that the buildings in any area are by reasons of disrepair or unsanitary conditions unfit for human habitation or are by reason of their bad arrangements or the narrowness or bad arrangement of the street or the want of light, air, ventilation or proper conveniences, dangerous or injurious to the health of the inhabitants of the area, and

(b) that the most satisfactory method of dealing with the conditions in the area is the re-arrangement and re-construction of the streets and buildings in accordance with re-development schemes,

he may frame a redevelopment scheme in respect of the area. Such a scheme shall fulfil all the requirements in the case of a regular scheme as provided in sections 173 and 174.

176. Submission of project and scheme to the Municipality for approval.- Every development scheme shall, as soon as may be after it has been framed, be submitted by the Chief Municipal Officer for approval to the Municipality and the Municipality may either approve the scheme without modification or with such modifications as it may consider necessary or reject the scheme and require the Chief Municipal Officer to have a fresh scheme framed according to such directions as the Municipality may give.

177. Restrictions on use and development of land after declaration of a Scheme.- (1) On or after the date on which a draft scheme is published under section 174, no person shall, within the area included in the project or scheme, institute or change the use of any land or building or carry out any development, unless such

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼509½

person has applied for and obtained the necessary permission for doing so from the Municipality in accordance with the bye-laws made in this behalf:

Provided that it shall be lawful for any person to undertake such development within the village abadi limits in accordance with the permission granted by the Gram Panchayat so far as such permission is consistent with such draft scheme or scheme.

(2) The provisions of section 166 to 172 shall be applicable *mutatis mutandis* for the project or scheme approved under sub-section (4) of section 174.

178. Lapse of Scheme.- If the Municipality fails to implement the project or scheme approved under sub-section (4) of section 174 within a period of two years from the date of publication thereof under sub-section (5) of section 174, it shall, on the expiration of the said period of two years, lapse.

179. Modification or withdrawal of project or Scheme.-(1) The Municipality, after making such inquiry as it may deem fit, may, if it is of the opinion that it is necessary or expedient so to do, by notification published in the Official Gazette, declare that the project or

scheme approved under sub-section (4) of section 174, is withdrawn and upon such declaration, no further proceedings shall be taken in regard to such project or scheme.

(2) If the Municipality, after approval of any project or scheme under sub-section (4) of section 174, at any time, considers it necessary to make certain modifications therein, which in its opinion do not effect material alteration in the character of the project and scheme, may make suitable modifications.

180. Power of the State Government to require Municipality to make scheme.- The Municipality may, and if so required by the State Government it shall, direct the Chief

9 ¼510½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Municipal Officer to prepare a Development Scheme in respect of any area of the City.

181. Saving to any project or Scheme.- Notwithstanding anything contained in any provision of this Act or in any plan sanctioned under it, the Municipality shall be at liberty to make and carry out any project or scheme not covered by the said plan, if in the opinion of the Municipality, it is necessary to do so or is expedient in public interest, and the said plan shall be deemed to be modified to that extent.

182. Restriction on change of use of land and power of the State Government to allow change of use of land.- (1) No person shall use or permit the use of any land situated in any municipal area, for the purpose other than that for which such land was originally allotted or sold to any person by the State Government, any Municipality, any other local authority or any other body or authority in accordance with any law for the time being in force or, otherwise than as specified under a Master Plan, wherever it is in operation.

(2) In the case of any land not allotted or sold as aforesaid and not covered under sub-section (1), no person shall use or permit the use of any such land situated in a municipal area for the purpose other than that for which such land was being used on or before the commencement of this Act.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the State Government or any authority authorized by it by notification in the Official Gazette, may allow the owner or holder of any such land to have change of use thereof, if it is satisfied so to do in public interest, on payment of conversion charges at such rates and after inviting and hearing objections from the neighbourhood in such manner

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼511½

as may be prescribed with respect to the following changes in use, namely: -

(i) from residential to commercial or any other purpose; or

(ii) from commercial to any other purpose; or

(iii) from industrial to commercial or any other purpose; or

(iv) from cinema to, commercial or any other purpose; or

(v) from hotel to commercial or any other purpose; or

(vi) from tourism to commercial or any other purpose; or

(vii) from institutional to commercial or any other purpose:

Provided that rates of conversion charges may be different for different areas and for different purposes.

(4) Where the State Government or any authority authorized by it under sub-section (3), is satisfied that a person who ought to have applied for permission or regularization under this section, has not applied and that such permission can be granted or the use of land can be regularized, it may proceed to determine the conversion charges after due notice and hearing the party or parties and the charges as may be prescribed, shall become due to the Municipality and be recoverable under sub-section (6). The Municipality may hold camps for expediting this work and take the assistance of any agency as well:

Provided that regularization of land use change shall not be permitted in cases where the original land use was for a public purpose such as education, medical or any charitable purpose and the allotment was made at any concessional rate unless the difference in the original rate of allotment and the prevailing is

9 ¼512½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

paid and specific consent of the authority which made the original allotment has been obtained.

(5) The conversion charges so realized shall be credited to the fund of the Municipality.

(6) Charges under this section shall be the first charge on the interest of the person liable to pay such charges with respect to the land, the use of which has been changed, and shall be recoverable as arrears of land revenue.

183. The regular line of Public Street.- (1) Every Municipality shall prescribe a line on either side or both sides of a public street within the Municipality and may from time to time prescribe a fresh line in substitution of any line so prescribed or of any part thereof if the Municipality thinks the prescribing of such fresh line to be necessary for the purpose of widening such public street or any part thereof :

Provided that-

(a) atleast one month previous to prescribing such line or fresh line, as the case may be, the Municipality shall put up special notice of the same in the street or part of the street for which such line or fresh line is proposed to be prescribed and shall also give notice thereof to the owners for occupiers of the land affected by such alignment;

(b) the Municipality shall consider any written objection or suggestion in regard to such proposal delivered at the office of the Municipality within such time as may be specified in such special notice; and

(c) the Municipality shall cause to be prepared, a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein, which shall be open for the inspection of the public.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼513½

(2) The line for the time being so prescribed shall be called the regular line of the public street.

(3) No person shall construct or re-construct any portion of any building within the regular line of the public street.

(4) If any person contravenes the provisions of sub-section (3), he shall be punishable on conviction with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and the Municipality shall&

(a) direct that such construction or re-construction be stopped; and

(b) by a written notice, require the building or any portion thereof so constructed or re-constructed to be demolished.

(5) Any person aggrieved by an order of the Municipality under sub-section (4) may within thirty days from the date of such order, exclusive of the time requisite for obtaining a copy thereof, appeal to the Collector and the order of the appellate authority shall be final and shall not be liable to be called in question in any court.

184. Rights of way for underground utilities.- Subject to the provisions of the Indian Telegraph Act, 1885 (Central Act No. 13 of 1885), the Electricity Act, 2003 (Central Act No. 36 of 2003) and such other laws as may be notified by the State Government for the purposes of this section, the State Government may, by rules, provide for the following, namely:&

(a) the sanction by the Municipality of specific rights of way in the sub-soil of public and private streets in any municipal area for different public utilities including electric supply, telephone or other telecommunication facilities, gas pipes, water-supply, drainage and sewerage, and underground rail system, pedestrian sub-ways, shopping plazas,

9 ¼514½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

warehousing facilities and apparatus and appurtenances related thereto, provided by the State Government, or any statutory body or any licencee under any of the above mentioned Acts or other laws;

(b) the levy of any fee or charges under any of the Acts or other laws as aforesaid;

(c) the furnishing to the Municipality of maps, drawings and statements which shall enable it to compile and maintain precise records of the placement of the underground utilities in the municipal area;

(d) the fixing of time limit for execution of work and imposing of such conditions in this respect as the Municipality may consider appropriate;

(e) the imposing of penalty in case of delay in the completion of work; and

(f) the repairing and rendering in original condition, at the cost of concerned department or body, any municipal street or any other municipal property damaged while exercising aforesaid rights.

185. Maps of underground utilities.-The Chief Municipal Officer shall cause to be maintained complete survey maps, drawings and descriptions of all underground utilities in the municipal areas, and maps of fire hydrants and sewerage man-holes in such form and in such manner, as may be provided by bye-laws, and shall ensure the secrecy of the same in conformity with the provisions of any law relating to right to information.

186. Special provision regarding streets belonging to Central or State Government.- (1) If any national highway, state

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼515½

highway, or a street is vested in the Central Government or the State Government, as the case may be,&

(a) the Municipality shall not, in respect of such national highway, state highway, or street, grant permission to do any act, the doing of which without its permission, in writing, would contravene the provisions of this Act, except with the sanction of the Central Government or the State Government, as the case may be; and

(b) if so required by Central Government or the State Government, the Municipality shall exercise the powers conferred upon it by this Act or any bye-laws relating to such street.

(2) In the case of roads vested in the State Government, and passing through the municipal area, the Municipality shall have control over such roads in so far as permission for temporary occupation thereof and removal of encroachments therefrom are concerned, but the maintenance of such roads shall remain with the State Government.

187. Temporary erection on streets during festivals.- (1) The Chief Municipal Officer may grant a permission, in writing, for temporary erection of a booth, pandal, or any other structure on any public place on occasions of ceremonies and festivals, on payment of such fee, and on such conditions, as may be determined by the Municipality by bye-laws, and for such period as may be mentioned in the letter of permission :

Provided that no permission shall be given under this section without consultation with the Police Officer Incharge of traffic in the municipal area.

(2) The person to whom such permission is granted shall fill in the ground and reinstate the same to the satisfaction of the

9 ¼516½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Chief Municipal Officer within such period as may be mentioned

in the letter of permission.

188. Precautions during construction or repair of street, drain or premises.- Subject to the terms and conditions as may be

specified by bye-laws, the Chief Municipal Officer, during

construction or repair of any public street or any municipal drain or

any premises vested in the Municipality, shall–

(a) cause the same to be fenced and guarded;

(b) take proper precaution against accident affecting public street or adjoining buildings;

(c) prohibit, without his written permission, the deposit of any building material or the setting up of any scaffolding or any temporary erection on any public street;

(d) close any street wholly or partly to traffic;

(e) provide for necessary diversion of traffic, wherever necessary;

(f) ensure the reinstatement of the public street or restoration of any drain or premises to its original condition; and

(g) take steps for repairing or enclosing of any place which, in his opinion, is dangerous or causing inconvenience to traffic along a street or to persons who have legal access thereto or to the neighbourhood thereof, and recover the costs of such repair works from the owner or the occupier of any such place or premises.

189. Material not to be deposited nor hole to be made in a street without permission.- (1) No person shall without the written permission of the Municipality or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street or erect or deposit thereon any timber,

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼517½

stone, brick, earth or other material that has been or is intended to be used for buildings and such permission shall be terminable at the discretion of the Municipality and, when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the material is removed or the hole is filled up or otherwise made secure to the satisfaction of the Municipality and shall cause the same to be sufficiently lit during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees and with a further fine which shall not be less than fifty rupees but which may extend to one hundred rupees for every day or, night, as the case may be, on which such contravention continues after the date of the first conviction.

190. Compulsory provision of footpaths.- (1) The Municipality shall ensure, within a reasonable time, and subject to the availability of resources, that all public streets of such width as may be prescribed have raised footpaths adjoining such public streets.

(2) Notwithstanding the existing situation, the Buildings Permission and Works Committee shall specify different minimum widths for footpaths so as to be not less than one and a half meters on each side in any case :

Provided that more than one minimum width may be specified for the footpath abutting each category of Public Street so as to provide for different requirements owing to different abutting land uses :

Provided further that while prescribing or revising any regular line of a public street, it shall be stipulated that the specification of minimum width for footpaths shall be complied with.

9 ¼518½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(3) The minimum widths referred to in sub-section (2) may be revised by the Buildings Permission and Works Committee.

191. Building at corner of streets.- (1) The Municipality may require any building intended to be erected at the corner of two streets to be rounded off or played off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the Municipality shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the said building from the improvement of the streets.

192. Setting back projecting buildings.- (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 183, the Municipality may,&

(a) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time; or

(b) if the projecting part is not such external structure as aforesaid then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part or some portion of the part projecting beyond the said regular line, shall be removed or that such building, when being re-built, shall be set back to or towards the said regular line and the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the Municipality.

(2) If any land not vested in the Municipality, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other external structure, the Municipality, after giving the owner of the land not less than fifteen clear days written notice of its intention, or if the land is vested in the State Government, then with the permission in writing of such officer, as may be appointed or authorized by the State Government in this behalf, may take possession of the said land with its enclosing wall, hedge or fence, if any, and if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street and be vested in the Municipality.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 295, shall be paid by the Municipality to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2) for the value of the said land to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Municipality under either of the said sub-section; provided that no such compensation shall be payable in cases to which section 243 applies.

(4) When the amount of compensation has been so ascertained and determined or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 243, the Municipality may, after tendering the amount of compensation, if any, that may be payable, take possession of the land so to the street, and shall clear the same.

193. Level of buildings.- No building shall hereafter be built upon lower level than will allow the drainage thereof being laid into some public sewer or drain either then existing or

projected by the Municipality or into some stream or some cess pool or other suitable place which may be approved of by the Municipality.

194. Provisions relating to erection of all kinds of buildings.- (1) Within the limits of a Municipality, any person intending,&

(a) to erect a new building; or

(b) to re-erect or to make a material addition in a building; or

(c) to erect or re-erect any projecting portion of a building; or

(d) to make or enlarge any kind of well or boring,

shall submit an application in the prescribed form to the Municipality alongwith the documents required under sub-section (2) before starting the construction.

Explanation.- The term "material addition" means any changes in existing set backs, coverage, height, land use and

parking areas wherever such parking areas are mandatory under the law.

(2) (a) The application as mentioned in sub-section (1) shall be accompanied by the following, namely:&

(i) all documents in support of the title over the land or the building, as the case may be, alongwith a personal affidavit on oath regarding the genuineness of the documents and undisputed title over the land or the building;

(ii) a photocopy of the receipt of the prescribed fee deposited with the Municipality;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼521½

(iii) six copies of the map (showing the details of the proposed work in different colour) and the site plan. The map would particularly show the specification of construction, height of the building, permissible covered area, open spaces, set backs, parking spaces, ventilation etc.; and

(iv) any other information or documents required by the Municipality for its satisfaction, from time to time;

(b) The maps required under clause (a) shall be signed and authenticated by the qualified architect or engineer registered and approved by the Municipality, Urban Improvement Trust, Jaipur Development Authority, Chief Town Planner of the State or by any other authority empowered by the State Government for such purpose from time to time.

(3)(a) The scrutiny of title papers by the Municipality should be restricted to ensure that the land or the building as the case may be, does not belong to the government or any public agency;

(b) The applicant should have legal possession of the land or building on the date of application on the basis of documents submitted by the applicant :

Provided that the sanction of building plans by the Municipality shall not in any manner amount to creating a title in the favour of the applicant.

(4)(a) Municipality may, by bye-laws, provide that the documents required to be submitted under sub-section (2) may be submitted in electronic form;

(b) The Municipality shall decide the application and convey its written orders within a period of two

9 ¼522½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

months from the date of receipt of application. The Municipality or any authority or any committee empowered to grant the permission, shall also be competent to grant or to reject or modify the map or to impose other conditions or restrictions, as may be deemed necessary. In cases where the Municipality fails to convey its decision within two months, the applicant may undertake the construction, after giving one month's clear notice to that effect to the Municipality, considering it as a case of deemed permission. However, it shall be the responsibility of the

applicant and the architect or engineer to ensure that in all cases of deemed permission, the provisions of the Act, rules and bye-laws are not violated.

(5) Where the application submitted under sub-section (1), pertains to a multi-storied building i.e. a building above height of fifteen meters, or any institutional complex or a commercial complex in an area of more than five hundred square meters, the Municipality shall obtain advice of the Regional Town Planner of the State Government, before granting the permission sought for and shall ensure that proposed plan and construction is not inconsistent with the rules, bye-laws and public convenience.

(6) (a) The Municipality shall frame rules and bye-laws under sections 339 and 340 for uniform applicability regarding the conditions, restrictions, norms, specifications and the manner of processing the application submitted under this section;

(b) Where the application submitted under sub-section (1) pertains to non-residential building, multi-storied building, complex or construction of

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼523½

basement, the Municipality shall obtain the advice of the town planner of the area before granting permission sought for and shall ensure that proposed plan and construction is not inconsistent with the rules, bye-laws and public convenience.

(7) (a) No person shall commence any type of construction without written permission of the Municipality, and the Municipality shall decide his application within the period of two months from the date of receipt of application complete in all respect;

(b) If the decision is not conveyed to the applicant within the period of two months, he shall, before commencing the construction, give clear one month's notice to the Municipality asking to take decision on his application within that period;

(c) If the Municipality still fails to dispose of the application or to inform the person, of the action which is being taken in the matter, the applicant may commence the construction taking it to be deemed permission of the Municipality, but he shall not violate any provisions of this Act, rules or bye-laws made thereunder;

(d) A written permission shall not be required where a person has submitted an application under sub-section (1) on an area less than 250 square meters the proposal is for construction of an individual single residential unit up to first floor, and the total height of the building is not more than ten meters from the road level, including the thickness of the roof and any other structure. However, this provision shall not be applicable in any walled city

9 ¼524½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

area where separate bye-laws are in existence or in any area which has been declared as an heritage area under any law for the time being in force;

(e) The Chief Municipal Officer or any other person authorized by him or Chairman of the Committee authorized to exercise the powers to accord permission shall have power of inspection of site or building and to take measurement at any time for the purpose of deciding the application or to ensure that the work is being carried on according to the sanctioned plan. The Chief Municipal Officer shall issue notice to the person violating the sanctioned plan and the conditions

imposed therein while erecting or re-erecting the building and it shall be lawful for him to ask such person to remove or dismantle such construction or any construction which may be in violation of the sanctioned plan. It shall also be lawful for the Chief Municipal Officer to direct the person concerned to stop construction where the construction is going on without permission;

(f) It shall be lawful for the Chief Municipal Officer or any other officer authorized by him in this behalf to seize and take in his possession the whole premises or part thereof and to prohibit the use of such premises for a period specified by him in the notice, for enforcing the provisions of this section.

(8) The Municipality shall not decide any such application in which change of present land use is involved and permission for such change is needed under section 182. The applications mentioned in this clause shall be referred to the State Government

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼525½

or the concerned authority under intimation to the applicant and with the directions to him not to commence the work.

