

No. 16/3/2022-3HC

From

Home Minister, Haryana

To

The Hon'ble Speaker,
Haryana Vidhan Sabha,
Chandigarh.

Dated, Chandigarh the 24th August, 2023

Subject: The Haryana Instruments (Control of Noises) Repeal Bill, 2023

Sir,

I am sending herewith the Haryana Instruments (Control of Noises) Repeal Bill, 2023 which is to be presented in the Haryana Vidhan Sabha Session commencing from 25.05.2023. In this connection, the following documents are enclosed:-

1. The Haryana Instruments (Control of Noises) Repeal Bill, 2023 (Both in English and Hindi) (Four copies)
2. The Statement of Objects and Reasons (Both in English and Hindi) (Four copies)
3. Notice of Motion relating to Public Business (Both in English and Hindi) (Four copies)
4. Advice of Law & Legislative Department (One copy)

2. It is requested that the Bill be published under proviso to Rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly. Since sufficient time is not available to give 15 day's clear notice as required under rule 122 ibid, relaxation on this account may kindly be given as a special case.

Yours faithfully

Home Minister, Haryana

Endst. No. 16/3/2022-3HC

Dated 24.08.2023

A copy of the Haryana Instruments (Control of Noises) Repeal Bill, 2023 along with relevant documents is hereby forwarded to the following for information and necessary action:-

- i) Hon'ble Chief Minister, Haryana (one copy)
- ii) Hon'ble Home Minister, Haryana (one copy)
- iii) Hon'ble Parliamentary Affairs Minister, Haryana (one copy)
- iv) Chief Secretary to Government, Haryana, Parliamentary Affairs Department (six copies)
- v) Chief Principal Secretary to C.M.
- vi) Principal Secretary to C.M.
- vii) Secretary to Governor, Haryana (two copies)
- viii) Additional Chief Secretary to Government of Haryana, Home Department (one copy)
- ix) Director General, Information, Public Relation & Languages Department, Haryana (four copies)
- x) Chief of Staff to Chief Minister, Haryana (one copy)
- xi) Private Secretary to Chief Secretary, Haryana (one copy)
- xii) Superintendent, C.M. Secretariat, Room No. 75, 4th Floor, Haryana Civil Secretariat (fifteen copies)
- xiii) Superintendent, Cabinet Branch, 4th Floor, Haryana Civil Secretariat (one copy)

Superintendent, Home Confidential
for Additional Chief Secretary to Government Haryana
Home Department.

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HARYANA BILL NO. OF 2023

THE HARYANA INSTRUMENTS (CONTROL OF NOISES) REPEAL
BILL, 2023

A
BILL

to repeal the Haryana Instruments (Control of Noises) Act, 1956.

Be it enacted by the Legislature of the State of Haryana in the Seventy-fourth Year of the Republic of India as follows:-

- Short title. 1. This Act may be called the Haryana Instruments (Control of Noises) Repeal Act, 2023.
- Repeal of Punjab Act 36 of 1956. 2. The Haryana Instruments (Control of Noises) Act, 1956 is hereby repealed.
- Savings. 3. The repeal by this Act shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;
and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;
nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from the Act hereby repealed;
nor shall the repeal of the Act revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

STATEMENT OF OBJECTS AND REASONS

संलग्न अथवा
२३/०८/२०२३

2023 का हरियाणा विधेयक संख्या.....

