

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 10th October, 2008

No. Leg. 38/2008.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 25th September, 2008, and is hereby published for general information :—

HARYANA ACT NO. 36 OF 2008

THE HARYANA TOWN IMPROVEMENT ACT, 2008

AN

ACT

to make provisions for the improvement and expansion of the towns and to incorporate new concepts of planning and redevelopment and to make provisions for better planning, regulating development and use of land to improve certain areas of these towns and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Fifty-ninth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title, extent and application.

1. (1) This Act may be called the Haryana Town Improvement Act, 2008
- (2) It extends to the whole of the State of Haryana.
- (3) It shall apply to municipal areas and also to any other area, which the State Government may, by notification, specify.

Definitions.

2. (1) In this Act, unless there is something repugnant in the subject or context,—
 - (i) “Collector” means the Deputy Commissioner of the district concerned;
 - (ii) “Deputy Commissioner” means the Deputy Commissioner of the district concerned;
 - (iii) “Director” means the Director, Urban Local Bodies Department, Haryana;
 - (iv) “District Town Planner” means the District Town Planner, Town and Country Planning Department, Haryana;

- (v) "Land" includes land as defined in clause (a) of section 3 of the Land Acquisition Act, 1894 (Act 1 of 1894);
- (vi) "Land Acquisition Act" means the Land Acquisition Act, 1894 (Act 1 of 1894);
- (vii) "Local Area" means the area to which this Act has been applied and the area within which trust has been created for the purposes of carrying out the provisions of this Act;
- (viii) "Local Authority" includes a trust constituted under this Act;
- (ix) "Notification" means a notification published in the Official Gazette;
- (x) "Plan" means the plan prepared under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) or the Haryana Municipal Act, 1973 (Haryana Act 24 of 1973);
- (xi) "Prescribed" means prescribed by the rules made under this Act;
- (xii) "State Government" means the Government of the State of Haryana in the Administrative Department;
- (xiii) "Street Alignment" means lines forming the boundaries of a street dividing the same from lands adjoining on either side.

(2) Words and expressions used in this Act but not defined shall have the meanings respectively assigned to them in the Haryana Municipal Act, 1973 (Act 24 of 1973), hereinafter called the Municipal Act.

(3) All references to anything done, required, authorized, permitted, forbidden or punishable, or to any power vested, under this Act, shall include anything done, required, authorized, permitted, forbidden or punishable or any power vested—

- (a) by any provision of this Act; or
- (b) by any rule or scheme made under the provisions of this Act; or
- (c) under any provision of the Municipal Act, which the trust has by virtue of this Act power to enforce.

CHAPTER II

CONSTITUTION OF TRUSTS

3. The duty of carrying out the provisions of this Act in any local area shall, subject to the conditions and limitations hereinafter contained, be vested in the Board to be called "The (name of town) Improvement Trust" hereinafter referred to as "the trust", and every such board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

Creation and
incorporation of
trust.

Constitution of trust.

4. The trust shall consist of nine trustees to be appointed by the State Government, by notification, namely :—

- (a) a chairman;
- (b) two elected members of the municipality; and
- (c) six other persons, three of whom shall be a District Town Planner, Executive Engineers of Public Works Department (Buildings and Roads) and Public Health Department of the State Government.

Term of office of chairman.

5. The chairman shall hold office during the pleasure of the State Government provided that his term of office shall not exceed three years, but when the trust ceases to exist, the term of office shall be deemed to expire on the date of the dissolution of the trust. He shall be eligible for reappointment.

Term of office of other trustees.

6. The term of office of other trustees shall be as under :—

- (a) the trustee appointed under clause (b) of section 4 shall hold office for a period of three years or until he ceases to be a member of the committee;
- (b) the non-official trustee appointed under clause (c) of section 4 shall hold office during the pleasure of the State Government; provided that the term of office shall not exceed three years, but when the trust ceases to exist the term of office shall be deemed to expire on the date of the dissolution of the trust;
- (c) during the period of dissolution of a committee under section 254 of the Municipal Act, the two seats allotted to the committee on the trust under clause (b) of section 4 shall be filled by the State Government by appointing any two persons by notification. The term of office of every trustee so appointed shall be three years or until the trust is dissolved, whichever period is less or he ceases to be a member of the committee; provided that if the committee is reconstituted two members of the committee shall be appointed in accordance with the provisions of section 4, and on their appointment the two trustees appointed earlier by the State Government, under this section shall cease to be members of the trust.

Resignation of trustee.

7. (1) Any trustee may at any time resign his office :

Provided that such resignation shall not take effect until accepted by the trust.

(2) The term of office of the appointed and elected trustees shall commence on such date as may be notified in this behalf by the State Government