(9) (a) After completion of any building having height of more than 15 meters but before its occupancy, the owner of the building, shall submit an application (alongwith the certificate of safety and verification of other facts by architect/ engineer) for issuance of occupancy certificate. The Chief Municipal Officer, after arranging necessary inspection, shall issue such certificate or ask the owner to remove the defects, if any, as may appear to him to be necessary, within the specific period from the date of receipt of such application. He shall also ensure that the applicant has not contravened the sanctioned map. It shall be the responsibility of the owner not to occupy or to allow such building to be occupied without obtaining occupancy certificate;

(b) Whoever contravenes the provisions of clause (a) shall, on conviction by a competent court, be punished with fine which shall not be less than thirty thousand rupees but which may extend to fifty thousand rupees and in case of a continuing contravention, with fine of five hundred rupees for each day of contravention, till such contravention continues.

(10) (a) If a person commences, continues or completes any kind of erection or re-erection or makes any material alteration in a building or part thereof, or erects or re-erects any projecting portion of a building in respect of which the Municipality is empowered under section 192 to enforce a

9 ¼526½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

removal of the projecting part or restoration to regular line of set back, or engages himself in the construction or enlargement of a well or boring, without submitting an application under sub-section (1), he shall, on conviction by a competent court, be punished with simple imprisonment which shall not be less than one month but which may extend to three months or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees or with both;

(b) If a person commences or continues or completes erection or re-erection or makes any material alteration in a building or part thereof in contravention of the sanctioned plan or violating norms, conditions, restrictions imposed upon him, he shall, on

conviction by a competent court, be punished with simple imprisonment which shall not be less than fifteen days but which may extend to forty five days or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both;

(c) If any person who has submitted an application under sub-section (1) and has availed the facility provided under clause (d) of sub-section (7), contravenes the conditions, restrictions and norms prescribed for such construction shall, on conviction by a competent court, be punished with simple imprisonment which shall not be less than fifteen days but which may extend to forty five days or with fine which shall not be less than ten

thousand rupees but which may extend to twenty thousand rupees or with both;

(d) If it is found that the map signed and authenticated by the architect or engineer is inconsistent with the provisions of this section or the rules, bye-laws or orders made under this Act, such architect or engineer shall be blacklisted and his registration shall be cancelled by the Municipality and he shall, on conviction by a competent court, be punished with simple imprisonment which shall not be less than one month but which may extend to two months or with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees or, with both in each case;

(e) If it is found that any person has submitted fabricated or fake or false documents or has made wrong and false statement or has concealed the material facts in affidavit for obtaining Municipality's permission, he shall be liable to be prosecuted for fabrication, fraud and concealment under the relevant laws. It shall be the responsibility of the Chief Municipal Officer to initiate criminal proceedings against such person or persons including official, if any, of the Municipality involved in the said act, without delay;

(f) The officer or authority empowered for the operation of this section or official keeping record for this purpose shall be personally responsible if the period fixed for disposal of application received under sub-section (1) and in case of any

notice received under clause (b) of sub-section (4) is wilfully ignored. The person or persons responsible for such ignorance shall, on conviction by a competent court, be punished with simple imprisonment for one month or with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees or with both;

(g) An employee of the Municipality, who has been assigned duties for a particular area and made responsible for reporting the matter of violation of the provisions of this section, shall ensure that such violations are reported properly without delay and the same are entered in the register kept for the purpose and take necessary action to stop unauthorized construction and if it is proved that he wilfully or knowingly ignored to stop such unauthorized construction and to make report, he shall be punished according to the provisions of sub-section (18) of section 245;

(h) The Municipality shall have power to stop any work commenced without permission, or violating the norms of sanctioned map or without submitting an application;

(i) In addition to the prosecution of defaulter, the Municipality shall have power to demolish whole or part of the construction which has come up without permission or violating the permission, or where permission was sought by fraud etc. as mentioned in this section.

(11) No Municipality shall permit construction of dry latrines and if any person constructs or maintains dry latrine within

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼529½

the municipal area the Municipality shall take steps to demolish such latrines.

(12) Any person aggrieved by an order of the Municipality or the committee empowered by it or an order of the prescribed authority, may file an appeal against such order within thirty days from the date of such order to the State Government or to any other officer authorized by it.

195. Maintenance of apartment complexes by association of residents.- (1) It shall be responsibility of the builder or the developer together with the owners of the units of the complex, to set up a resident's association, as soon as the complex is ready for occupancy, for the maintenance of the complex. The other responsibilities of the builder shall be –

(i) to disclose the details of common facilities, including parking spaces for owners and residents, at the time of applying for permission for construction;

(ii) to constitute a corpus fund for maintenance of the complex and handover the same to the association, as soon as it becomes operational ;

(iii) to hand over security, common facilities provided in the building and their maintenance to the association, as soon as it becomes operational; and

(iv) to hand over the following documents to the association:-

(a) copy of approved building plan and the letter granting permission for the construction of the complex;

(b) copies of warranty documents for lift, water supply equipment, generator or any other

important equipment installed in the building;

(c) copy of agreement, if any, with the owner of the land; and

(d) designs of sewerage and water supply installed in the building.

(2) The Municipality shall not issue completion certificate until the formalities mentioned in sub-section (1) have not been completed by the builder or developer.

Explanation.-For the purpose of this section-

(i) ―owner‖ means the owner of the land on which the complex has been constructed and includes a person who has purchased a unit in the complex, through a registered deed;

(ii) ―resident‖ means a person who is, for the time being, in occupation of the unit under any arrangement with the owner or the builder;

(iii) ―residents' association‖, means an association of the owners and residents of any complex set up to maintain the complex, registered under the relevant law.

196. Particulars of permission and construction to be displayed prominently.- (1) Each person or agency raising a construction, within the municipal area shall, before starting any construction, display the following particulars relating to the proposed construction in a prominent place on the building site, unless specified otherwise, on a display board made by any sturdy

material, excluding card board or plain paper, of the size of 4x4 feet, unless otherwise specified by the Municipality:-

(i) name of the person or agency, including address and telephone number, if any, raising construction;

(ii) particulars of the building site, including the name, address and telephone number, if any, of the owner;

(iii) number and date of permission, if required, obtained from the Municipality or any other Authority or Urban Improvement Trust;

(iv) broad particulars of the proposed construction i.e. proposed use, total number of floors, number of units, proposed area of construction in square feet, number of public parking units;

(v) date of starting and finishing of the construction; and

(vi) reasons in case the building permission is not required.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty thousand rupees.

197. Hoardings to be set up during repairs, etc. .- (1) Every person, intending to build or take down any building or to alter or repair the outward part of any building in such a position or in such circumstances that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall, before beginning such work-

(a) first obtain a license in writing from the Municipality to do so, and

(b) cause sufficient hoarding or fences to be put up in order to separate the building where such works are

9 ¼532½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

being carried on from the street and shall maintain such hoarding or fence standing and in good condition to the satisfaction of the Municipality during such time as the public safety or convenience requires and shall cause the same to be sufficiently lighted during the night and shall remove the same when directed by the Municipality.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees and with further fine which shall not be less than fifty rupees but which may extend to one hundred rupees for every day or night, as the case may be, on which such contravention continues after the date of the first conviction.

198. Taking over of responsibilities to maintain amenities.-Notwithstanding anything contained in any other law for the time being in force, the Municipality shall not take over any responsibility to maintain any amenities provided in any scheme or colony developed by any authority, agency or person unless-

(i) all relevant records including plans, specifications and designs of such amenities are submitted to the Municipality; and

(ii) the Municipality is satisfied that such amenities are developed or constructed in accordance with the provisions of any law for the time being in force in this behalf:

Provided that if the Municipality, on examination of the records submitted to it, or on inspection of the amenities, finds that such deficiencies are there in the construction or operation of the amenities, which can be improved, it may require the authority, agency or person who developed such scheme or colony, to improve the deficiency to the satisfaction of the Municipality or to

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼533½ pay to the Municipality such deficiency charges, which the Municipality may deem proper to improve such

deficiency, and upon the improvement of the deficiency, or as the case may be, payment of deficiency charges, the Municipality may resume the responsibility to maintain such amenities.

Explanation.- For the purposes of this section "amenities" includes roads, bridges, any other means of communication, transport, streets, open spaces, parks, recreational grounds, play grounds, water, gas and electric supply, and source of energy, street lighting, sewerage, drainage, conservancy, public works and such other utilities, services and convenience as the State Government in consultation with the Municipality may, by notification in the Official Gazette, specify to be an amenity for the purpose of this Act.

199. Handing over or taking over of colonies developed by other agencies.- No Municipality shall take over any scheme or colony developed by any other authority, agency or person, unless its plans had been approved in advance by the Municipality and in other cases the scheme or the colony is in accordance with the existing laws and rules. The Municipality shall also satisfy itself that the prescribed amenities have already been provided as indicated in section 198 or the necessary deficiency charges have been paid and all relevant records, including proof of title, plans, specifications and designs of such schemes or colony are submitted to the Municipality. The Municipality, after such taking over, shall have full rights of disposal of all properties included in the colony in accordance with the provisions of the scheme. All such schemes, colonies and amenities shall, after such taking over, vest in the Municipality.

 CHAPTER XII

Municipal Powers and Offences

200. Municipal control over drains etc.- (1) All sewers, drains, privies, water closets, house-gullies and cess-pools within the Municipality shall be under the survey and control of the Municipality.

(2) All covered sewers and drains and all cess-pools, whether public or private, shall be provided by the Municipality or other person to whom they severally belong with proper traps or other coverings or means of ventilation, and the Municipality may by written notice call upon the owner of any such covered sewers, drains or cess-pools to make provision accordingly.

201. Powers for making drains etc. .- (1) In order to carry out any drainage scheme, it shall be lawful for a Municipality to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the Municipality.

(2) The Municipality or any officer appointed by it for such purpose may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the Municipality has been already constructed, or may repair or alter any drain vested in the Municipality.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute be ascertained and determined in the manner provided in section 295, shall be paid by the Municipality to any person who sustains damage by the exercise of such power.

202. Effectual drainage of building.- (1) It shall not be lawful to construct any building, or to reconstruct any building, or to occupy any building newly constructed, or to be reconstructed unless and until-

(a) a drain be constructed of such size, materials and description, at such level and with such fall as shall appear to the Municipality to be necessary for the effectual drainage of such buildings;

(b) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the Municipality to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding fifty feet from such building but if there is no such drain or place within that distance then such drain shall empty into such cess-pool as the Municipality directs.

(3) Notwithstanding anything contained in previous sub-sections, it shall be mandatory for every owner or occupier of a building or land to take connection, in the prescribed manner, from the sewerage system as soon as it is laid in that area by any agency, for the proper discharge of waste water from toilet, kitchen and bathroom.

(4) Where any person disobeys the directions of the Municipalities given under sub-section (1), he shall, on conviction,

9 ¼536½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

be punished with a fine which shall not be less than two thousand rupees but which may extend to five thousand rupees.

203. Right of owners and occupiers of buildings or lands to drain into municipal drains.- The owner or occupier of any building or land within the Municipality shall be entitled to cause his drain to empty into sewers of the Municipality only provided that he first obtains the written permission of the Municipality and that he complies with such conditions as the Municipality prescribes as to the mode in which and the superintendence under which communications are to be made between drains not vested in the Municipality and drains which are so vested.

204. Sewage and rain water drains to be distinct.-Whenever it is provided in the Act that steps may be taken for the effectual drainage of any premises, the Municipality may require that there shall be one drain for offensive matter and sewage and another drain for rain-water and un-polluted sub-soil water, each emptying into separate municipal drains or other places set apart by the Municipality for the discharge of drainage or into other suitable places.

205. Right to carry drain through land or into drain belonging to other person-how and on what conditions to be authorized by the Municipality.- (1) If the owner or occupier of any building or land proves to the satisfaction of the Municipality that he cannot connect the same with any municipal drain otherwise than by means of a drain to be constructed through land, belonging to or occupied by or in the use of some other person, the Municipality, after giving to such other person a reasonable opportunity of stating any objection to such application, may, if no objection is raised or if any objection which is raised is in its opinion insufficient, by an order in writing, authorize the owner or occupier first mentioned to carry his drain into, through or under

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼537½

the said land or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation and as to the respective responsibilities of the parties for

maintaining, repairing, flushing, cleaning and emptying the said drain, as may appear to it to be adequate and equitable.

(2) Every such order shall be a complete authority to the person in whose favour it is made or to any agent or other person employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset and, subject to all the provisions of this Act, to do all such acts and execute all such works as may be necessary-

(a) for the construction or connection of the drain as may be authorized by the said order; or

(b) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

206. Work, how to be carried out.- In executing any work under section 205 as little damage as possible shall be done, and the owner or occupier of the building or land for the benefit of which the work is done shall-

(a) cause the work to be executed with the least practicable delay,

(b) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction

9 ¼538½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

opened, broken up or removed for the purpose of executing the said work, and

(c) pay compensation to any person who sustains damage by the execution of the said work.

207. Right of owner of land through which drains are carried in regard to subsequent building thereon.&If the owner of any land into, through or under which a drain has been carried under section205, whilst such land was not built upon, shall at any subsequent time desire to construct a building thereon, the Municipality may, if it sanctions the construction of such building, by written notice require the owner or occupier of the building or land for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, re-instate and make good the land in such manner as it may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building and may also, by written notice, require the person desiring to construct the building to make such alterations in the location of the building with reference to the drain, or in the details of the construction of the building and on such terms as Municipality may deem to be necessary for the maintenance of the drainage connection.

208. Provision of privies, etc. .&(1) In case the Municipality shall be of opinion, that any privy or cess-pool or additional privies or cess-pools, should be provided in or on any building or land, or, in any Municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon the Municipality may by written notice call upon the owner of such building or land to provide such privies, cess-pools, or water-closets as the Municipality may deem proper.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼539½

(2) The Municipality may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the Municipality may direct and to cause the same to be kept in proper order and to be daily cleaned.

(3) The Municipality may by written notice require the owner or occupier of any land upon which there is a privy to have such privy shut out by a sufficient roof and a wall or fence from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy door or trap door which opens on to any street and which it deems to be a nuisance.

(4) No person shall be allowed to drain night soil out of his privy, into the outlet drain of the Municipality or into his private drain.

(5) Any person, disobeying the direction of the Municipality given under this section, shall on conviction, be punished with simple imprisonment which shall not be less than one month but which may extend to two months and with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees.

209. Erection of latrine and urinal in factories, schools and public places.- (1) The Municipality may give notice to an owner, occupier or controller of commercial complexes, schools, private hospitals, hotels, restaurants, rest houses, bazaars, community centers, marriage halls, cinema halls, auditoria, clubs, entertainment centers, amusement parks and other like private places to erect sufficient latrines and urinals for the facility of users of such places as the municipal authorities may think proper. It shall also be lawful for the Chief Municipal Officer, to direct the

9 ¼540½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

management of such places to maintain and keep such latrines and urinals clean and odourless. The Chief Municipal Officer should also direct the management of such places to maintain latrines and urinals for ladies separately.

(2) The Chief Municipal Officer or any other Officer authorized by him shall visit, from time to time, such latrines/ urinals to ensure that necessary steps are being taken for sanitation and hygiene.

(3) The management of such places shall be bound to comply with the orders and directions of the Chief Municipal Officer in this connection.

(4) The person in charge of such places shall be punished, on conviction, with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees in case of non-compliance of the orders or directions of the Chief Municipal Officer.

210. Cost of altering, repairing and keeping in proper order privies, etc. .- (1) All sewers, drains, privies, water-closets, house-gullies and cess-pools within the Municipality shall, unless constructed at the cost of the Municipality, be altered, repaired and kept in proper order at the cost and charges of the owner of the land or building to which the same belong, or for the use of which they are constructed or continued and the Municipality may by written notice require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The Municipality may by written notice require the owner to demolish or close any privy or cess-pool, whether constructed before or after the coming into operation of this Act, which, in the opinion of the Municipality, is a nuisance or is so constructed as to be incapable of being properly cleaned or kept in good order.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼541½

211. Power to close existing private drains.- When any building or land within the Municipality has a drain connecting with any cess-pool or sewer, the Municipality, if it considers that such drain, though it may be sufficient for the drainage of such building or land and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the Municipality, may close such drain and such cess-pool or sewer, whether it is or is not on land vested in the Municipality, on providing a drain or drains equally effectual for the drainage of such building or land, and the Municipality shall do any work necessary for the purpose.

212. Power in respect of sewers etc. constructed in an un-authorized manner, rebuilt or unstopped.- The Municipality may by written notice require that any sewer, drain, privy, water-closet, house-gully or cess-pool on any land within municipal limits constructed or rebuilt or unstopped-

(a)either without the consent or contrary to the orders, directions, general bye-laws or bye-laws of the Municipality, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped, and

(b)after such land became a part of a Municipality, shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped and every person so constructing, rebuilding or unstopping any such sewer, drain, privy, water-closet, house-gully or cess-pool whether he does or does not receive such notice, or does or does not comply therewith, shall in addition to any penalty to which he may be liable on account of such non-compliance, punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

9 ¼542½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

213. Encroachment on municipal drains etc.- (1) Whoever, without the written consent of the Municipality first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the Municipality shall be punished with fine which may extend to one thousand rupees, and the Municipality may by written notice require such person to demolish, alter, remake or otherwise deal with such drain as it may think fit.

(2) No building shall be newly constructed or reconstructed over any sewer, drain, culvert or gutter vested in the Municipality without the written consent of the Municipality, and the Municipality may by written notice require the person who may have constructed or reconstructed such building to pull down or otherwise deal with the same as it may think fit.

214. Inspection of drains etc..-(1) The Cheif Municipal Officer or any other officer authorized by him for such purpose may, subject to the provisions of this Act, inspect any sewer, drain, privy, water-closet, house-gully or cess-pool and for that purpose, at any time between sunrise and sunset, enter upon any lands or buildings with assistants and workmen and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

(2) The expense of such inspection and of causing the ground to be closed and made good as before shall be borne by the Municipality unless the sewer, drain, privy, water-closet, house-gully, or cess-pool is found to be in bad order or condition or was constructed in contravention of the provisions of any enactment or of any bye-laws of the Municipality in force at the time, in which case such expenses alongwith administrative and supervision charges at the rate of ten percent of the total expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cess-pool and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under this Act.

215. Power of Municipality to execute certain works without allowing owner to do so.- (1) The Municipality may, if it thinks fit, cause any work of the nature to which this Chapter applies to be executed by a municipal or other agency under its own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

(2) The expenses of any work so done alongwith the administrative and supervision charges at the rate of ten percent of the total expenses, shall be paid by the person aforesaid, unless the Municipality shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

(3) Any pipes, fittings, receptacles, or other appliances, for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the Municipality, be deemed to be municipal property unless the Municipality shall have transferred its interest therein to the owner of such buildings or lands.

