

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 26th September, 2013

No. Leg.16/2013.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 25th September, 2013, and is hereby published for general information:—

(HARYANA ACT NO. 13 OF 2013)

The Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Act, 2013.

AN

ACT

to make special provisions for providing essential services in civic amenities and infrastructure deficient municipal areas in the State of Haryana and for matters connected therewith and incidental thereto.

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

Short title and commencement.

1. (1) This Act may be called the Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Act, 2013.

(2) It shall come into force on such date, as the Government may, by notification in the Official Gazette, specify.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) “competent authority” means an authority competent to take legal action for violations, under the provisions of the Haryana Municipal Act, 1973 (24 of 1973), the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), the Punjab New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1953), or any other law for the time being in force;
- (b) “declared area” means an area declared to be civic amenities and infrastructure deficient area under section 3;
- (c) “essential services” means water supply, sewerage, roads and street lights;
- (d) “Government” means the Government of the State of Haryana in the Administrative Department;
- (e) “municipal area” means the municipal area as defined in the Haryana Municipal Act, 1973 (24 of 1973) or the Haryana Municipal Corporation Act, 1994 (16 of 1994), as the case may be;

- (f) "municipality" means a municipality as defined in the Haryana Municipal Act, 1973 (24 of 1973) and the Haryana Municipal Corporation Act, 1994 (16 of 1994);
- (g) "unauthorized building" means a building that has been erected in contravention of the provisions of the Haryana Municipal Act, 1973 (24 of 1973), the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), the Punjab New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1953) or any other law for the time being in force.

3. The Government may, by notification in the Official Gazette, declare an area within the municipal area to be civic amenities and infrastructure deficient area wherein—

Declared area.

- (a) construction has taken place on more than fifty percent plots prior to the 30th June, 2009; and
- (b) a resolution to this effect is passed by the concerned municipality and recommended by the concerned Divisional Commissioner in case of a Municipal Corporation and the Deputy Commissioner in case of a municipality:

Provided that the resolution already passed by the concerned municipality and recommended by the Divisional Commissioner or the Deputy Commissioner, as the case may be, fulfils the criteria, laid down by the Government for regularization of colonies.

4. (1) Notwithstanding anything contained in any other State law for the time being in force in the State of Haryana, any judgment, decree or order of any court or any authority to the contrary, any rules, regulations or bye-laws made thereunder, the Government shall within a period of one year from the commencement of this Act, take all possible measures to finalise norms, policy guidelines and feasible strategies to deal with the problem of civic amenities and infrastructure deficiencies, in the declared areas.

Enforcement to be kept in abeyance.

(2) All notices and restoration orders passed prior to the commencement of this Act, by any competent authority in the declared area for initiating legal action against persons who have sub-divided the land without authority or have erected or re-erected unauthorized buildings in contravention of provisions of the Haryana Municipal Act, 1973 (24 of 1973), the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), or any other law for the time being in force, shall be deemed to have been suspended in the declared area and no further punitive action shall be taken during the aforesaid period of one year, except in the cases forwarded and pending before any court.

Regularization of plots/buildings.

5. Notwithstanding anything contained in any other State law for the time being in force, the concerned municipality under which the declared area falls, may initiate action for providing essential services in such an area and further the plots or buildings located in the declared area shall, subject to the payment of fee and fulfilment of the terms and conditions within the specified time, as may be prescribed by the Government, be deemed to be regularized.

Entitlement for benefit.

6. No person shall be entitled to claim any benefit or relief unless all the terms and conditions as specified by the Government have been fulfilled and requisite fee, as may be prescribed by the Government, has been deposited.

Immunity.

7. (1) No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government in respect of any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

Bar of jurisdiction.

8. No civil court shall have the jurisdiction to entertain any suit relating to matters falling under this Act or the rules made thereunder.

Exemptions.

9. Nothing in this Act shall apply to an area—

- (a) which is notified/covered under the Land Acquisition Act, 1894 (Central Act 1 of 1894), the Forest Conservation Act, 1980 (Central Act 69 of 1980), the Environment Protection Act, 1986 (Central Act 29 of 1986), the Works of Defence Act, 1903 (Central Act 7 of 1903), the Indian Electricity Act, 1910 (Central Act 9 of 1910) or any other Central Act;
- (b) owned by the Central or the State Government;
- (c) owned by Boards and Corporations of the Central or the State Government;
- (d) owned by public sector undertakings constituted under any law;
- (e) where any industrial unit is located;
- (f) where any commercial building, mall, multiplex, hotel or banquet hall is located;
- (g) where any other type of building, as may be prescribed by the Government, is located.

Power to make rules.

10. The Government may, by notification in the Official Gazette and subject to previous publication, make rules for carrying out the purposes of this Act.

RAJ RAHUL GARG,
Secretary to Government, Haryana,
Law and Legislative Department

[Authorised English Translation]

HARYANA GOVERNMENT

URBAN LOCAL BODIES DEPARTMENT

Notification

The 1st October, 2013

No. S.O. 79/H.A. 13/2013/S. 1/2013.—In exercise of the powers conferred by sub-section (2) of section 1 of the Haryana Management of Civil Amenities and Infrastructure Deficient Municipal Areas (Special provisions)Act, 2013, (Haryana Act 13 of 2013) the Governor of Haryana hereby specifies the 26th September, 2013 to be the date, on which the said Act shall come into force.

P. RAGHAVENDRA RAO,

Principal Secretary to Government, Haryana,

Urban Local Bodies Department.