हरियाणा वाद्य (शोर-नियन्त्रण) निरसन विधेयक, 2023
हरियाणा वाद्य (शोर-नियन्त्रण) अधिनियम, 1956
को निरसित करने के लिए
विधेयक

भारत गणराज्य के चौहत्तरवें वर्ष में हरियाणा राज्य विधानमण्डल द्वारा

निम्नलिखित रूप में यह अधिनियमित हो :-

संक्षिप्त
नाम।

1. यह अधिनियम हरियाणा वाद्य (शोर-नियन्त्रण) निरसन अधिनियम, 2023 कहा
जा सकता है।

1956 के
पंजाब
अधिनियम
36 का
निरसन।

2. हरियाणा वाद्य (शोर-नियन्त्रण) अधिनियम, 1956, इसके द्वारा, निरसित किया
जाता है।

व्यावृत्ति।

3. इस अधिनियम द्वारा निरसन, किसी अन्य अधिनियमिती को प्रभावित नहीं करेगा,
जिसमें निरसित अधिनियमिती लागू, निगमित या निर्दिष्ट की गई हैं;

और यह अधिनियम पहले से की गई या सहन की गई किसी बात की वैधता,
अवैधता, प्रभाव या परिणामों, या पहले से अर्जित, प्रोदभूत या उपगत किसी अधिकार,
हक, बाध्यता या दायित्व, या उनके सम्बन्ध में किसी उपचार या कार्यवाही, या किसी
ऋण, शास्ति, बाध्यता, दायित्व, दावे या मांग की अथवा से किसी निर्मुक्ति या उन्मोचन,
या पहले से दी गई किसी क्षतिपूर्ति, या किसी पूर्व कार्य या बात के सबूत को प्रभावित
नहीं करेगा;

न ही यह अधिनियम विधि के किसी सिद्धान्त या नियम, या स्थापित
अधिकारिता, अभिवचन, व्यवहार या प्रक्रिया के रूप या क्रम, या विद्यमान प्रथा, रूढ़ि,
विशेषाधिकार, निर्बन्धन, छूट, पद या नियुक्ति को प्रभावित करेगा, इस बात के होते हुए
भी कि यह क्रमशः इसके द्वारा निरसित किसी अधिनियम द्वारा, में या से किसी भी रीति
में अभिपुष्ट किया गया हो या मान्यता दी गई हो या व्युत्पन्न हुआ हो;

न ही इस अधिनियम का निरसन, किसी अधिकारिता, पद, रूढ़ि, दायित्व,
अधिकार, हक, विशेषाधिकार, निर्बन्धन, छूट, प्रथा, रिवाज, प्रक्रिया या अन्य मामले या
बात को पुनरुज्जीवित या प्रत्यावर्तित करेगा जो अब प्रचलित या लागू नहीं है।

उद्देश्यों तथा कारणों का विवरण

STATEMENT OF OBJECTS AND REASONS

Whereas, the all provisions of the Haryana Instruments (Control of Noises) Act, 1956 (Punjab Act No. 36 of 1956) are covered under the Environment (Protection) Act, 1986 (Central Act No.29 of 1986) and Noise Pollution (Regulation and Control), Rules, 2000, which extends to the whole of India, so, there is no need to retain the Haryana Instruments (Control of Noises) Act, 1956 (Punjab Act No. 36 of 1956) in the State anymore.

Therefore, the Haryana Instruments (Control of Noises) Repeal Bill, 2023 relates to repealing of the Haryana Instruments (Control of Noises) Act, 1956 (Punjab Act No. 36 of 1956) as the same is liable to be repealed in view of the aforesaid Central Act, 1986 and Rules, 2000. Hence, the Bill.



(Anil Vij)
Home Minister, Haryana

उद्देश्यों तथा कारणों का विवरण

जबकि हरियाणा वाद्य (शोर-नियन्त्रण) अधिनियम, 1956 (1956 का पंजाब अधिनियम संख्या 36) के सभी प्रावधान पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का केन्द्रीय अधिनियम संख्या 29) तथा ध्वनि प्रदूषण (विनियमन और नियंत्रण), नियम, 2000, जो कि सम्पूर्ण भारतवर्ष में लागू हैं, के अधीन आते हैं। इसलिए, हरियाणा वाद्य (शोर-नियन्त्रण) अधिनियम, 1956 (1956 का पंजाब अधिनियम संख्या 36) को अब राज्य में लागू रखने की कोई आवश्यकता नहीं है।