216. Power of carrying water mains etc. .- The water supply department of the State Government or the Municipality, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the Municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the Municipality as the Municipality has and is subject to under the provisions contained in this Act for carrying, renewing and repairing drains within the Municipality.

217. Special provisions relating to trade effluent.-Subject to the provisions of this Act and the bye-laws made

thereunder and of any other law for the time being in force, the occupier of any trade premises may, with the approval of the Municipality or, so far as may be permitted by this Act or the bye-laws made thereunder or any other law for the time being in force, without such approval, discharge into the municipal drain any trade effluent proceeding from such premises.

218. Special provisions regarding drainage of trade effluent.- Notwithstanding anything contained in this Act or, the rules or bye-laws made thereunder or any usage, custom or agreement, where, in the opinion of the Chief Municipal Officer -

(i) any trade premises are without sufficient means of effectual drainage and treatment of trade effluent; or

(ii) the drains thereof, though otherwise not objectionable, are not adapted to the general drainage system of the municipal area; or

(iii) the effluent is not of specified purity,

the Chief Municipal Officer may, by notice, in writing, require the owner or the occupier of such premises-

(a) to discharge the trade effluent in such manner, at such times, through such drains, and subject to such conditions, as may be specified in the notice, and to cease to discharge the trade effluent otherwise than in accordance with the notice,

(b) to purify the trade effluent before its discharge into a municipal drain and to set up for purifying the trade effluent such appliances, apparatus, fittings and plants, as may be specified in the notice,

(c) to construct a drain of such material, size and description, and laid at such level, and according

to such alignment, and with such fall and outlet, as may be specified in the notice,

(d) to alter, amend, repair or renovate any purification plant, existing drain, apparatus, plant-fitting or article used in connection with any municipal or house-drain.

219. Buildings, railways and private streets not to be erected or constructed over water-mains or on municipal drains without permission.- (1) Without the permission of the Chief Municipal Officer, no building, wall, fence or other structure shall be erected, and no railway or private street shall be constructed, on any municipal drain constructed or maintained by, or vested in, the Municipality.

(2) If any building, wall, fence or other structure is erected, or any railway or private street is constructed, on any drain or waterworks without the permission as aforesaid, the Chief Municipal Officer may remove, or otherwise deal with, such erection or construction in such manner as he may think fit.

(3) The expenses incurred by the Chief Municipal Officer for carrying out the purposes of sub-section (2) shall be paid by the owner of the private street or of the building, fence, wall or other structure or, as the case may be, by the railway administration or the person responsible, and shall be recoverable as an arrear of tax under this Act.

220. Railway administration to be informed in certain cases.- If the Chief Municipal Officer desires to place or carry any pipe or drain or to do any other work connected with water-supply or drainage across any railway line, he shall inform the railway administration, who may execute the same at the cost of the Municipality.

221. Power of owner of premises to place pipes and drains through land belonging to other persons.- (1) If it appears to the Chief Municipal Officer that the only or the most convenient means of drainage of, any premises is by placing or carrying any pipe or drain over, under, along or across the immovable property of another person, the Chief Municipal Officer may, by order in writing, authorize the owner of such premises to place or carry such pipe or drain over, under, along or across such immovable property:

Provided that before making any such order, the Chief Municipal Officer shall give to the owner of the immovable property a reasonable opportunity of showing cause, within such time as may be specified by him by order in writing, as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right, other than the right of a user, in such immovable property over, under, along or across which any such pipe or drain is placed or carried.

(2) Upon the order under sub-section (1), the owner of the premises may, after giving a reasonable notice of his intention so to do, enter upon such immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain

over, under, along or across such immovable property or for the purpose of repairing such pipe or drain.

(3) In placing or carrying a pipe or drain under this section, as little damage as possible shall be done to such immovable property, and the owner of the premises shall-

(a) cause the pipe or drain to be placed or carried with the least possible delay;

(b) fill in, reinstate, and make good, at his own cost and with the least possible delay, any land

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼547½

opened, broken up or removed for the purpose of placing or carrying such pipe or drain; and

(c) pay compensation to the owner of such immovable property and to any other person, who sustains damage by reason of the placing or carrying of such pipe or drain.

(4) If the owner of such immovable property over, under, along or across which a pipe or drain has been placed or carried under this section, while such immovable property was not built upon, desires to erect any building on such immovable property, the Chief Municipal Officer shall, by notice, in writing, require the owner of the premises to close, remove or divert the pipe or drain in such manner as shall be approved by him and to fill in, reinstate and make good such immovable property as if the pipe or drain had not been placed or carried over, under, along or across such immovable property:

Provided that no action under this sub-section shall be taken unless, in the opinion of the Chief Municipal Officer, it is necessary or expedient for the construction of the proposed building, or the safe enjoyment thereof, that the pipe or drain should be closed, removed or diverted.

222. Power of Chief Municipal Officer to execute work after giving notice to person liable.- (1) When, under the provisions of this Act, any person is required, or is liable, to execute any work in relation to drainage and sewerage within the municipal area, the Chief Municipal Officer may, in accordance with the provisions of this Act and the bye-laws made thereunder, cause such work to be executed after giving such person an opportunity of executing such work within such time as may be specified by him for this purpose.

9 ¼548½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(2) The expenses incurred or likely to be incurred by the Chief Municipal Officer in the execution of any such work shall be payable by such person, and the expenses incurred by the Chief Municipal Officer in connection with the maintenance of such work or enjoyment of amenities and conveniences rendered possible by such work shall be payable by the person or persons enjoying such amenities and conveniences.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefore as an arrear of tax under this Act.

223. Work to be done by licenced plumber.- (1) The Municipality may grant licence to any person possessing such technical qualifications or experience as may be determined by bye-laws to act as a licenced plumber.

(2) No person, other than a licenced plumber, shall execute any work described in this Chapter, and no person shall permit any such work to be executed except by a licenced plumber:

Provided that if, in the opinion of the Chief Municipal Officer, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licenced plumber.

(3) The Municipality shall, by bye-laws, provide for-

(a) the terms and conditions of engagement of such licenced plumbers;

(b) their duties and responsibilities, and guidelines for their functions;

(c) the charges to be paid to them for different types of works;

(d) the hearing and disposal of complaints made by the owners or occupiers of any premises with regard to their work; and

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼549½

(e) in case of contravention of any such bye-laws by any such plumber, the suspension or cancellation of such licence, whether he is prosecuted under this Act or not.

224. Prohibition of certain acts.- (1) No person shall-

(a) wilfully obstruct any person acting under the authority of the Chief Municipal Officer in setting out the lines of any works, or pull up or remove any pillar, post or shaft fixed in the ground for the purpose of setting out lines of such works, or deface or destroy any works made for such purpose, or

(b) wilfully or negligently break, damage, turn on, open, close, shut off, or otherwise interfere with, any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Municipality, or

(c) unlawfully obstruct the flow of, or flush, draw off, or divert, or take water from, any waterworks belonging to the Municipality or any water-course by which any such waterworks is supplied, or

(d) unlawfully obstruct the flow of, or flush, draw off, or divert, or take, sewage work belonging to the Municipality or break or damage any electrical transmission line maintained by the Municipality, or

(e) throw any material including plastic bags and containers or waste of dairies, piggeries and farms into any municipal drain or sewer, or

9 ¼550½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(f) obstruct any officer or other employee of the Municipality in the discharge of his duties under this Chapter or refuse, or wilfully neglect, to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water or sewage work, or

(g) bathe in, at, or upon, any waterworks, or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any waterworks or wash or clean therein any cloth, wool or leather or the skin of any animal, or cause the water of any sink or drain or any steam-engine or boiler or any polluted water to turn, or to be brought, into any waterworks, or do any other act, whereby the water in any waterworks is fouled or is likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

225. Entrustment of operation and maintenance of sewerage works and billing and collection of sewerage charges.- The Municipality may, with the approval of the State Government, entrust the work of operation and maintenance of sewerage works in the municipal area and the work of billing and collection of sewerage charge or sewerage cess to any agency under any law for the time being in force or any private agency.

226. Duty of Municipality in respect of solid wastes management and handling.- (1)Subject to the provisions of section 4, the Municipality shall, within the Municipal area, be

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼551½

responsible for implementation of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986 (Central Act No. 29 of 1986) to regulate the management and handling of municipal solid wastes and for development of an infrastructure for collection, storage, transportation, processing and disposal of such solid wastes.

(2) Subject to the provisions of section 4, the Municipality shall, either on its own or through any other agency authorized by it in this behalf,-

(a) organize collection of municipal solid wastes through any of the methods, like community bin collection (central bin), house-to house collection, and collection on regular pre-informed times and schedules,

(b) devise collection of wastes from slums and

squatter areas and other localities including hotels, restaurants, office complexes and commercial areas,

(c) remove at regular intervals all solid wastes so collected under clause (a) and clause (b) for disposal on daily basis, and

(d) arrange for making use of bio-degradable wastes from slaughter houses, meat and fish markets, and fruits and vegetable markets in an environmentally acceptable manner.

227. Entrustment of management and handling of solid wastes and billing and collection of charge.- Notwithstanding anything contained elsewhere in this Act, for the purposes of management and handling of municipal solid wastes and for development of infrastructure, if any, for collection, storage, segregation, transportation, processing and disposal of such solid

9 ¼552½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

wastes, a charge shall be levied, and payment thereof shall be made, at such rate as the Municipality may fix from time to time:

Provided that the charge as aforesaid shall, as far as practicable, be such as shall cover the costs on account of management and handling of municipal solid wastes and development of infrastructure, if any, for collection, storage, segregation, transportation, processing and disposal thereof and also the costs of debt-servicing, depreciation of plant and machinery, and other charges, if any:

Provided further that the Chief Municipal Officer may, with the prior approval of the Municipality, entrust development of infrastructure for collection, storage, segregation, transportation, processing and disposal of solid wastes and the work of management and handling of municipal solid wastes and of billing and collection of the charges as aforesaid to any agency under any law for the time being in force or to any other agency.

228. Solid wastes to be property of Municipality.- All solid wastes deposited in public receptacles, depots and places provided or appointed under sections 226 and all solid wastes collected by the municipal employees or contractors or any other agency authorized in this behalf shall be the property of the Municipality and the Municipality may dispose it as it may deem proper.

229. Appointment of places for disposal and final disposal of solid wastes.- The Municipality may, either on its own or through any other agency, cause the solid wastes to be disposed of at such place or places within or outside the municipal area, and in such manner, as it considers suitable:

Provided that no place which has not been used before the commencement of this Act for the purpose specified in this section, shall be so used, except-

(i) in conformity with the provisions of any State law relating to development planning and land

use control or any other law relating thereto for the time being in force, or

(ii) in the absence of any such law, with the approval of the State Government:

Provided further that the solid wastes shall not be finally disposed of in any manner which the State Government may think fit to disallow.

230. Duty of owners and occupiers of premises to store solid wastes at source of generation.- It shall be the duty of the owners and the occupiers of all lands and buildings in the municipal area-

(a)to have the premises swept and cleaned on a regular basis,

(b)to provide for separate receptacles or disposal bags for the storage of-

(i) Organic and bio-degradable wastes,

(ii) Recyclable or non-bio-degradable wastes, and

(iii) Domestic hazardous wastes,

so as to ensure that these different types of wastes do not get mixed,

(c)to keep such receptacles in good condition and order, and

(d)to cause all such wastes, including rubbish, offensive matter, filth, trade refuse, carcasses of dead animals, bio-medical wastes and other polluted and obnoxious matters to be collected from their respective premises and to be deposited in community bins or receptacles at such times and in such places as the Chief Municipal Officer may, by notice, specify.

231. Duty of Co-operative Housing Society, Apartment Owners' Association, etc. .- It shall be the duty of the managements of co-operative housing societies, apartment owners' associations, residential and non-residential building complexes, educational buildings, mercantile buildings, industrial buildings, storage buildings and hazardous buildings to provide at their premises community bins or disposal bags of appropriate size as may be specified by the Municipality for temporary storage of wastes (other than recyclable wastes), hazardous wastes, and bio-medical wastes and for their subsequent collection and removal by the Municipality .

232. Prohibitions.- No person and no owner or occupier of any land or building shall-

(a) litter or deposit at any public place any solid waste,

(b) deposit building rubbish in or along any public street, public place or open land,

(c) allow any filthy matter to flow on public places, or

(d) deposit or otherwise dispose of the carcass or any part of any dead animal at a place not provided or appointed for such purpose.

233. Punishment for littering on streets and depositing or throwing any solid waste.- Whoever litters any street or public place or deposits or throws or causes or permits to be deposited or thrown any solid waste or building rubbish at any place in contravention of the provisions of this Act, or permits the flow of any filthy matter from his premises, shall be liable

to pay a penalty not exceeding five hundred rupees on the spot to be imposed by an officer authorized by the Municipality in this behalf .

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼555½

234. Bio-medical wastes.- It shall be the duty of the Municipality, either on its own or through any other agency authorized by it in this behalf, to implement the provisions of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986 (Central Act No. 29 of 1986) to regulate the management and handling of bio-medical wastes to the extent such rules apply to the Municipality.

235. Hazardous wastes.- It shall be the duty of the Municipality, either on its own or through any other agency authorized by it in this behalf, to implement the provisions of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986 (Central Act No. 29 of 1986) to regulate the management and handling of Hazardous wastes to the extent such rules apply to the Municipality.

236. Permission necessary for certain projections.- (1) The Municipality may , having regard to the volume of traffic and public convenience, give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms to project from any upper storey thereof in accordance with the provisions of the bye-laws made in this behalf.

(2) Any such owner or occupier putting up any such projection as aforesaid without such permission or in contravention of such orders shall be punished with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees and, if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which shall not be less than fifty rupees but which may extend to one hundred rupees for each day on which such failure or neglect continues.

9 ¼556½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(3) The Municipality may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the area of such building became part of a Municipality, shall have been erected or placed against or in front of such building, and which-

(a) over hangs or juts into or in any way projects or encroaches upon any public street so as to be an obstruction to safe and convenient passage along such street, or

(b) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof or to effect alleviation of building line in any way :

Provided always that the Municipality shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a Municipality or after such date with the written permission of the Municipality, make reasonable compensation to every person who suffers damage by such removal or alteration and, if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section295**.**

237. Troughs and pipes for rain water.- (1) The Municipality may, by written notice require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such

building, and for discharging the same in such manner as it may think fit so that it shall not fall upon persons passing along the street or cause damage to the street.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼557½

(2) Where any owner or occupier of the building fails to comply with the requirements envisaged in the notice under sub-section (1) and thereby contravenes the provisions thereof, he shall, on conviction, be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

238. Provision of rain water harvesting structure.- (1) In every building owned or occupied by the Government or a statutory body or a company or an institution owned or controlled by the Government, rain water harvesting structure shall be provided by the Government or by such statutory body or company or institution, as the case may be, in such manner and within such time as may be prescribed.

(2) Every owner or occupier of a building other than that referred to in sub-section (1) shall provide rain water harvesting structure in the building in such manner and within such period as may be prescribed in the bye-laws or otherwise.

Explanation.- Where a building is owned or occupied by more than one person, every such person shall be liable under this sub-section.

(3) Without prejudice to any action that may be taken under the provisions of this Act, where the owner or occupier of the building fails to provide the rain water harvesting structure in the building within the period prescribed under sub-section (2), he shall, on conviction, be punished with fine which shall not be less than rupees ten thousand but which may extend to rupees twenty thousand.

(4) No water connection from any public water supply system shall be permitted in newly constructed building unless the owner or occupier thereof produces a certificate from the concerned Municipality to the effect that rain water harvesting structure has been provided in the building.

9 ¼558½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ **239. Fixing of brackets etc. to houses.-** The Municipality may erect or fix to the outside of any building brackets for lamps to be lighted with oil or gas or, subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotives or other purposes or such pipes as it may deem necessary for the proper ventilation of sewers and water works and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any other in the neighbourhood.

240. Naming of streets and numbering of houses.-(1) The Municipality may from time to time put up or paint on a conspicuous part of any building at or near each end, corner or entrance to every street and public place the name by which such street or public place is to be known:

Provided that it shall be lawful for the State Government to issue directions to the Municipality for naming of any street, colony, Mohala, Market, Bazar, bridge, flyover, garden or any other public place or way by specific name and such directions shall be binding on the Municipality.

(2) The Municipality may from time to time fix number plate in a conspicuous place on the main entrance of outer side of the building and the cost of the plate shall be borne by the house owner.

(3) Any person who destroys, pulls down or defaces any such name or number plate or puts any name or number different from that put up by the Municipality shall, on conviction, be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼559½

241. Installation of statues.-(1) No statue in any street or public place shall be allowed or permitted to be installed without the prior approval of the State Government or any authority authorized by it.

(2) Any person who destroys, pulls down or defaces any statue installed or erected within the limits of Municipality in accordance with sub-section (1) or any person or authority who installs a statue without the prior approval of the State Government or in contravention of the conditions prescribed by it, shall, on conviction, be punished with simple imprisonment for a term which shall not be less than two months but which may extend to six months and with fine which shall not be less than twenty five thousand rupees but which may extend to fifty thousand rupees.

242. Removal and trimming of hedges, trees, etc.-(1)The Municipality may, by written notice, require the owner or occupier of any land to trim or prune the hedges thereof bordering any public street so that the said hedges may not exceed such height from the level of the street and such width as the Municipality may direct and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger or obstruct, or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well or other provision for water supply as to pollute, or to be likely to pollute, the water thereof.

(2) If the owner or occupier fails to comply with the notice issued to him under sub-section (1) within the period specified in the notice, the Municipality may cause to trim or prune such hedges and recover the cost of trimming and pruning in the same manner in which municipal dues are recovered.

243. Dangerous buildings.- (1) If any building or anything affixed thereon be deemed by the Municipality to be in a ruinous

9 ¼560½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ state or to be likely to fall or to be in any other way dangerous to any inhabitant of such building or of any neighbouring building, or to any occupier thereof or to passengers, the Municipality shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers. All expenses incurred by the Municipality under this sub-section shall be paid by the owner or occupier of such building and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under this Act:

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the Municipality, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or fence and, in the event of the owner or occupier failing to put up within two days from the service of such notice, a hoarding or fence which the Municipality considers sufficient in the circumstances of the case, the Municipality shall at once cause such hoarding or fence to be put up and thereafter proceed to recover the expenses incurred by the Municipality as provided in this sub-section.

(2) The Municipality shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down or secure such building or thing within three days, and in case of emergency, immediately after the service of such notice and complete such work with due diligence, the Municipality shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired or otherwise secured.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼561½

(3) If the owner or occupier fails to comply with the notice issued under this section and the building falls, the owner and occupier of the building shall, without prejudice to any action that may be taken against them under the provisions of this Act or any other law for the time being in force, be liable, jointly and severely, for any damage caused by the debris of such building.

244. Displacing pavements etc. .- (1) Whoever displaces, damages, takes up or makes any alteration in or otherwise interferes with the pavement, gutter, storm water drain, flags or other materials of any public street, or the fences, walls or posts thereof, or any municipal lamp, lamp post bracket, water-post, direction post, hydrant, water pipe or any other municipal property therein, thereon or thereunder, without the written consent of the Municipality or other lawful authority shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and shall also be liable to pay the Municipality the amount of actual damage and ten percent thereof as administrative charges.

(2) Any person who, having displaced, damaged, taken up or made alteration in or otherwise interfered with any such pavement, gutter, storm water drain, flags or other materials or the fences, walls, post, municipal lamps, lamp-posts, brackets, water-posts, direction posts, hydrants, water-pipes or other municipal property of any public street, fails to replace or restore the same to satisfaction of the Municipality after notice to do so shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under this Act.

9 ¼562½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ **245. Encroachment or obstruction upon public land.-**(1) Whoever makes any encroachment in any land or space not being private property, whether such land or space belongs to or vests in the Municipality or not, except steps over drain in any public street shall on conviction be punished with simple imprisonment which shall not be less than three months but which may extend to three years and with fine which shall not be less than thirty thousand rupees but which may extend to fifty thousand rupees:

Provided that the court may for any adequate or special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than three months.

(2) Whoever makes even temporary obstruction without prior permission of the Municipality in any land or space not being private property, whether such land or space belongs to or vests in the Municipality or not, except steps over drain in any public street, shall, on conviction, be punished with simple imprisonment which may extend to one month or with fine which may extend to five thousand rupees or with both.

(3) The Municipality or any officer authorized by it in this behalf shall have power to remove any such obstruction or encroachment and the expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment.

(4) Whoever not being duly authorized in that behalf removes earth, sand or other material from any land or space as aforesaid, shall be punished on conviction with imprisonment which shall not be less than two months but which may extend to six months or with fine which shall not be less than thirty thousand rupees but which may extend to fifty thousand rupees or with both.

(5) Notwithstanding anything contained in the foregoing provisions, the Municipality or the officer authorized by it in this behalf shall, in addition to the action taken as provided in this section, also have power to seize or attach any property alongwith tools and vehicles found on the land or space referred to in this section or, as the case may be, attached to such land or space or permanently fastened to anything attached to such land or space.

(6) Where any property is seized or attached by an officer authorized by the Municipality, he shall immediately make a report of such seizure or attachment to the Municipality.

(7) The Municipality may make such orders as it thinks fit for the proper custody of the property seized or attached, pending the conclusion of confiscation proceedings, and, if the property is subject to speedy and natural decay, or it is otherwise expedient so to do, the Municipality may order it to be sold or otherwise disposed of.

(8) Where any property is sold as aforesaid, the sale proceeds thereof after deduction of the expenses of any such sale or other incidental expenses relating thereto, shall -

(a) where no order of confiscation is ultimately passed by the Municipality; or

(b) where an order passed in appeal so requires,

be paid to the owner thereof or the person from whom it is seized or attached.

(9) Where any property is seized or attached under sub-section (5), the Municipality may order confiscation of such property.

(10) No order for confiscating a property shall be made under sub-section (9) unless the owner of such property or the person from whom it is seized or attached is given -

(a) a notice in writing, informing him of the grounds on which it is proposed to confiscate the property;

(b) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(c) a reasonable opportunity of being heard in the matter.

(11) The order of any confiscation and removal of encroachment under this section shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

(12) Any person aggrieved by an order made under sub-section (7) or sub-section (9) may, within one month from the date of the communication to him of such order, appeal against it to the District Judge of the District in which such property is seized or attached.

(13) On such appeal the District Judge may, after giving an opportunity to the appellant and the respondent to be heard, direct the order to be stayed pending disposal of the appeal, or may modify, alter or annul the order and make any further orders that may be just.

(14) Whenever any property is seized or attached pending confiscation under this section, the Municipality or the District Judge shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force, any other court, tribunal or other authority shall not have jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such property.

(15) Where any person is prosecuted of an offence under sub-section (1), sub-section (2) or sub-section (4), the burden of proving that he has not committed the offence shall be on him.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼565½

(16) Nothing contained in this section shall prevent the Municipality from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies, or the piling of fuel in any streets and spaces for not more than seven days and in such manner as not to inconvenience the public or any individual.

(17) Nothing contained in this section shall apply to any projection duly authorized under sub-section (1) of section 236 or in any case where permission has been given under sub-section (16) of this section.

(18) Whoever, being an employee of the Municipality, or being on deputation with the Municipality from any department of the Government, specifically entrusted with the duty to remove or to stop or to prevent the encroachment or obstruction, himself encroaches or helps others to encroach, or wilfully or knowingly, neglects or deliberately omits to remove or stop or prevent such encroachment or obstruction shall, on conviction, be punished with imprisonment for a term which shall not be less than three months but which may extend to three years or with fine which may extend to thirty thousand rupees or with both:

Provided that no court shall take cognizance against such employee for the offence punishable under this sub-section except with the previous sanction of the Municipality.

(19) No investigation of an offence under this section shall be made by an officer below the rank of the Deputy Superintendent of Police. However, such investigation shall be completed and report shall be filed in the court within the period of three months from the date of filing First Information Report on behalf of the Municipality by the Chief Municipal Officer or the official authorized by him.

9 ¼566½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(20) Without prejudice to the provisions of section 298 and other provisions of this Act, it shall be lawful for the Chief Municipal Officer to lodge proceedings against the person who is likely to make encroachment upon any Government or municipal land before the Magistrate concerned, for preventing him from making any such encroachment and it shall be competent for the Magistrate, on being satisfied about the reasonableness of the apprehension of the Chief Municipal Officer, to require such person to execute a bond, with or without sureties, for his good behavior for such period, not exceeding one year, as the Magistrate thinks fit. The procedure contained in Chapter VIII of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) shall apply *mutatis mutandis* to the proceedings before the Magistrate under this sub-section as if such proceedings were the proceedings under section 107 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

246. Dangerous quarrying.- If in the opinion of the Municipality the working of any quarry or the removal of stone, earth or other material from the soil in any place is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create nuisance, the Municipality may, by written notice, require the owner of the said quarry or

place, or the person responsible for such working or removal, not to continue or permit the working of such quarry or the removing of such material or to take such order with such quarry or place as the Municipality shall direct for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom:

Provided that, if such quarry or place is vested in the State Government or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of the State Government or any person acting with the permission or under the authority of the State Government or of any officer of the

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼567½

State Government as such, the Municipality shall not take such action unless and until the State Government has consented to its so doing:

Provided further that the Municipality shall immediately cause a proper hoarding or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this section, it appears to it to be necessary in order to prevent imminent danger, and any expense incurred by the Municipality in taking action under this section shall be paid by such owner or other persons as aforesaid and shall be recoverable as an arrear of tax under this Act.

247. Premises not to be used for keeping animals, or poultry without licence.- No person shall use, or permit to be used, any land or premises for keeping cattle, horse, pig, dog, or other quadruped animal or any kind of poultry for any purpose whatsoever without, or otherwise than in conformity with, the terms of a licence granted by the Municipality on payment of such fees as may be determined by the Municipality by bye-laws:

Provided that the Municipality may, by a written order, exempt any class of animal or bird from such licence or from any purpose for which such class of animal or bird may be kept.

248. Seizure of certain animals or birds.- (1) If any cattle, horse, pig, dog, or other four-footed animal or bird is kept on any land or premises in contravention of the provisions of this Chapter or is found roaming or straying or tethered on any street or public place or is found causing nuisance or danger to the public, the Chief Municipal Officer may direct any officer or employee of the Municipality to seize such cattle, horse, pig, dog or other four-footed animal or bird and may cause it to be impounded or removed to and maintained in such place as may be appointed by the Municipality for this purpose; and the cost of

9 ¼568½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

such seizure and impounding or removing and maintenance shall be recoverable by sale of such animal or bird, as the case may be, by auction:

Provided that any person claiming such animal or bird may, within seven days of such seizure, get it released on his paying all the expenses incurred by the Municipality in seizing, impounding or removing, or maintaining such animal or bird and on his producing such evidence in support of his claim as the Chief Municipal Officer may think sufficient.

(2) The proceeds of sale of any animal or bird by auction under sub-section (1) shall be applied in meeting the expenses incurred on account of seizure, impounding or removal and maintenance of such animal or bird and of holding such sale and the surplus, if any, shall be held in deposit by the Chief Municipal Officer and shall, if not claimed by the owner of such animal or bird within a period of ninety days from the date of sale, be credited to the Municipal Fund.

249. Power to deal with infected dogs or animals.-The Chief Municipal Officer may-

(a) cause to be destroyed, or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

(b) by public notice direct that after such date as may be specified in the notice, dogs which are without a licence distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be confined and cause them to be otherwise dealt with or destroyed, if necessary.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼569½

250. Power to stop nuisances from animals within premises.-(1) Whenever the Chief Municipal Officer is of opinion that the user of any premises for keeping any animal or bird, even if licenced, is causing a nuisance and that such nuisance should immediately be stopped, the Chief Municipal Officer may, by order, require the owner or the occupier of such premises to stop such nuisance within such period as may be specified in the order.

(2) If, at the end of such period, the nuisance is not stopped, the Chief Municipal Officer or any other officer authorized by him in this behalf, may cause such use of such premises to be stopped forthwith by such means as he thinks fit and direct such owner or occupier to show cause why the licence for keeping the animal or the bird, as the case may be, shall not be cancelled.

(3) If such owner or occupier does not show cause to the satisfaction of the Chief Municipal Officer or if the nuisance is not abated, the nuisance shall be stopped by the seizure and auction of the animal or the bird found in the premises after cancellation of the licence therefor .

251. Licensing of dairies.- (1) No person shall for the purposes of trade, use or permit to be used any place for stabling milk cattle or for storing or selling milk or for making, or selling butter except under and in accordance with the terms of a licence from the Municipality.

(2) The Municipality may grant such licence subject to such conditions as it may deem fit and may at any time withdraw such licence on giving one month's notice to the licencee:

Provided that where the licencee has contravened any of the conditions of the licence, it may be withdrawn without any such notice.

(3) Whoever so uses or permits to be used any place for any of the aforesaid purposes without or in contravention of any of the

9 ¼570½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

conditions of, or after the withdrawal of, or during the suspension of, such licence, shall be punished with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees and in the case of a continuing offence with additional fine which may extend to fifty rupees for each day during which such offence is continued after the date of the conviction for the first such offence.

(4) Upon a conviction being obtained in respect of any place under sub-section (3), the Magistrate shall on the application of the Chief Municipal Officer or any other officer authorized by him but not otherwise, order such place to be closed and thereupon, appoint persons or take other steps to prevent such place being so used.

252. Power to prohibit use of public streets for certain kind of traffic. - (1) The Municipality may, by notice, in writing,-

(a) prohibit or regulate, either temporarily or permanently, vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or to ensure quietness in any locality,

(b) prohibit, in respect of a public street or a portion thereof, the transit of any vehicle of such type, form, construction, weight, emission, or size, or of any vehicle laden with such heavy or unwieldy object as is likely to cause injury to the roadways or any construction thereon, or of any vehicle on the ground of public convenience, except under such conditions as to time, mode of traction or locomotion, use of appliances for the protection of roadways, number of lights and assistants, and other general precautions, and on payment of such charges, as may be specified by the Municipality generally or specifically in each case,

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼571½

(c) prohibit, at all times or during any particular hours, entry of any vehicular traffic from, or exit of such vehicular traffic into, any premises from any particular public street carrying such traffic,

(d) temporarily close any street to traffic for repair or order to carry out any work connected with the drainage, water supply or lighting or for any of the purposes of this Act:

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

(2) Any notice under sub-section (1) shall, if such notice applies to any particular public street, be pasted in conspicuous places at or near both ends of such public street or any portion thereof to which such notice applies or, if such notice applies generally to all public streets, be advertised.

(3) Notwithstanding anything contained in sub-section (1), the Municipality may declare, by notice in writing, that any pedestrian pathway, or a portion thereof, shall be used as bicycle and pedestrian track.

(4) The notice referred to in sub-section (3) shall be pasted in conspicuous places at or near both ends of such public street or any portion thereof to which the provisions of sub-section (3) apply.

253. Regulation of parking of private vehicles on public places.- The Municipality shall regulate parking of vehicles on public places including footpaths and along roadside to ensure smooth flow of traffic and prevent inconvenience to the general public. In any case parking shall not be permitted on public place unless adequate space is available:

Provided that Municipality may, having regard to availability of adequate space, permit parking on public places by

9 ¼572½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

general or special order subject to payment of a parking fee at such rate as may be prescribed by the Municipality.

254. Halting vehicles or animals on public ground.-Where any land vested in the Municipality or any public place is, without the permission in writing of the Municipality, used as a halting place for any vehicle or animal or a place of encampment, the owner or keeper of the vehicle or animal or the person encamping, as the case may be, shall be liable on conviction to fine which shall not be less than one thousand rupees but which may extend to two thousand

rupees and in the case of a continuing breach to a further fine which shall not be less than fifty rupees but which may extend to one hundred rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the commission of the offence.

255. Arrangement for fire prevention.- The Municipality may require, by bye-laws, the owner or the occupier of all or any of the premises in the municipal area to make such arrangements as may be necessary for fire prevention and fire safety in the municipal area and may also require the owner or the occupier to obtain a no objection certificate in this behalf in such form and in such manner and from such authority as may be specified in such bye-laws.

256. Establishment and maintenance of fire brigade.-The Municipality may establish and maintain a fire-brigade and may provide any implements, machinery or means of communicating intelligence which it thinks necessary for the prevention and extinction of fire.

257. Powers of fire brigade and other persons for suppression of fire.- (1) On the occasion of a fire in a municipal area any Magistrate, any member of the Municipality, the Chief Municipal Officer, any other officer, of the Municipality, any

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼573½

member of the fire brigade directing its operations or any police officer above the rank of a constable may-

(a) remove or order the removal of any person who by his presence interferes with or impedes operations for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which the fire is burning;

(c) for the purpose of extinguishing the fire-break into or through or pull down or cause to be broken into or through or pulled down or used for the passage of house or other appliances any building or land;

(d) cause mains and pipes to shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(e) call on the person in-charge of a fire-engine to render such assistance as may be possible; and

(f) generally take such measures as may appear necessary for the preservation of life and property.

(2) No person shall be liable to pay damages for an act done by him under sub-section (1) in good faith.

258. Power to restrict or ban manufacture etc. of plastic bags.-(1) Subject to any other law for the time being in force and any general or special orders of the State Government, the Municipality shall have power to restrict or ban, by notification in the Official Gazette, manufacture, sale or use of any kind of plastic bags in any part or whole of the municipal area.

(2)Whoever contravenes the restriction or ban imposed under sub-section (1), shall, on conviction, be punishable with simple imprisonment which may extend to three months, or with

9 ¼574½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

fine which shall not be less than one hundred rupees but which may extend to one thousand rupees, or with both, and with further fine which may extend to fifty rupees for every day or night, as the case may be, on which such offence is continued after the date of first conviction.

259. Non-taking of connection or discharging sewage etc.- Whoever does not take connection from sewerage system as provided in section 202 or causes or allows the water of any sink or sewer, any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain or be thrown or put upon any street or open space or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the Municipality, or who fails to comply with any conditions prescribed in such permission, shall be punishable with fine which shall not be less than five thousand.

260. Filthy building etc. .- (1) Whoever, being the owner or occupier of any building or land, allows the same to be in a filthy and unwholesome state, or to be, in the opinion of the Municipality, a nuisance to persons residing in the neighborhood, or to be overgrown with prickly-pear or rank and noisome vegetation and does not, within a reasonable time after notice in writing by the Municipality to cleanse, clear or otherwise put the same in a proper state, comply with the requisition contained in such notice, shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees and with further fine which shall not be less than fifty rupees but which may extend to one hundred rupees for every day on which the failure to comply with the said notice is continued after the date of the first conviction.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼575½

(2) Should the state of the building be such as in the judgment of the Municipality to render it unfit for human habitation, it may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

(3) If any building, by reason of dilapidation, neglect, abandonment or disuse or of its remaining untenanted and thereby—

(a) becoming a resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or who cannot give a satisfactory account of themselves; or

(b) coming into use for any unsanitary or immoral purposes; or

(c) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighborhood or to persons passing by such building, the Municipality, if it considers that such objection cannot, under any other provision of this Act, be otherwise removed, may, if there is any person known or resident within the Municipality who claims to be the owner of such building by written notice directed to such person or in any other cases, by written notice fixed on the outer door or any other conspicuous part of the building, require all persons interested therein to take within a period mentioned in the notice such steps with respect to the building as may be specified in the notice.

(4) In the event of non-compliance with the requirements of the notice within the period mentioned therein, the Municipality may cause such order as it may be specified in the notice to be taken with the building in question at the cost of the owner or persons interested therein and shall, if the building is taken down, cause all the material thereof to be removed and sold forthwith.

9 ¼576½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(5) In case the materials of a building are sold, the sale proceeds shall be applied in the first instance towards defraying any expenses incurred by the Municipality in taking down the building and in the removal and sale of the materials thereof and all such expenses not thereby defrayed shall be recoverable in same manner as an amount claimed on account of any tax recoverable under this Act:

Provided that if there shall remain any surplus amount after defraying such expenses, the same shall be payable on application made within six months from the date of sale, to the owner or persons interested.

261. Bathing Places.- (1) The Municipality may set apart sufficient public places for the purpose of being used as bathing places and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitant to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes and for all purposes connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use for any purpose mentioned in this section of any or all other public places within the Municipality.

(2) Copies of all orders passed and notices issued by the Municipality and for the time being in force under this section shall be kept at the municipal office and shall be open for inspection by the public at all reasonable times.

262. Fouling Water.- (a) Whoever, in disobedience of any order of the Municipality under section 261or of any bye-laws bathes in any pool, tank, reservoir, well, cistern, conduit or aqueduct belonging to the Municipality or washes or causes to be washed therein any animal or anything whatsoever or throws, puts or casts or causes to enter therein any animal or anything or causes or suffers to run, drain or be brought therein to anything that is or may become a nuisance, or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼577½

(b) whoever, without permission of the Municipality introduces into any tank or ditch within, or on the boundary, of the Municipality any animal, vegetable or mineral matter likely to render the water of such tank or ditch offensive or to be a nuisance,

shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

263. Abatement of nuisance from wells, etc. .- (1) If in the opinion of the Municipality-

(a) any pool, ditch, quarry, hole, excavation, tank, well, pound, drain water-course or any collection of water, or

(b) any cistern or other receptacle for water whether within or outside a building, or

(c) any land on which water accumulates and which is situated within a distance of one hundred meters from any building used as a dwelling house, is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance,

the Municipality may, by notice in writing, require the owner thereof to fill up, cover or drain of the same in such manner and with such materials, or to take such order with the same for removing or abating the nuisance, as the Municipality may direct.