इसलिए, उपरोक्त केन्द्रीय अधिनियम, 1986 और नियम, 2000 के मध्यनजर, हरियाणा वाद्य (शोर-नियन्त्रण) निरसन विधेयक, 2023, जो कि, हरियाणा वाद्य (शोर-नियन्त्रण) अधिनियम, 1956 (1956 का पंजाब अधिनियम संख्या 36) को निरसित करने से सम्बन्धित है, को इस विधेयक द्वारा निरसित किया जाता है। इसलिए यह बिल प्रस्तुत है।



(अनिल विज)

गृह मंत्री, हरियाणा

NOTICE OF MOTION RELATING TO PUBLIC BUSINESS

I give notice of the following motion in respect of the Haryana Instruments (Control of Noises) Repeal Bill, 2023, related to repeal the Haryana Instruments (Control of Noises) Act, 1956 (Punjab Act No. 36 of 1956):-

- (i) to move to introduce the Haryana Instruments (Control of Noises) Repeal Bill, 2023;
- (ii) to move that the Bill be taken into consideration at once;
- (iii) to move that the Bill be passed.



(Anil Vij)
Home Minister, Haryana

लोक कार्य से सम्बन्धित प्रस्ताव का नोटिस

में, हरियाणा वाद्य (शोर-नियन्त्रण) निरसन विधेयक, 2023, जो कि हरियाणा वाद्य (शोर-नियन्त्रण) अधिनियम, 1956 (1956 का पंजाब अधिनियम संख्या 36) को निरसित करने से सम्बन्धित है, के सम्बन्ध में, निम्नलिखित प्रस्ताव का नोटिस देता हूं।

- i) हरियाणा वाद्य (शोर-नियन्त्रण) निरसन विधेयक, 2023 को प्रस्तुत करने की अनुमति दी जाए;
- ii) विधेयक पर विचार किया जाए;
- iii) विधेयक पारित किया जाए;



(अनिल विज)

गृह मंत्री, हरियाणा




LAW & LEGISLATIVE DEPARTMENT, HARYANA

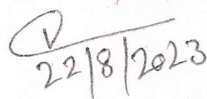
As desired, draft of the Haryana Instruments (Control of Noises) Repeal Bill, 2023 has been prepared and five typed copies thereof are placed in the file of the A.D. for consideration and further necessary action. The A.D. may ensure that the vetted draft meets with their requirements. The A.D. may please add to the draft Bill, a Statement of Objects and Reasons. Hindi version of the draft Bill will follow. Technical advice on four points, mentioned in rule 36 of the Rules of Business of the Government of Haryana, 1977, is tendered as under:-

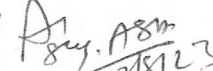
1. It will be necessary to embark upon legislation as the object in view cannot be achieved otherwise.
2. The subject matter of the proposed legislation is relatable to article 48A and entry 1 of the State List in the Seventh Schedule to the Constitution of India and the State Legislature is, therefore, competent to enact the same. It is not a Money Bill.
3. It will not be necessary to reserve the Bill for the consideration of the President of India after its having been passed by the State Legislature and the Governor of Haryana will be competent to give his assent to it.
4. The proposed measure would not be inconsistent with the provisions of the Constitution of India including those relating to Fundamental Rights.

The A.D. is advised to obtain the approval of the Council of Ministers as to the draft of the Bill before its introduction in the State Legislature.


D.L.R. & D.S. (Leg.),

for Acting Legal Remembrancer & Special Secretary to
Government, Haryana, Law and Legislative Department.


22/8/2023

A.C.S., Home (Bunny) 
22/8/23
U.O. No.7223-Leg.III (469)A/2023/843

Dated Chandigarh, the 22/08/2023.

Attested


Superintendent
Home Confidential Branch
Haryana Civil Secretariat Chandigarh

O/o ACS Home

File No. 45390

Dated. 22/08/2023