(2) (a) No new tank or pond shall be dug or constructed without the previous permission in writing of the Municipality, and

(b) If any such work is begun or completed without such permission, the Municipality may either-

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Municipality may direct; or

9 ¼578½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(ii) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (a) of this sub-section.

264. Regulation or prohibition of certain kinds of cultivation.- The Municipality, on the report of the Director of Medical and Health Service, the Chief Medical and Health Officer or the Local Medical Officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land, in any place within the limits of the Municipality is injurious to the public health, may, with the previous sanction of the State Government, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that, when such cultivation, use or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by absolute prohibition.

265. Using offensive manure etc. .- Whoever, except with the written permission of the Municipality and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure of substance emitting an offensive smell shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

266. Playing any game causing annoyance.- Whoever negligently flies kites, or discharges or lets fireworks or fire balloons or engages in any game, in such a manner as to cause or be likely to cause danger or annoyance to persons passing by or dwelling or working in the neighbourhood or risk of injury to property, shall be punishable with fine which shall not be less than one hundred rupees but which may extend to five hundred rupees.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼579½

267. Prohibition of other nuisances.-(1) In a Municipality, no person shall-

(a) in any public street or public place-

(i) ease himself, or cause any child in his charge to ease himself; or

(ii) carry meat exposed to public view; or

(iii) picket animals or collect carts; or

(iv) remove, destroy, deface or otherwise obliterate any advertisement notice or other document put up or exhibited in accordance with this Act, or the rules or bye-laws made thereunder; or

(v) Carry any waste material in open vehicle; or

(b) make any grave, tomb or monument or burn or bury any corpse at any place not set apart for the purpose; or

(c) let loose any animal so as to cause, or negligently allow animal to cause injury, danger, alarm or annoyance to any person; or .

(d) use or permit to be used as a latrine any place not intended for that purpose.

(2) Whoever commits a contravention of any of the provisions of sub-section (1) shall be punishable with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

268. Consumption of smoke.- (1) It shall be lawful for the Municipality to direct by public notice that every furnace employed, or to be employed in any works or buildings used for

9 ¼580½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

the purpose of any trade or manufacture whatsoever within the limits of the Municipality, whether a steam engine, be or be not used or employed therein shall, in all cases, be constructed, supplemented or altered so as to consume or burn or reduce as far as may be practicable, the smoke arising from furnace.

(2) If any person shall, after such direction, use or permit to be used any such furnace not so constructed, supplemented or altered, or shall so negligently use, or permit to be used, any such furnace that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending, being the owner or occupier of the said works or buildings or being an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees, and upon any subsequent conviction, which shall not be less than two thousand rupees but which may extend to five thousand rupees :

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

269. **Licensing markets, slaughterhouses and certain business.-** (1) It shall be lawful for the Municipality to direct that no place not belonging to or vested in it, shall be used for the

purposes specified in clause (j) of sub-section (1) of section340 except under and in accordance with the conditions of a licence from the Municipality which may from time to time grant, suspend, withhold or withdraw such licences either generally or in individual cases.

(2) Whoever uses or permits the use of any place contrary to such direction, without the licence required as aforesaid, or in contravention of any of the conditions or during the suspension or

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼581½

after the withdrawal of such licence shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the Magistrate shall on the application of the Municipality, but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used and every person who so uses or permits the use of place after it has been so ordered to be closed shall be punished with fine which shall not be less than fifty rupees but which may extend to one hundred rupees for each day during which he continues so to use, or permits such use of the place after it has been so ordered to be closed.

(4) Any person aggrieved by an order of the Municipality under sub-section (1) granting, suspending, withholding or withdrawing any licence may, within thirty days of the such order exclusive of the time requisite for obtaining a copy thereof appeal to the Collector and the order of the Appellate Authority shall be final and shall not be liable to be questioned in any court.

270. Opening, closing and letting of markets and slaughterhouses.- (1) The Municipality may from time to time open or close any public market or slaughterhouse. It may also either take charges for stalls or other rents or fees for the use by any person of any such market or slaughterhouse or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter house.

(2) Any person who, without the permission or licence of the Municipality shall sell or expose for sale any article in the said market or use the said slaughterhouse shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

9 ¼582½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(3) It shall be lawful for the Municipality to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees, which may be imposed under sub-section (1).

271. Slaughterhouses etc. beyond municipal limits.- It shall be lawful for the Municipality, with the sanction of such officer as may be appointed or authorized by the State Government in this behalf, to establish slaughterhouses or places for the disposal of carcasses of animals beyond the limits of the Municipality, and all provisions of this Act and of bye-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

272. Opening of new slaughterhouses.- Notwithstanding anything contained in this Act, the Municipality shall, while establishing or permitting establishment of a new slaughterhouse, have regard to the public convenience and general public opinion and shall consider reasonable objection received from the public.

273. Powers which may be exercised for preventing dangerous diseases.- (1) Every Municipality may, subject to such limitations, restrictions and conditions as may be prescribed in

this behalf, exercise all or any of the powers specified in sub-section (2) for prevention of dangerous diseases.

(2) The powers which may be exercised under the preceding sub-section are -

(a) power by order which may be either of special or general application to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital or that every manager of any factory or

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼583½

educational institution or every head of household who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household is suffering from dangerous disease shall give information of the same with the least practicable delay to such person as may be designated by the Municipality in that behalf;

(b) power to direct or authorize the inspection, without notice or with such notice as to the person directed or authorized to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place;

(c) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place which may appear to the Municipality, on the advice of the authorities of the medical and health department, health officer, likely to cause the spread of any dangerous disease;

(d) power to direct or cause the removal, on a certificate signed by the Health Officer of the Municipality or any duly qualified Medical Practitioner authorized by the Municipality in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, or in a place where his presence may be a danger to the neighbourhood, and who is suffering from an infectious disease, to any hospital

9 ¼584½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

or place at which persons suffering from the said disease are received for medical treatment and to prohibit the person so removed from leaving such hospital or place without permission of the Municipality;

(e) power to require by written notice, the owner or occupier of any building or part of a building or a person owning or in-charge of any article therein to cleanse and disinfect such building or part thereof or article either at his own expense or in case of poverty or for any other cause which the Municipality in the circumstance of the case considers reasonable, of the expense of the Municipality;

(f) power to prohibit the letting of or the providing of accommodation in any hotel, dharamshala or musafirkhana in which a person has been, or in which there is reason to believe that a person has been, suffering from a dangerous disease unless and until the person desiring to so let or provide accommodation shall have the building or part thereof and any article therein likely to retain infection disinfected to the satisfaction of the Municipality or any such officer as the Municipality appoints in this behalf;

(g) power with the previous permission in each case of a Magistrate to destroy any unsanitary huts or sheds in which there is reason to believe that persons have been suffering from any dangerous disease;

(h) power to provide the means, and to prescribe places, for disinfecting or washing clothes, or other

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼585½

articles which have been exposed to infection from any dangerous disease or to direct the destruction thereof;

(i) power -

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from dangerous diseases;

(ii) where such provision has been made, to prohibit the conveyance of such persons in all or any public conveyance; and

(iii) to direct that conveyances that may at any time be used for conveying such persons shall be immediately disinfected;

(j) power to prohibit -

(i) any person suffering from a dangerous disease from wilfully exposing himself, without proper precautions against the spread of the said disease in any street or in any school or factory or in any hotel, dharamshala, musafirkhana or other place of public resort; and

(ii) any person in-charge of the person so suffering from so exposing the sufferer; and

(k) power to prohibit any person from removing to another place, or transferring to another person except for the purpose of disinfection, any article which the person prohibited knows or has reason to believe has been exposed to infection of any kind whatsoever from a dangerous disease.

9 ¼586½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(3) The Municipality may give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the Municipality, no claim for compensations shall lie for any loss or damage caused by any exercise of the powers specified therein.

(4) Any person who in a Municipality disobeys any order which is for the time being in force and which has been passed by the Municipality in exercise of any powers conferred on it by this section, or obstructs any officer of the Municipality or other person acting under the authority of the Municipality in carrying out executively any such order, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees.

(5) The State Government may at any time-

(a) withdraw any power conferred on a Municipality by or under this section, or

(b) cancel or modify any limitation, restriction or condition prescribed in respect of any such power, or

(c) cancel any order passed by a Municipality in exercise of any such power.

274. Special powers which may be conferred by State Government in respect of over-crowded areas notified by State Government.- (1) If the State Government is of opinion that risk of disease has arisen or is likely to arise, either to any occupier or to any inhabitants in the neighbourhood of any area, by reason of any of the following defects, namely-

(a) the manner in which either buildings, or blocks of buildings, already existing or projected therein, are, or are likely to become crowded together, or

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼587½

(b) the impracticability of cleansing any such buildings or blocks of buildings already existing or projected, or

(c) the want of drainage or scavenging or the difficulty of arranging therein for the drainage or scavenging of any such buildings or blocks as aforesaid, or

(d) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of building,

the State Government may by notification in the Official Gazette confer on the Municipality all or any of the powers specified in sub-section (2) and the Municipality may, subject to the limitations, restrictions, modifications, conditions or bye-laws, if any, prescribed in this behalf, exercise within that area all powers conferred.

(2) The powers, all or any of which may be conferred on the Municipality under sub-section (1), are as follows: -

(a) power, when any building or block already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the Municipality, likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed as the Municipality deems fit either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection, that the persons so addressed shall, within a reasonable time as shall be specified in the notice, either pull down or

9 ¼588½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

remove the said building or block or execute such works or take such action in connection therewith as the Municipality deems necessary to prevent all such risk of disease;

(b) power by municipal or other agency to pull down or remove the said building or block or to execute such works or take such action, if the person addressed in the said notice neglects to do so within the time specified therein;

(c) power, subject to right of appeal to an officer who may be empowered by the State Government in this behalf and whose decision shall be conclusive, to prohibit, by written notice addressed to the owner and occupier of any such site or space and by general notice, the erection of any building or of any building exceeding such dimensions as may be specified-

(i) on the site of any building which has in whole or in part in exercise of the power specified in clause (a) been pulled down, or

(ii) on any space not occupied by buildings, whether such space is private property or not and whether it is enclosed or not,

if the Municipality considers that in order to prevent such risk as aforesaid such site or space should not be built upon and either-

(a) to acquire such site or space, or

(b) to prescribe such conditions as may be deemed necessary as to the use that the owner or

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼589½

occupier may make or permit to be made

thereof:

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section295, shall be paid to any person whose rights are affected by such prohibition.

(3) When in pursuance of any notice under sub-section (2) any building has been pulled down, the Municipality shall, unless it has been erected contrary to any provisions of this Act or of any bye-laws in force thereunder, pay to such owner or occupier as may have sustained damage thereby reasonable compensation the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section295.

(4) The State Government may at any time, by like notification, withdraw any power conferred by it under this section, or cancel or modify any limitation, restriction, modification, condition or regulation in respect of any such power.

275. Burials and burial grounds.- The Municipality shall be responsible for -

(a)constructing and maintaining burial grounds and cremation grounds; and

(b)acquiring, maintaining, changing and regulating places for the disposal of the dead.

276. Power in respect of burial and burning places.-(1) The Municipality may, by public notice, order any burial or burning ground situated within municipal limits or within one kilometer thereof, which is certified by the Director of Public Health or District Medical and Health Officer to be dangerous to the health of persons living in the neighborhood, to be closed from a date to be specified in the notice and shall, in such case if no suitable place for burial and burning exists within a reasonable distance, provide a fitting place for the purpose before the aforesaid date.

9 ¼590½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(2) No new burial or burning ground shall be made without the permission in writing of the Municipality and otherwise than in accordance with the terms and conditions of such permission.

(3) Should any person, without the permission of the Municipality, bury or burn or cause or permit to be buried or burnt any corpse at any place which is not a burial or burning ground or in any burning or burial ground made or formed contrary to the provisions of this section or after the date fixed thereunder for closing the same, he shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

(4) Any person aggrieved by any orders made by the Municipality under the power conferred upon it by this section may, within thirty days from the date of such order, exclusive of the time requisite for obtaining a copy thereof, appeal to the Collector and no such order shall be liable to be called in question otherwise than by such appeal.

(5) The appellate authority may, if it shall think fit, extend the period allowed under sub-section (4) for appeal.

(6) The order of the appellate authority confirming, setting aside or modifying the notice or order appealed from shall be final:

Provided that the notice or order shall not be modified or set aside until the appellant and the Municipality have had reasonable opportunity of being heard.

(7) When an appeal has been instituted under sub-section (4), all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and if such order is set aside on appeal, disobedience thereof shall not be deemed to be an offence.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼591½

277. Regulation of the removal of corpses.- (1) The Municipality may by public notice prescribe routes by which routes alone corpses may be moved to the different burial or burning grounds therein.

(2) Whoever removes a corpse to a burial or burning ground by a route other than the route prescribed therefore shall be punishable with a fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

278. Power to licence fuel shops at burning grounds.-(1) The Municipality may grant and renew licences in accordance with bye-laws to be framed by it in the manner laid down in or under section340, to persons applying for the same and on payment of such fee as it may fix, for the sale at all or any of the burning grounds, of fuel and other articles required or used for the cremation of corpses.

(2) The Municipality may on good and sufficient cause being shown, revoke or withdraw any licence granted or renewed under sub-section (1).

(3) Where in respect of a burning ground any licence has been granted or renewed under sub-section (1)-

(a) the Municipality shall, from time to time, prescribe a scale of rates for the sale of fuel and other articles required or used for the cremation of corpses, and

(b) no person, not so authorized, shall sell or offer for sale any such fuel or other article within three hundred meters of such burning ground.

(4) Whoever-

(a) being the holder of a licence in respect of a burning ground granted or renewed under sub-section (1), charges for the sale of fuel or other article sold there at a rate higher than the rate fixed by the Municipality under sub-section (3), or

9 ¼592½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(b) notwithstanding the revocation or withdrawal of his licence under sub-section (2), carries on such sale, or

(c) being a person not so authorized sells fuel or other article within three hundred meters of the burning ground in respect of which licence granted or renewed under sub-section (1) is in operation,

shall be punishable with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees and, in a case covered by clause (a), shall be further liable to have the licence cancelled.

279. Powers to cause corpses to be buried or burnt.- (1) The Municipality may, in case of unclaimed bodies after the expiration of not less than twentyfour hours from the death of the person and in case of unnatural death after completion of formalities under the law for the time being in force, cause the corpse of such person to be buried or burnt.

(2) In such case the corpse shall be disposed off, so far as may be possible, in a manner consistent with the religious tenets of the deceased as far as they may be ascertained.

(3) Subject to the provision contained in sub-section (4) the expenses incurred by the Municipality in causing the corpse of a deceased person to be buried or burnt under this section shall be recoverable as a debt due from the estate of such person.

(4) The Municipality may from time to time make provision from out of the municipal fund, for the burial or burning free of charges, of corpses of paupers within the limits of the Municipality.

280. Removal of carcasses of dead animals in municipal area.-(1) In every municipal area the Municipality shall provide proper and convenient places for the disposal of the carcasses of animals.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼593½

(2) Whenever any animal in the charge of any person dies otherwise than by slaughter for sale or for religious purpose, such person shall, within twenty four hours, either -

(a) convey the carcasses to a place provided or appointed under sub-section (1) or to a place beyond two kilometers of the municipal limit or the abadi area whichever is away, or

(b) give notice of the death to the Municipality which shall thereupon cause the carcass to be removed and disposed off.

(3) The occupier of any premises in or upon which any animal shall die or in or upon which the carcass of any animals shall be found shall also take action in respect of such carcass in accordance with sub-section (2).

(4) In respect of every carcass of a dead animal removed and disposed of by the Municipality under clause (b) of sub-section (2) or under sub-section (3), the Municipality may charge from the person giving notice of the death to the Municipality such fee as it may prescribe and may recover the same, if not paid in advance, from the person giving the notice in the manner provided for the recovery of municipal claims under this Act.

(5) Whoever being bound to act in accordance with sub-section (2) or sub-section (3) of this section fails so to act shall be punishable with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

281. Penalty for acts done by persons suffering from certain disorders.-Whoever while suffering from an infectious or contagious disorder-

(a) makes or offers for sale an article of food or drink for human consumption or medicine or drug, or

9 ¼594½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ (b) wilfully touches any such article, medicine or drug when exposed for sale by others, or

(c) takes any part in the business of washing or carrying soiled clothes,

shall be liable upon conviction to a fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

282. Regulation of certain trades.- (l) If the Municipality is satisfied that any building or place used or intended by any person to be used, -

(a) for boiling or storing offal, blood, bones, guts or rags,
(b) for sorting, curing or storing fish,
(c) for storing hides, horns or skins,
(d) for tanning,
(e) for the manufacture of leather goods,
(f) for dyeing,
(g) for soap-making,
(h) for washing or drying wool or hair,
(i) for boiling oil,
(j) for melting tallow or sulphur,
(k) for burning or baking bricks, pottery, lime or surkhi,
(l) for storing hay, straw, fodder, wood, coal or other combustible material,
(m) for storing grain for trade purposes,
(n) as a quarry,
(o) as a cart stand,
(p) as an oil mill,
(q) as a flour mill worked otherwise than by electric power,

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼595½

(r) as a distillery, or

(s) as a manufactory or place of business of any other kind from which offensive or unwholesome smell, fume, soot or dust arises or which may involve risk of fire,

is, or is likely by reason of such use and of its situation, to become a nuisance to the neighbourhood or is so used or so situated as to be likely to be dangerous to life, health or property, the Municipality may, by written notice, require the owner or occupier-

(i) at once to discontinue the use , or at once to desist from carrying out or allowing to be carried out the intention so to use, of such place, or

(ii) to use it in such manner or after such structural alterations as the Municipality in such notice prescribes so that it may not become, or may be no longer, a nuisance or dangerous to life, health or property, or

(iii) to remove it to such place as may be demarcated:

Provided that no requisition of the nature specified in clause (i) shall be made in respect of any of the occupations specified in clauses (a) to (j) carried on by the owner or occupier himself or by a member of his family as a cottage industry unless the Municipality provides some other place for carrying on such occupation.

(2) Whoever, after notice has been given under sub-section (1), uses any place or permits it to be used in manner as to be a nuisance to the neighbourhood or dangerous to life, health or property, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and with further fine which may extend to one hundred rupees for every day on which such use or permission to use is continued after the date of the first conviction.

9 ¼596½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(3) Upon a conviction being obtained under this section, the Magistrate shall, on the application of the Municipality, but not otherwise, order such place to be closed and thereupon appoint persons or take other steps to prevent such place being used for any purpose mentioned in sub-section (l).

(4) Whoever uses, without a licence or during the suspension or after the withdrawal of a licence, any place for any purpose mentioned in sub-section (1) in any Municipality in which bye-laws are for the time being in force prescribing the conditions on and subject to which the circumstances in which and the areas and localities in respect of which licences for such use may be granted, refused, suspended and withdrawn, shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees and with further fine which shall not be less than one hundred rupees but which may extend to five hundred rupees for every day on which such use is continued after the date of the first conviction.

(5) Any person aggrieved by any order of the Municipality made under sub-section (1) may within thirty days of the date of such order, exclusive of the time requisite for obtaining a copy thereof, appeal to the Collector and the order of the appellate authority shall be final and shall not be liable to be questioned in any court.

283. Use of siren for summoning or dismissing workmen. -(1) No siren may be used for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a licence from the Municipality.

(2) The Municipality may grant such licence subject to such conditions as it may deem fit and at any time withdraw such licence on giving one month's notice to the licencee after hearing him, if he so desires, against the proposed withdrawal.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼597½

(3) Whoever uses or employs any such siren as aforesaid without or in contravention of any of the conditions of, or after the withdrawal of, such licence shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees.

284. Service of notices, etc. addressed to individual.- (1) The service of every notice or order and the presentation of every bill under this Act or under a rule or bye-laws made thereunder on any person or to any person to whom it is by name addressed shall in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorized by the Municipality in this behalf-

(a) by giving or tendering such notice, order or bill to the person to whom it is addressed; or

(b) if such person is not found, by leaving the notice, order or bill at his last known place of abode with, or by giving or tendering the notice, order or bill to, some adult member or servant of his family; or

(c) if such person does not reside within the municipal limits and his address elsewhere is known to the chairman or official of the Municipality directing the issue of the notice, order or bill, then by forwarding the notice, order or bill, to such person by registered post under cover bearing the said address; or

(d) if none of the means aforesaid be available, or person refuses to accept, then by causing the bill, order or notice to be affixed in the presence of two persons of the locality on some conspicuous part of the building or land, if any, to which the bill, order or notice relates.

(2) When any notice, order or bill is required or permitted by or under this Act or by a rule or bye-laws made thereunder, to

9 ¼598½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein and the service thereof, in case not otherwise specially provided for, but shall be made either-

(a) by giving or tendering the notice, order or bill to the owner or occupier or, if there be more owners or occupiers than one, to anyone of them; or

(b) if no such owner or occupier be found, then by giving or tendering the notice, order or bill to some adult member or servant of the family or any such owner or occupier as aforesaid; or

(c) if none of the means aforesaid be available then by causing the notice, order or bill to be affixed in the presence of two persons on some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Act or a rule or bye-laws made thereunder requires or empowers a Municipality to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period and in such other manner as the Municipality may, direct or prescribe by bye-laws.

(4) No notice, order or bill shall be invalid for defect of form.

(5) When any notice or order requires any act to be done for which no time is fixed by this Act or any rule or bye-laws made thereunder, the notice or order shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice or order, it shall be lawful for the Municipality to take such action or such steps as may be necessary for the completion of the

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼599½

act thereby required to be done, and all the expenses therein incurred by the Municipality shall be paid by the person or persons upon whom the notice or order was served and shall be recoverable in the manner provided in section296.

285. Disobedience to individual notice.- If a notice or order has been given under the provisions of this Act or under a rule or bye-laws made thereunder to a person requiring him to execute some work in respect of any property, movable or immovable and public or private, or to provide or do or refrain from doing anything within a time specified in the notice or order and if such person fails to comply with such notice or order then-

(a) the Municipality may cause such work to be executed or such thing to be provided or done and may recover all expenses incurred by it on such account from the said person in the manner provided under this Act, and

(b) the said person shall be liable on conviction by a Magistrate to a fine which may extend to two thousand rupees and in case of a continuing breach to further fine which may extend to fifty rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the breach.

286. Disobedience to public notice.- Where by this Act or a notice or order issued thereunder, the public is required to do or to refrain from doing anything, a person who fails to comply with such requisition shall, if such failure is not an offence punishable under any other section, be liable, on conviction by a Magistrate, to fine which shall be not less than two thousand rupees but which may extend to five thousand rupees for every such failure and, in the case of a continuing breach, to a further fine which shall be not

9 ¼600½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

less than fifty rupees but which may extend to one hundred rupees

for every day after the date of the first conviction during which the

offender is proved to have persisted in the breach.

287. Municipality in default of owner or occupier may execute work and recover expenses.- (1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land and default is made in the execution of such work, the Municipality, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred, alongwith ten percent of the total expenses, subject to a minimum of one thousand rupees may be recovered from the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under this Act either in lumpsum or by instalments, as the Municipality may deem fit:

Provided that-

(a) whenever any drainage scheme has been commenced by the Municipality it shall be lawful for the Municipality without prejudice to its powers under any provision of this Act to make a special agreement with the owner of any building or land as to the manner in which the drainage or water connection thereof shall be carried out and the pecuniary or other assistance, if any, which the Municipality shall render, and any payment agreed upon by the owner shall be recovered, in accordance with the terms of such agreement or in default, in the manner described in sub-sections (2) and (3) ; and

(b) when an order has been passed under section194or section200orsection202orsection207orsection

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼601½

210 or when permission has been given under section203 or when any agreement has been made under proviso (a) of this sub-section, the Municipality may, without prejudice to any other power under this Act, if it thinks fit, declare any expenses incurred as aforesaid by the Municipality alongwith ten percent of the total expenses as administrative charges subject to a minimum of one thousand rupees, to be improvement expenses, which shall be a charge upon the building or land, and shall be levied alongwith interest at the rate of fifteen percent per annum and shall be recoverable in the manner described in sub-sections (2) and (3).

(2) If the defaulter be the owner of the building or land, the Municipality may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being from the person who, then or at any time thereafter, occupies the building or land under such owner, and in default of payment thereof by

such occupier on demand the same may be levied from such occupier and every amount so levied shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under this Act; and every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of such expenses.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses, charged by this Act on the owner thereof than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him or

9 ¼602½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglects or refuses, upon application made to him for that purpose by the Municipality, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

288. Occupier, in default of owner, may execute works and deduct expenses from rents.- Whenever default is made by the owner of any building or land in the execution of any work which a Municipality may require him to execute, the occupier of such building or land may, with the approval of the Municipality, cause such work to be executed and the expenses thereof shall be paid to him by the owner or the amount thereof may be deducted out of the rent becoming due from him to such owner.

289. Proceedings if any occupier opposes the execution of the Act.- If the occupier of any building or land prevents the owner thereof from carrying into effect in respect of such building or land any of the provisions of this Act after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Magistrate, upon proof thereof and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such building or land as may be necessary for bringing into effect the provisions of this Act and may also, if he thinks fit,

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼603½

order the occupier to pay the owner the cost relating to such application or order; and if after the expiration of eight days from the date of the order, such occupier continues to refuse to permit such owner to execute such work, such occupier shall, for every day during which he so continues to refuse, be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees, and such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

290. Penalty for obstructing persons employed by Municipality.- (1) Whoever obstructs or molests a person employed by or under a contract with the Municipality under this Act in the performance of his duty or in the fulfillment of his contract or removes any mark set up for the purpose of indicating any levels or direction necessary to the execution of work authorized by this Act shall be liable on conviction to fine which shall not be less than two thousand rupees but which may extend to five thousand rupees.

(2) The police officer in whose view an offence under sub-section (1) is committed shall have power to arrest such offender.

291. Penalty for breaches of Act, rules and bye-laws not otherwise provided.- Whoever contravenes any provisions of this Act or of any rule, bye-laws or order thereunder or fails to comply with any notice, order or direction issued or made thereunder for which contravention or failure no penalty has been elsewhere provided in this Act or in the rules or bye-laws made thereunder, shall be liable on conviction to fine which shall not be less than two thousand rupees but which may extend to five thousand rupees.

292. Entry for purposes of Act.- It shall be lawful for the Chief Municipal Officer or any officer authorized by the

9 ¼604½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Municipality in this behalf to enter, for any purpose of this Act or any rule or bye-laws made thereunder between sunrise and sunset with such assistants as he may deem necessary, into and upon any building or land:

Provided that except when hereinafter otherwise provided, no building or land which may be occupied at the time shall be entered, except with the consent of the occupier thereof, twenty-four hours written notice having been given to the occupier:

Provided further that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

293. Preventive Inspection.- Where there is reason to believe that, in any building or on any land, a work has been executed in connection with any municipal drainage works or other municipal undertaking in contravention of the provisions of this Act or of rules or bye-laws made hereunder, the Chairperson, the Vice-Chairperson, the Chief Municipal Officer or a Health officer may at any time and without notice inspect such building or land:

Provided that in the case of a building used as a human dwelling due regard shall be had to the social and religious customs of the occupiers thereof.

294. Power for effecting entry.-It shall be lawful for a person authorized under the provisions of section292 or any other provisions of this Act to make an entry for the purpose of inspection or of search to open or cause to be opened a door, gate or other barrier-

(a) if he considers the opening thereof necessary for the purpose of such entry, inspection or search, and

(b) if the owner or occupier is absent or being present, refuses to open such door, gate or barrier.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼605½

295. Determination of compensation in certain cases.-(1) If an agreement is not arrived with respect to any compensation or damages which are by this Act directed to be paid, the amount and if necessary, the apportionment of the same shall be ascertained and determined by such officer as may be appointed or authorized in this behalf by the Director of Local Bodies:

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a civil court of competent jurisdiction.

(2) In any case where compensation is claimed in respect of any land, the procedure prescribed by the Land Acquisition Act, 1894 (Central Act No. 1 of 1894) for proceedings in matters referred for the determination of the court shall, as far as possible, be followed.

296. Costs or expenses how determined and recovered.- If a dispute arises with respect to any costs or expenses which are directed to be paid by any person under this Act the amount and, if necessary the apportionment of the same shall, save where it is otherwise expressly provided in this Act, be ascertained by the Municipality and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under this Act.

297. Formation of State Municipalities Union and its functions.- (1) All or any of the Municipalities in the State may combine to form an Union to be called the Rajasthan State Municipal Boards Union or by any such other name as may be notified by the State Government, provided that no such Union shall be formed unless more than half the number of Municipalities in the State severally pass a resolution signifying their intention to become members thereof.

(2) The functions of the Union formed under sub-section

9 ¼606½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(1) of this section shall be-

(i) to examine issues of common interest to Municipalities;

(ii) to disseminate information regarding such issues;

(iii) to make suitable representations to the State Government and other agencies on matters of common interest;

(iv) to provide assistance and consultancy services to the Municipalities on the improvement of municipal administration; and

(v) to perform such other functions as the State Government may from time to time assign to it.

(3) The following matters shall be regulated and governed by the rules made by the State Government, namely: -

(a) the constitution and aims and objects of the Union;

(b) the amount and the method of contribution by the Municipalities to the Union;

(c) the management and control of finances of the Union including maintenance of accounts and their audit; and

(d) other such matters as may be necessary for the purpose of this section:

Provided that no person shall be eligible to represent in the Union unless he is for the time being the Chairperson of a Municipality.

CHAPTER XIII

Prosecution, Suits etc.

298. Municipality may prosecute.- (1) The Chief

Municipal Officer may direct any prosecution for any public

nuisance whatsoever or violation of any order or directions issued under this Act and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons violating the provisions of this Act or of any rule or bye-laws thereunder and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund:

Provided that no prosecution for an offence under this Act or rule or bye-laws framed there under shall be instituted except within six months after the commission of such offence.

(2) Any prosecution under this Act or under any rules or bye-laws made thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule or bye-laws thereunder and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act may be recovered on application to such Magistrate by the distress and sale of any movable or immovable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

299. Powers with respect to prosecuting for offences.-A Municipality may-

(a) compromise with any person who in the opinion of the Municipality has committed an offence punishable under this Act or any bye-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(b) withdraw prosecutions under this Act or under any bye-law made thereunder;

(c) compound any offence against this Act or against any bye-law made thereunder which

may, by rules made by the State Government, be declared compoundable :

Provided that the State Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

300. Damages to municipal property how made good.- If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act and any damage to the property of the Municipality shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and in case of non-payment of such damage on demand, the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

301. Certain offences to be cognizable and bailable.-Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974), an offence punishable under sections 167, 236 and 245 of this Act shall be cognizable and bailable.

302. Distress lawful though defective in form.- No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect of

form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

303. Alternative procedure by suit.- In lieu of any process of recovery allowed by or under this Act or in case of failure to realize by such process the whole or any part of any

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼609½

amount recoverable under this Act or of any compensation, expenses, charges or damages payable under this Act, it shall be lawful for a Municipality to sue in any court of competent jurisdiction the person liable to pay the same.

304. Suits against Municipality or its officers.- (1) No suit shall be instituted against a Municipality or against the Chairperson, Vice-Chairperson, member, officer or servant of Municipality or against any person acting under the direction of any of them in respect of an act done or purporting to have been done in its or his official capacity, until the expiration of two months next after notice thereof in writing has been, in the case of a Municipality, left at its office and, in the case of the Chairperson, Vice-Chairperson, member, officer, servant or person delivered to him or left at his office or place or abode explicitly stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) No action such as is described in sub-section (1) shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto, be commenced otherwise than within six months next after the accrual of the causes of action.

(3) Nothing in sub-section (1) shall be construed to apply to a suit wherein the only relief claimed is an injunction of which the object would be defeated by giving of the notice or the postponement of the commencement of the suit or proceeding.

305. Civil court not to grant temporary injunctions in certain cases.- No civil court shall in the course of any suit grant any temporary injunction or make any interim order-

(a) restraining any person from exercising the powers or performing the functions and duties of a member,

9 ¼610½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Chairperson, Vice-Chairperson, officer or servant of a Municipality or a committee or sub-committee of a Municipality on the ground that such person has not been duly elected or appointed as such member, chairperson, vice-chairperson, officer or servant, or

(b) restraining any person or persons or any Municipality or committee or sub-committee of a Municipality from holding any election or from holding any election in any particular manner.

306. Power of compromises.-(1) The Municipality may compound or compromise, in respect of any suit instituted by or against it or in respect, of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The Municipality may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers and servants under this Act.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the Municipality.

307. Mode of proof of municipal records.- A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of a Municipality shall, if duly certified by the legal keeper thereof or other person authorized by it in this behalf, be received as prima facie evidence of the existence of the entry or document and shall be admitted as

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼611½

evidence of the matters and transaction therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have admissible to prove such matters.

308. Restrictions on the summoning of municipal servants to produce documents.- No municipal officer or servant shall, in any legal proceeding to which a Municipality is not a party, be required to produce any register or document, the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matter and transactions recorded therein unless by order of the court made for special cause.

CHAPTER XIV

Control

309. Appointment and powers of Director, Deputy Director and Assistant Director.- (1) The State Government may appoint an officer to be the Director of Local Bodies with whatever designation**,** who shall perform such functions and exercise such powers as may be delegated to, or conferred on him by or under this Act or the rules made thereunder.

(2) The State Government may also appoint such number of other officers as it deems fit for assisting the Director and they shall be subject to the direction and control of the Director.

(3) The other officers so appointed shall exercise such powers and perform such functions and shall have such local jurisdiction as may be assigned to them by the Director.

310. Powers of inspection and supervision.-(1) Any officer appointed or authorized by the State Government in this behalf by a general or special order shall have power-

(a) to enter upon and inspect or cause to be entered upon and inspected any immovable property

9 ¼612½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

occupied by any Municipality or any institution under its control or management or any work in progress under it or under its direction or control;

(b) to call for any extract from the proceedings of any Municipality or of any Committee, or from any book or document in the possession of or under the control of a Municipality, and any return, statement, account or report which he may think fit to require such Municipality to furnish;

(c) to require a Municipality to take into consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Municipality, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the Municipality and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing or for not doing such thing; and

(d) to conduct enquiry in any matter of the Municipality as directed by the State Government and to ask to produce relevant record as also to take into possession the record which is to be submitted alongwith his enquiry report to the State Government.

(2) All or any of the powers given to such officer as may be appointed or authorized under sub-section (1) may be delegated by him to an officer subordinate to him not below the rank of a Sub-Divisional Officer.

311. Power to inspect the office of the Municipality.- Any officer appointed or authorized by the State Government in this behalf shall have power to inspect the office of any Municipality and call for the records of any such Municipality.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼613½

312. Powers of suspending execution of order etc. of Municipality.- (1) If, in the opinion of any such officer as may be appointed or authorized by the State Government in this behalf, the execution of any order or resolution of a Municipality or the doing of anything which is about to be done or is being done by or on behalf of a Municipality, is causing or is likely to cause injury or annoyance to the public or a breach of the peace or is unlawful or detrimental to the interest of the Municipality, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

(2) When any such officer makes any order under this section, he shall forthwith forward to the State Government and to the Municipality affected thereby a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the State Government to rescind the order or to direct that it shall continue in force with or without modification, permanently or for such period as it thinks fit:

Provided that no order of such officer passed under this section shall be confirmed, revised or modified by the State Government without giving the Municipality reasonable opportunity of showing cause against the said order.

313. Extraordinary powers in case of emergency.- (l) In cases of emergency, the District Magistrate may provide for the execution of any work or the doing of any act, which a Municipality is empowered to execute or do and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expenses of executing the work or doing the act alongwith a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the Municipality.

9 ¼614½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(2) If the expense and remuneration are not paid, the District Magistrate may make an order directing any person, who for the time being has custody of any moneys on behalf of the Municipality, to pay such expenses and remuneration from such moneys as he may have in his hands or may from time to time receive and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 312 shall apply, as far as may be, to any order made under this section.

314. Compliance by Municipality of requisition by Government for servants in times of emergency.- On the occurrence of war, famine, scarcity, dangerous disease, floods or any similar emergency, and to provide for fairs or other occasions involving a large gathering of people, the Municipality shall immediately comply with any requisition made by State Government or by an officer of the State Government authorized by general or special orders to make the requisition, for the services of any of the Municipality's officers or officials holding posts in its medical, public health, sanitary, vaccination, veterinary, electrical, water works or public works departments or for the services of any Vaid or Hakim employed by the Municipality, and shall meet such proportion of the charge connected with the requisitioning as the State Government may decide to be a proper charge on the Municipality.

315. Agency for execution of public works.- (1) Such public works, which, in the opinion of the State Government require a degree of professional skill which may not be at the disposal of the Municipality shall be carried out by the State Government or by such agency as the State Government may direct.

(2) All other works of the Municipality shall be executed by such agency and subject to such supervision as the Municipality thinks fit subject to rules made in this behalf.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼615½

(3) When any work is executed for a Municipality by the State Government or by any other agency under the orders of the State Government the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the State Government from time to time, unless waived by the State Government, shall be payable to the State Government or such other agency.

(4) If the amount due to the State Government or other agency under sub-section (3) is not paid within a reasonable time, the State Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the Municipality admit, be bound to comply with such order.

316. Special provisions in regard to works executed by the State Government.- (1) Notwithstanding anything contained in this Act it shall be lawful for the State Government at any time after consulting the Municipality-

(a) to construct any work or works of a permanent nature which in the opinion of the State Government is or are necessary or desirable for the health or safety of the inhabitants, whether within any Municipality or without it, wholly or in part;

(b) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the Municipality or resume the same from the Municipality;

(c) to recover the capital cost of any such work and of its management and maintenance together with interest thereon at such rate as the State Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Act.

9 ¼616½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the Municipality to pay from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the State Government to be paid by the Municipality under clause (c) of the preceding sub-section.

317. Government enquiry into municipal matters.- (1) The State Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any Municipality or any matters with respect to which its sanction, approval or consent is required under this Act.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) in respect of the following matters:-

(a) discovery and inspection,

(b) enforcing the attendance of witnesses and requiring the deposits of their expenses,

(c) compelling the production of documents,

(d) examining witnesses on oath,

(e) granting adjournments,

(f) reception of evidence taken on affidavit, and

(g) issuing commission for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to him to be material and shall be deemed to be a civil court within the meaning of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼617½

Explanation.- For the purpose of enforcing the attendance of witnesses the local limits of such officer's jurisdiction shall be the limits of the State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the State Government which shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding fifteen percent per annum, and such costs and interest shall be recoverable as an arrear of land revenue.

318. Power of Government to prevent extravagance in the employment of establishment.- (1) If, in the opinion of the State Government the number of persons who are employed by a Municipality as officers or servants or whom a Municipality proposes to employ, or the remuneration assigned by the Municipality to those persons or to any particular person, is excessive, the Municipality shall on the requirement of the State Government reduce the number of the said persons or the remuneration of the said person.

(2) It shall be lawful for the State Government-

(i) to require that any person appointed to be a Chief Municipal Officer shall be invested by any Municipality with all or any of the powers which can under this Act or under any rules in force at the time being lawfully delegated to him, in addition to such powers as are conferred on him by this Act;

9 ¼618½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ (ii) to require that all or any of the powers referred to in section273shall be delegated by any such Municipality, whether there be a Chief Municipal Officer or not, to the

Chairperson, Vice- Chairperson or any such member as the State Government may deem fit.

(3) Any requisition issued to the Municipality under clause (i) or clause (ii) of sub-section (2) shall be complied with within such time as the State Government may, in each case, prescribe in that regard.

(4) The State Government shall have the power to assess the requirement of the employees in a Municipality and where it is satisfied that certain employees are in excess, notwithstanding anything contained in the rules for the time being governing the conditions of service of any class of employees of the Municipalities, it may declare them as surplus and may prescribe the manner in which such surplus employees shall be absorbed into other Municipalities.

319. Power of Government to provide for performance of duties in default of Municipality.- (1) When the State Government is informed on complaint made or otherwise that a Municipality has made default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the State Government, if satisfied after due inquiry that the Municipality has been guilty of the alleged default may fix a period for the performance of that duty.

(2) If that duty is not performed within the period fixed, the State Government may appoint some person to perform it and may direct that the expense of performing it, with a reasonable

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼619½

remuneration to the person appointed to perform it shall forthwith be paid by the Municipality.

(3) If the expense and remuneration are not so paid, the State Government may make an order directing any person who for the time being has custody of any moneys on behalf of the Municipality, to pay such expense and remuneration from such money as he may have in his hands or may from time to time receive and such person shall be bound to obey such order.

320. Exercise of Municipality's power pending its establishment.- When a new Municipality is created, such officer, committee or authority as may be appointed by the State Government in this behalf may, until a Municipality is established in accordance with the provisions of this Act, exercise the powers and discharge the duties and perform functions of the Municipality and such officer, committee or authority shall for the purposes of this Act be deemed to be the Municipality:

Provided always that such officer, committee or authority shall within six months of the creation of the Municipality make arrangements for the holding of the first elections and generally of hastening the assumption by the Municipality of its duties when constituted:

Provided further that no such officer, committees or authority shall be entitled to propose or to impose any new tax and to make bye-laws.

321. Power of Government to direct person in custody of municipal fund to pay Government dues.-If a Municipality makes default in the payment of any amount due to the State Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall so far as the funds to the credit of the Municipality admit, be bound to comply with such order.

9 ¼620½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

322. Power of Government to dissolve Municipality in case of incompetency or having less than two third elected members.- (1) If at any time the State Government is

satisfied that the Municipality is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or has exceeded, or abused its powers, the State Government may, by an order published alongwith the reasons thereof, in the Official Gazette, declare the Municipality to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such Municipality as from a date to be specified in the order of dissolution:

Provided that no action shall be taken under this sub-section unless the Municipality through its Chairperson has been afforded a reasonable opportunity of submitting an explanation and of being heard, if the Municipality so desires:

Provided further that no order under this sub-section shall be passed-

(i) unless the State Government has drawn up a statement setting out distinctly the charges against the Municipality and sent the same for inquiry in the prescribed manner and findings to a Tribunal consisting of a Chairman and not less than two members, constituted in the prescribed manner, or

(ii) otherwise than in conformity with such findings.

Explanation.-If for any reason the number of vacancies in a Municipality exceeds two-thirds of the total number of seats, the Municipality shall be deemed to be not competent to perform the duties imposed on it by or under this Act.

(2) The State Government shall dissolve the Municipality if at any time the number of its elected members falls short of two

third of its total members.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼621½

(3) When a Municipality is dissolved under sub-section (1) or any other provision of this Act, the following consequences shall ensue: -

(a) all members of the Municipality including the Chairperson and the Vice-Chairperson shall, on the date specified in the order of dissolution, vacate their respective offices but without prejudice to their eligibility for re- election or re-appointment; and

(b) all powers and duties of the Municipality shall, during the period of dissolution, be exercised and performed by such officer as an Administrator as the State Government appoints in this behalf.

(4) An election to constitute a Municipality shall be completed before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Municipality for such period.

(5) A Municipality constituted upon the dissolution of Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under section 7 had it not been so dissolved.

(6) An order of dissolution made under this section together with statement of the reasons thereof shall be laid before the House of the State Legislature, as soon as may be, after it has been made.

323. Dispute between a Municipality and one or more local authorities.-(1) If any dispute for the decision of which this

9 ¼622½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Act does not otherwise provide exists, between a Municipality and one or more other local authorities in regard to any matter arising under the provisions of this Act or any other law and the dispute is not amicably settled-

(a) the Collector may take cognizance of the dispute and decide it himself if the dispute is with another Municipality or panchayat in the same district and his decision shall be final; and

(b) in all other cases the matter shall be referred to the Divisional Commissioner, who may take cognizance of the dispute and decide it and the decision of the Divisional Commissioner shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

324. Dispute between a Municipality and Urban Improvement Trust, City Development Authority or any other Statutory Board.-All disputes between a Municipality and any Urban Improvement Trust, City Development Authority, Housing Board or any other Statutory Board, relating to territorial and functional jurisdiction, if not amicably settled shall be referred to the State Government and the decision of the State Government on such matter shall be final.

325. Powers of Government to cancel or modify bye-laws and rules of Municipalities.- (1) The State Government may at any time by notification in the Official Gazette repeal wholly or in part or modify any rule or bye-laws made by any Municipality:

Provided that, before taking any action under this sub-section, the State Government shall communicate to the Municipality the grounds on which it proposes to do so, fix a

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼623½

reasonable period for the Municipality to show cause against the proposal and consider the explanation and objections, if any, of the Municipality.

(2) The repeal or modification of any rule or bye-laws shall take effect from the date of publication of the notification in the Official Gazette if no date is therein specified and shall not affect anything done or omitted or suffered before such date.

326 Delegation of powers by Government.- (1) The State Government may delegate all or any of its powers under this Act, other than the powers exercisable by it under sections3, 6, 7, 67, 94, 102, 103, 107, 111, 142, 297, 318, 322, 325, 337, 339 and 340 or under this section or the power to appoint an Appellate Authority under any provision of this Act, to any officer subordinate to it.

(2) The State Government may also order that all or any of the powers conferred on the Collector or any other officer of the State Government by or under or in pursuance of any provision of this Act shall be exercised for any specified period by some other officer or authority that may be named in the order.

327. Power to call for records.-(1) The State Government or any officer authorized in this behalf by the State Government, may, for the purpose of being satisfied as to the correctness, legality or propriety of any order or resolution passed or purporting to have been passed, under this Act by or on behalf of a Municipality, its Chairperson, Vice-Chairperson, any member or officer, call for the relevant record, and may, in doing so, direct that pending the examination of such record, such order or resolution shall be kept in abeyance and no action in furtherance thereof shall be taken until such examination by the State

9 ¼624½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

Government or by the officer authorized in this behalf by the State Government and the passing of order under sub-section (2).

(2) On examining the record the State Government or the officer authorized as aforesaid may rescind, reverse or modify such order or resolution and the order of the State Government or the officer authorized as aforesaid shall be final and binding on the Municipality.

CHAPTER XV

Staff

328. Creation of Rajasthan Municipal Service.- (l) As soon as may be after the commencement of this Act, there shall be created and constituted by the State Government for the whole of the State a service designated as the Rajasthan Municipal Service and hereinafter referred to as the Service.

(2) The Service shall be divided into different categories, each category being sub-divided into different grades, and shall consist of officers, Administrative as well as Technical.

329. Classification of Municipalities.-(1) For the purpose of creating and constituting the service, the State Government may, by notification, from time to time, in the Official Gazette, -

(a) divide Municipalities in the State into classes according to their income or

other factors like population or importance of the local area and other circumstances, and

(b) transfer a Municipality from one class to another class.

(2) For the purpose aforesaid, the State Government may also, by a like notification, prescribe uniform scales of pay for different posts in the service with different designations for all Municipalities included in each class under clause (a) of sub-section (1).

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼625½

330. Recruitment to posts in the Service.- (1) Upon the creation and constitution of the service, appointments to all posts therein shall, subject to any rules under section337 and notwithstanding anything contained in the rules made under sections339, be made in accordance with the provisions of sections332, 333 or, as the case may be, 335.

(a)by direct recruitment,

(b)by promotion,

(c)by transfer, or

(d)by deputation in exceptional case when eligible person is not available in municipal service.

(2) The State Government shall lay down the terms and conditions on which appointments shall be made by transfer or deputation from a State Service.

(3) With the approval of the State Government and in conformity with such general or special directions as it may from time to time issue, any officer or servant of a Municipality who is a member of the Service may be transferred to the service of another Municipality.

(4) It shall not be lawful for the Municipality, -

(a) to take any officer or employee on deputation from any department of the State Government without obtaining prior approval of the State Government,

(b) to relieve any officer or employee without seeking orders of the State Government,

9 ¼626½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(c) to refuse or not to allow any officer or employee to join the duty when such employee is transferred or deputed by the State Government.

331. Consultation with Commission.- (1) As respects the service, the State Public Service Commission, hereinafter referred to as the Commission, shall in addition to its functions under the Constitution, be consulted-

(a) on all matters relating to appointments to the Service by direct recruitment, and

(b) on all disciplinary matters affecting the members of the Service.

(2) It shall be the duty of the Commission to advice on any manner referred to it under sub-section (1).

(3) It shall also be the duty of the Commission to conduct examinations, if necessary, for appointments to the Service or to any grade or category thereof.

(4) The Commission shall include and embody, in its report presented under clause (2) of Article 320 of the Constitution, a report as to the work done by the Commission in relation to Service under this section and such report shall be dealt with as provided in the said clause of the said Article.

332. Rajasthan Municipal Administrative Service.- (1) Subject to the forgoing provisions of this Chapter and the rules made under section 337 or any other provision of this Chapter, the State Government shall appoint-

(i) one Chief Executive Officer for every Municipal Corporation,

(ii) such number of Commissioners for every Municipal Corporation and Municipal Council as may be determined,

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼627½

(iii) an Executive Officer for every Municipal Board,

(iv) a Secretary for every Municipal Corporation or Municipal Council which resolves to appoint a Secretary in addition to the Commissioner, and

(v) any other administrative officer by any name and designation as deemed necessary.

(2) All officers and servants appointed under section 333 or 335 or under any other provisions of this Act shall be subordinate to the Chief Municipal Officer, Commissioner and Executive Officer respectively in Municipal Corporation, Council and Municipal Board.

(3) In addition to any duties imposed upon or delegated to him by or under this Act, a Chief Municipal Officer, Commissioner or an Executive Officer, as the case may be, shall, subject to the overall control of the Mayor or President or Chairperson of the Municipal Corporation or Municipal Council or Municipal Board, as the case may be, -

(a) watch over the financial and executive municipal administration of the Municipality,

(b) take prompt steps to remove any defect or irregularity brought to his notice in the course of the audit of the municipal accounts or pointed out in the audit report,

(c) report all cases of fraud, embezzlement, theft or loss of municipal money or property,

(d) supply any return, statement, account or report or any other document in his charge or a copy thereof requisitioned by the Corporation or Council or Board, and

9 ¼628½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(e) make an explanation in regard to subject under discussion at a meeting thereof but not vote 'upon' or make any proposition thereat.

333. Rajasthan Municipal Technical Service.-(1) Subject as aforesaid the State Government may, if it thinks necessary, appoint health officer, municipal engineer, not below the rank of assistant engineer, revenue officer, assessor, senior accounts officer, accounts officer, assistant accounts officer, chief fire officer, fire officer, law officer or any other officer for the performance of such special or technical duties under this Act as may be prescribed.

(2) Work distribution amongst the officers appointed under this section shall be done by the Chief Executive Officer with the approval of the Chairperson.

334. Determination of strength of the staff.-Subject to any general or special directions issued by the State Government, a Municipality may, by resolution determine the number of sanitary inspectors, other inspectors, and accountants and ministerial establishment and other servants required for the Municipality.

335. Subordinate and Ministerial Establishment and other Employees.-(1) Subject to the provisions of sections 330 and 331 or any rules under section 337 or any other direction issued or restrictions imposed by the State Government or any other provision of this Act a sanitary inspector or other inspector or subordinate servant or accountant or a member of the ministerial establishment shall be appointed by the Municipality.

(2) Subject to any rules under section 337 or any other provision of this Act appointments to other posts, whether permanent or temporary, shall be made by Chief Municipal Officer with the approval of the Chairperson.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼629½

(3) It shall be lawful for the Chief Municipal Officer to punish such staff appointed under this section except with the punishment of dismissal or removal from the service.

(4) A person appointed under sub-section (1) or sub-section (2) may be dismissed, removed or otherwise punished in accordance with rules then obtaining by the appointing authority, subject to a right of appeal of such dismissal, removal or punishment within the prescribed time limit-

(i) to the State Government, if the order appealed from is passed by Municipality, and

(ii) to the Municipality if such order is passed by the Chief Municipality Officer.

336. Transfer from one Municipality to another.-(1) Any officer or servant of a Municipality who is a member of subordinate service, ministerial service or class IV service may be transferred by the State Government from the service of one Municipality to the services of another Municipality.

(2) Any officer or servant of the Municipality may be transferred by the State Government to the Jaipur Development Authority or Jodhpur Development Authority or Rajasthan Housing Board or any Urban Improvement Trust or any other local body on post carrying pay scale not lower than the pay scale of the officer or servant to be transferred;

Provided that the lien of the Officer or servant so transferred shall remain in the parent Municipality and he shall be considered for further promotion whenever a consideration for promotion to the higher post in his cadre is made in the Municipality.

9 ¼630½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

CHAPTER XVI

Rules, Regulations and Bye-Laws

337. Power of State Government to make rules and orders.-(1) The State Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government shall make rules –

(i)with reference to all matters expressly allowed by this Act to be prescribed;

(ii)for prescribing the manner of allotment of seats reserved for members of Scheduled Castes, Scheduled Tribes, the Backward Classes or for women;

(iii)with regard to all matters relating to the preparation, revision, modification, updating and publication of electoral rolls;

(iv)for prescribing particulars which shall contain in the notice given for withdrawal of candidature from election on more than one seat;

(v)for prescribing the manner in which votes shall be given in an election and the manner in which votes shall be given and recorded by the voting machines;

(vi)with regard to all matters relating to presentation of an election petition, procedure to be followed and powers to be exercised by the District Judge in disposing the election petition;

(vii)for prescribing the form in which oath or affirmation shall be made by a member before entering upon his duties;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼631½

(viii)for prescribing the manner in which the Judicial Officer shall enquire into the charge against a member and for prescribing the matters, other than those specified in clauses (a) to (c) of sub-section (5) of section 39, regarding which the judicial Officer shall have power of a civil court while inquiring into the said charges;

(ix)for prescribing the manner of election of Chairperson and Vice-Chairperson and the manner of reserving the offices of the Chairpersons and for prescribing the monthly allowances and facilities which may be allowed to the Chairperson out of the municipal fund;

(x)for prescribing the executive functions other than those specified in clauses (a) to (d) of sub-section (1) of section 48;

(xi)for prescribing the powers of the Chief Municipal Office;

(xii)for prescribing the manner in which charge of the office a Chairperson or a Vice-Chairperson shall be handed over;

(xiii)for prescribing the procedure for conducting the business of the meeting of the Municipality;

(xiv)for prescribing the manner, of putting question by a member to the Chairperson, and of moving resolutions on the matters connected with the administration of the Municipality;

9 ¼632½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ (xv)for prescribing the manner of making and considering the motion expressing no confidence in the Chairperson or the Vice-Chairperson;

(xvi)for prescribing the powers, duties and functions, and the procedure for conducting the meetings, of the committees constituted under section 55;

(xvii)for prescribing the restrictions, limitations and conditions subject to which any powers, duties or executive functions, which may be exercised, discharged or performed by or on behalf of the Municipality, may be delegated to the committees and for prescribing the manner of calling the meeting of the Municipality for delegating the powers, duties and functions of the Chairperson to a member;

(xviii)for prescribing the terms and conditions on which, and the charges or premium subject to the payment of which , the land deemed to have been placed at the disposal of the Municipality under section 90-B of the Rajasthan Land Revenue Act, 1956 may be allotted or regularized by the Municipality;

(xix)for regulating the sale or disposal of immovable property and land;

(xx)for prescribing the manner of preparing and maintaining records of urban land situated in the municipal limits;

(xxi)for prescribing heads of accounts other than those specified in sub-section (2) of section 79 and for prescribing manner and form in which accounts shall be kept;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼633½

(xxii)for prescribing the manner in which payments from Municipal funds shall be made;

(xxiii)for transfer of surplus money from one head to another head with regard to all matter relating to preparation, presentation, adoption of budget estimates, preparation and maintenance of accounts and balance sheet etc;

(xxiv)for prescribing the rate, date, and manner for imposing and levying the taxes under section 102;

(xxv)for prescribing the manner in which internal audit of the day-to-day accounts of the Municipality may be carried out;

(xxvi)for prescribing the form in which return shall be furnished by the owner or occupier on the requisition of the assessor;

(xxvii)for prescribing the form of warrant for attachment and sale of property of the defaulter and for prescribing the manner in which the attached property may be sold;

(xxviii)for prescribing the manner in which repaying capacity of a Municipality shall be ascertained for the purposes of granting loan or giving grantee for a loan raised by the Municipality;

(xxix)for prescribing the types of private sector participation agreements for the purpose of this Act;

(xxx)for prescribing the Chapters, material and schemes to be incorporated in the City Development Plan;

9 ¼634½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(xxxi)for prescribing the manner in which the elected members of Committee for Metropolitan Planning shall be chosen;

(xxxii)for prescribing the extent to which land in any scheme may be reserved for the purpose of providing housing accommodation to the members of Scheduled Castes, Scheduled Tribes, the Backward Classes and weaker sections of the society, including disabled, handicapped and mentally retarded persons and unassisted elderly persons;

(xxxiii)for regulating the sanction of specific rights of way in the sub-soil of public and private streets for different public utilities;

(xxxiv)for prescribing rates of the conversion charges for change of use of land and for prescribing the manner in which objections shall be invited and heard with respects to change of use of land;

(xxxv)for prescribing the manner and the time in which water harvesting structure shall be provided in the buildings owned or occupied by the Government or statutory body or a company or a institution owned or controlled by the Government;

(xxxvi)for prescribing limitations, restrictions and conditions subject to which the Municipality may exercise powers in respect of prevention of dangerous diseases;

(xxxvii)for prescribing limitations, restrictions and conditions subject to which the Municipality may exercise powers conferred on it under section 274;

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼635½

(xxxviii)for prescribing the functions of the State Municipalities Union;

(xxxix)for prescribing the manner of sending the statement of charges against a Municipality to the Tribunal for enquiry and findings; and for prescribing the manner of constitution of the Tribunal;

(xl)for prescribing the special or technical duties which shall be performed by the officers appointed in the Rajasthan Municipal Technical Service; and

(xli)for prescribing term and conditions of service in respect of the Rajasthan Municipal Services.

(3) A rule may be general for all Municipalities or for all Municipalities not expressly exempted from its operation or may be special for the whole or any part of anyone or more Municipalities as the State Government may direct.

(4) Notwithstanding anything contained in sections339and 340, in case the Municipality fails to make any rules or bye-laws as prescribed and the State Government considers it necessary for the purposes of carrying into effect the provisions of this Act, it may also make the rules and bye-laws for the matters enumerated in sections 339 and 340**.**

(5) All rules and orders made by the State Government under this section shall come into effect on or from the date of their publication in the Official Gazette.

(6) All rules made under this Act shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period not less than fourteen days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of

9 ¼636½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

such rules or resolves that any such rule should not be made, such rules shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder..-

338. Power of State Government to make regulations.-(1) Notwithstanding anything contained in section 337 or any other provision of this Act or any other law for the time being in force, the State Government may, for the purpose of preservation of human health or the safety or convenience of the public in public places and streets or the amelioration of rickshaw pullers, by

regulation provide for regulating (with a view to gradually abolishing) or prohibiting, the plying, use of drawing of rickshaw in streets and public places and to regulate the hours of work of rickshaw pullers-

(2) In particular and without prejudice to the generality of the foregoing power, such regulation may-

(a) prescribe the date on and after which rickshaw shall not be plied, driven or used in streets and public places;

(b) provide that no new licences shall be granted to rickshaw and rickshaw pullers;

(c) provide for the grant and renewal of licences of rickshaw and rickshaw pullers subject to condition that a licence of a rickshaw shall be granted or renewed only in the name of the puller;

(d) provide for authorising any officer or authority to limit, from time to time, the number of rickshaws for which licences may be granted or renewed in any area having regard to the adequacy of public conveyance of the same or any other class operating or likely to

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼637½

operate in the area in near future, or to the safety or convenience of the puller in the light of traffic conditions in the area;

(e) prescribe the maximum life period of a rickshaw after expiry whereof it shall not be permitted to be plied;

(f) prescribe the manner in which the number of rickshaws or rickshaw pullers may be gradually reduced and the principles to be followed in effecting such reduction;

(g) prescribe the terms of the grant and renewal of licence of rickshaw and rickshaw pullers;

(h) prescribe the fee, payable for licences to be granted or renewed under this section;

(i) prescribe the size and design of the rickshaw and the condition for grant or renewal of licences;

(j) prescribe the standard or physical fitness, with special reference to permissible age limits for rickshaw pullers;

(k) prescribe the fees to be paid by rickshaw pullers for medical examination;

(l) prescribe the office or authority to which and the matter in respect of which appeals shall lie;

(m) provide for disinfections of rickshaws;

(n) prescribe the penalties for the violation of any of the rules by the owner of the rickshaw or the puller or driver of the rickshaw;

(o) prescribe the maximum number of passengers or load or both which can be carried at any one time in a rickshaw;

9 ¼638½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(p) specify the offence for contravening any regulations and the class of Magistrate by whom the offences against the regulations shall be taken cognizance of; and

(q) prescribe supplementary and incidental provisions including seizure of a rickshaw in respect of which an offence under this Act has been or is being committed.

(3) The power to make regulations under this section is subject to the condition of the regulation being made after previous publication.

Explanation-I.- For the purpose of this section, a rickshaw means a cycle- rickshaw commonly so-called, or a wheeled vehicle which is fixed or attached to a cycle drawn or pulled by human force and used as a conveyance for passengers and goods and includes a cycle-rickshaw cart but does not include-

(a) a perambulator,

(b) a wheeled vehicle used for the carriage of an invalid person, and

(c) such classes of wheeled vehicles used for the carriage of goods as may be prescribed.

Explanation-II.- For the purpose of clause (c) of sub-section (2), the expression "puller" shall mean a person who earns his livelihood mainly by personally driving rickshaw.

(4) All regulations made under this Act shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼639½

such regulations or resolves that any such regulations should not be made, such regulations shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

339. Power of Municipality to make rules.- Every Municipality shall make rules, not inconsistent with this Act or with the rules made by the State Government under section 337.-

(a) with regard to all matters relating to imposition, levy, assessment and collection of the taxes under section 103;

(b) with regard to all matters relating to imposition, levy and collection of fees and fines under section 105;

(c) for regulating the construction of all kinds of buildings;

(d) for prescribing all matters relating to the management of solid and bio-medical waste;

(e) with regard to determining the staff of officers and servants to be employed by the Municipality and the respective designations, duties, salaries, fees or other allowances of such officers and servants;

(f) generally for the guidance of its officers and servants in all matters relating to the municipal administration;

(g) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security;

(h) determining the mode and conditions of appointing, transferring, punishing or dismissing any officer or servant and delegating to officers designated in the

rules the powers to appoint, transfer, fine, reduce, suspend or dismiss any officer or servant;

(i) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the person, if any, appointed to act for them whilst on leave; and

(j) authorizing the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rule, to any pension or provident fund which may be established by the Municipality, or, with the approval of the Municipality, by the said officers and servants:

Provided that no Municipality shall, unless with the assent of the State Government, and otherwise than in accordance with the provisions of this Act or the rules made thereunder, dispense with the service of any officer transferred from the service of the Central or a State Government to the service of the Municipality or employed partly by the State Government and partly by the Municipality or finally dispense from the service of the Municipality any officer transferred from the service of the Municipality to the service of the State Government.

340. Power of Municipality to make bye-laws.- (1) Every Municipality may, from time to time, make bye-laws not inconsistent with this Act and the rules made thereunder -

(a) for regulating the payments from the municipal fund;

(b) for prescribing all matters relating to the imposition, levy, assessment and collection of user charges under section 104;

(c) for prescribing the form of and the manner of keeping of maps, drawings and description of underground utilities and maps of fire hydrants and sewerage man-holes;

(d) for regulating the permission for temporary erection of a booth or any other structure on any public place;

(e) for prescribing the terms and conditions subject to which the precautions to be taken during construction or repair of street, drain or premise;

(f) for regulating the erection of all kind of buildings;

(g) for determining the technical qualifications and experience for the person seeking licence to act as a plumber;

(h) for regulating the projections of the building under section 192;

(i) for the regulation and inspection of markets, public places used for the sale of articles and slaughter houses, all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and clean conduct of business therein;

for regulating the sale of fruits and vegetables in the municipal markets or other charges to be levied for the use of any of them which belong to the Municipality;

(j) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licences may be granted, refused, suspended or withdrawn for the use of any place not belonging to the Municipality-

(i) as a slaughter house;

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruits or vegetables;

(iii) for any of the purposes mentioned in section 282;

(iv) as a dairy, hotel, restaurant, eating-house, coffee-house, sweet, meat-shop, bakery, camping-ground, sarai, dhobi-ghat, flour mill, sawmill, ice-candy factory, foodgrain-godown, Municipality house, lodging-house (other than a students' hostel under public or recognized control) or for manufacturing ice or aerated water;

(v) as a place for the preparation or manufacture of oil;

(vi) for parching grain or Bengal grain on a large scale; or

(vii) for any other purpose for which the issuing of a licence may be prescribed,

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimize any injurious, offensive or dangerous effect arising or likely to arise therefrom;

(k) prohibiting the stabling or herding of horses, camels, donkeys, sheep or goats, otherwise than in accordance with such rules prescribed in such bye-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health;

(l) (i) for the inspection of milk cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and

cattle-sheds in the occupation of persons following the trade of dairymen or milk sellers;

(ii) for securing the cleanliness of milk-stores, milk-shops and vessels used by milk-sellers or butter-men for milk or butter;

(m) for the registration of births, deaths and marriages, and the taking of a census within the Municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective;

(n) regulating the disposal of the dead and of the carcasses of dead animals and the maintenance of all places for the purpose in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead;

(o) enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of section 273;

(p) enforcing the supply of such information by inhabitants of the Municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein;

(q) regulating the use of public bathing and washing places within municipal limits;

(r) regulating sanitation and conservancy;

(s) regulating the conditions for the construction, use and disposal of houses intended for the homeless under sub-clause (c) of clause (iv) of section 46;

9 ¼644½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(t) regulating the conditions on which permission may be given for the temporary occupation of, or the creation of temporary structures on public streets, or for projections over public streets;

(u) regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires and for purposes of health;

(v) regulating the erection or use of buildings for grain shops or grain stores, the use of sites for erection of buildings and, in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufacturing, places of public resort or for any other purpose;

(w) preventing the erection of building without adequate provision being made for the laying out and location of streets;

(x) ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air;

(y) regulating, in any other particular manner not specially provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cess-pools, water-closets, privies, latrines, urinals and drainage or sewage works of every description, whether the property of the Municipality or not;

(z) determining the conditions, restrictions, norms and specifications for all kinds of constructions looking to the local need for the purpose of operation of section

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼645½

194 and section 236 in conformity with the directions issued and restrictions prescribed if any, from time to time, by the State Government;

(za) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such bye-laws or in special licences to be granted in each case upon such terms as to time of application and payment of fees therefore as may be prescribed in such bye-laws;

(zb) securing the protection of public parks, gardens and open spaces, vested in or under the control of the Municipality from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;

(zc) regulating or prohibiting any description of traffic in the streets and providing for the reduction of noise caused thereby;

(zd) rendering licences necessary for the proprietors or drivers of vehicles or animals kept or plying for hire within the limits of the Municipality, and fixing the fees payable for such licences and the conditions on which they are to be granted and may be revoked;

9 ¼646½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

(ze) limiting the rates which may be demanded for the hire of any carriage, cart or other conveyance or of any animals hired to carry loads or persons, or for the service of persons hired to carry loads or to impel or carry such conveyance, and limiting the loads which may be carried by any animal, or carriage, cart, or other conveyance, plying for hire, within the limits of the Municipality;

(zf) for the licensing, inspection and proper regulation of places of public resort, recreation or amusement;

(zg) regulating the posting of bills and advertisements, and the position, size, shape and style of sign-posts;

(zh) rendering licences necessary for hand-carts employed for transport, or hawking articles for sale, and for the persons using such hand-carts, and prescribing the conditions for the grant and revocation of such licences;

(zi) generally for the regulation of all matters relating to municipal administration;

and every Municipality may prescribe fine for the infringement of any such bye-laws.

(2) Every Municipality shall, before making any bye-laws under this section, publish, in such manner as shall in its opinion be sufficient, for the information of persons likely to be affected thereby, a draft of the proposed by-laws together with a notice specifying a date on or after which the draft will be taken into consideration and shall, before making the bye-laws, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼647½

341. Rules and bye-laws to be printed and sold.-The rules and bye-laws for the time being in force shall be kept open for public inspection at the municipal office during office hours, and printed copies thereof shall be kept for sale at cost price or may be provided in electronic form on the web site, if any, of the Municipality.

CHAPTER XVII

Miscellaneous

342. Offences by companies.- (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. – For the purpose of this section,-

(a) "company" means a body corporate, and includes a firm or other association of individuals, and

9 ¼648½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½ (b) "director", in relation to a firm, means a partner in the firm.

343. Power to remove difficulties.-If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as the occasion requires, but not later than two years from the date of commencement of this Act, by order, do anything, not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty.

344. Repeal and Savings.-(1) On and from the commencement of this Act, the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) shall stand repealed.

(2) Without prejudice to the provisions of the Rajasthan General Clauses Act, 1955 (Act No. 8 of 1955),-

(a) such repeal shall not affect the validity or invalidity of anything already done or suffered or any action already taken under the repealed enactment or the rules, regulations and bye-laws made thereunder; and

(b) all Municipal Corporations, Councils, Boards or other municipal authorities established under the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) shall, notwithstanding such repeal, be deemed to have been established under this Act and all Municipalities constituted, members nominated, appointed or elected, committees formed, limits defined, appointments, rules, orders and bye-laws made, notifications and

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼649½ notices issued, taxes imposed, contracts entered into and suits and other proceedings instituted under the repealed enactment shall so far as they are not inconsistent with the provisions of this Act, be deemed to have been respectively constituted, nominated, appointed or elected, formed, defined, made, issued, imposed, entered into and instituted under this Act.

THE FIRST SCHEDULE

[See clause (b) of section 108]

Notice is hereby given to the inhabitants of the Municipality of.....that the Municipality desires to impose the tax, toll or cess (as the case may be) defined in the rules appended.

Any inhabitant of the Municipality objecting to the proposed tax may within one month from the date of this notice, send his objections in writing to the Municipality.

9 ¼650½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

THE SECOND SCHEDULE

[See section 117]

Form of notice of transfer to be given when the transfer has been effected by instrument

To,

The Chairperson/Chief Municipal Officer of the ……Municipality

I, A. B., hereby give notice, as required by section 116 of the Rajasthan Municipalities Act, 2009, of the following transfer of property: -

Date of notice	Date of Instrument	Name of vendor or assigner	Name of purchaser or assignee	Description of property				Dimensions of land	Boundaries	If instrument has been registered, the date of registration	Remarks
				Amount of consideration	Of what it consists	Situation	Number/ Name of property				
1	2	3	4	5	6	7	8	9	10	11	12

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼651½

THE THIRD SCHEDULE

[See section 117]

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument

To,

The Chairperson/Chief Municipal Officer of the ……Municipality

I, A, B hereby give notice, as required by section 116 of the Rajasthan Municipalities Act, 2008, of the following transfer of property :-

Date of notice	In whose name the property is at present entered in the municipal registers	In whose name it is to be transferred	Description of property				Boundaries	Remarks
			Of what it consists	Situation	Number/ Name of property	Dimensions of land		
1	2	3	4	5	6	7	8	9

9 ¼652½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

THE FOURTH SCHEDULE

[See section 130]

Form of notice of demand

To,

A. B., residing at.....

Take notice that the Municipality of.....demand from .....the sum of.....due from..... on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under rule number.....for the period of.....commencing on the day of.....and ending on the day of……. and that if, within fifteen days from the service of this notice, the said sum is not paid into the Municipal Office at.....or sufficient cause for non-payment is not shown to the satisfaction of the Municipality, a warrant of attachment of property will be issued for the recovery of the same with costs.

Dated this.....day.....200…

Signed

By Order of the Municipality of.....

Hkkx 4 ¼d½ jktLFkku jkt&i=] flrEcj 11] 2009 9 ¼653½

THE FIFTH SCHEDULE

[See sub-section (1) of section 131]

Form of Warrant

(Here insert the name of the officer charged with the execution of the warrant)

Whereas, A. B., of.....has not paid, and has not shown satisfactory cause for the non-payment of the sum of.....due for the tax..... mentioned in the margin for the period commencing on the day of.....and ending with the day of..... 200.. and leviable under rule number.....and whereas fifteen days have elapsed since the service on him of notice of demand for the same; This is to command you to attach, subject to the provisions of sections 131, 132 and 133 of the Rajasthan Municipalities Act, 2009 the property of the said A.B., to the amount of .....being the amount due from him, as follows: —

	Rs.	P.
On account of the said tax....	.....	.....
For service of notice.....	.....	.....

and forthwith to certify to me together with the warrant all particulars of the property attached by you thereunder.

Dated this day of.....200…

Signed

Chief Municipal Officer

9 ¼654½ jktLFkku jkt&i=] flrEcj 11] 2009 Hkkx 4 ¼d½

THE SIXTH SCHEDULE

[See sub-section (4) of section 133]

Form of Inventory and Notice

To,

A. B., residing at.....take notice that I have this day attached the property specified in the inventory beneath this for the value of.....due for..... the tax..... mentioned in the margin for the period commencing with the day of..... 200...and ending with the day of.....200... together with Rs..... due as for service of notice of demand and that unless within five days from the day of the date of this notice you pay into the municipal office at.....the said amount together with the costs of recovery, the said property will be sold.

Signature of officer executing the warrant

Dated this .....day of.....200.....

Inventory

(Here state particulars of the property attached)

,l-,l- dksBkjh]

Principal Secretary to the Government.

654
Government Central Press, Jaipur.