

PART-I
LEGISLATIVE DEPARTMENT

Notification

The 2nd April, 2002

No. Leg. 5/2002.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 30th March, 2002, and is hereby published for general information :—

Haryana Act No. 5 of 2002

THE HARYANA MUNICIPAL (AMENDMENT) ACT, 2002

AN

ACT

further to amend the Haryana Municipal Act, 1973.

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

1. This Act may be called the Haryana Municipal (Amendment) Act, 2002. Short Title.
2. In section 2 of the Haryana Municipal Act, 1973 (hereinafter called the principal Act),— Amendment of section 2 of Haryana Act 24 of 1973.
 - (i) after clause (1), the following clause shall be inserted, namely :—
'(1A) "Board" means the Haryana Urban Infrastructural Development Board constituted under Section 203 I;'
 - (ii) after clause (5), the following clause shall be inserted, namely :—
'(5A) "Chief Administrator" means the Chief Administrator of the Board;'
 - (iii) for clause (9), the following clause shall be substituted, namely :—
'(9) "Director" means the Director Urban Development Department, Haryana;'
 - (iv) after clause (12A), the following clause shall be inserted, namely :—
'(12AA) "Fund" means the Haryana Urban Infrastructural Development Fund constituted under section 203 L;'
3. In clause (a) of section 69 of the principal Act, for the words "not be less than seven and a half per centum", the words "not be less than two and a half per centum" shall be substituted. Amendment of section 69 of Haryana Act 24 of 1973.
4. For sub-section (1) of section 203D of the principal Act, the following Sub-section shall be substituted, namely :— Amendment of section 203 D of Haryana Act 24 of 1973.
 - "(1) No land and building within the controlled area shall, except with the permission of the Director and on payment of such conversion charges, scrutiny fee and development charges as may be prescribed from time to time, be used for purposes, other than those for which

it was used on the date of publication of the notification under subsection (1) of section 203 C and no land within such controlled area shall be used for the purposes of a charcoal-kiln, pottery-kiln, lime-kiln, brick-kiln or brick-field, or for quarrying stone, bajri, surkhi, kankar or for other similar extractive or ancillary operation except under and in accordance with the conditions of a licence as may be prescribed.”

Substitution of
section 203 G of
Haryana Act 24 of
1973.

5. For section 203 G of the principal Act, the following sections shall be substituted, namely :—

“203G. Powers and functions of Director.—All powers and functions of the Director, Town and Country Planning, Haryana, being performed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act 41 of 1963), and the rules made thereunder as applicable to the areas within municipal limits, shall be exercised and performed by the Director and the acts already done under the provisions of the said Act and the rules made thereunder, shall be construed to be acts done by the Director under this Act. The powers of the Commissioner and Secretary to Government, Haryana, Town and Country Planning Department under the above Act, shall be exercised by the Commissioner and Secretary to Government, Haryana, Urban Development Department, under this Act, within the municipal limits.

203H. Issue of no objection certificate for sanction/release of electricity, water and sewerage connection in buildings.—Within the limits of municipality every owner before applying for sanction/release of electricity, water and sewerage connection, shall obtain no objection certificate from the municipality.

203I. Establishment and constitution of Board.— (1) The State Government shall, for exercising the powers conferred on and performing the functions and duties assigned to the Board by or under this Act, establish and constitute the Haryana Urban Infrastructural Development Board.

(2) The Board so constituted shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to enter into contracts, and shall by the said name sue and be sued.

(3) The Board shall consist of a Chairman, Vice-Chairman, Chief Administrator, Secretary and the following other ex-officio members, namely :—

- (i) Financial Commissioner and Secretary to Government, Haryana, Finance Department;
- (ii) Commissioner and Secretary to Government, Haryana, Town and Country Planning Department;
- (iii) Chief Administrator, Haryana Urban Development Authority;
- (iv) Chief Administrator, Housing Board, Haryana;
- (v) Project Director, Swarn Jayanti Shchri Rojgar Yojna and State Urban Development Society;
- (vi) Engineer-in-Chief, Public Works Department (Public Health Branch);
- (vii) Engineer-in-Chief, Public Works Department (Buildings and Roads Branch);
- (viii) Chief Town Planner, Urban Development Department, Haryana;
- (ix) Superintending Engineer, Urban Development Department, Haryana.

(4) The Minister, Urban Development Department, Haryana, Commissioner, Urban Development Department, Haryana, Director, Urban Development Department, Haryana and Additional Director, Urban Development Department, Haryana, shall be ex-officio Chairman, Vice-Chairman, Chief Administrator and Secretary of the Board, respectively. The Board may associate any person whose assistance or advice it may require for carrying out the purposes of this Act.

203J. Meetings of Board.—(1) The Board shall meet at least once in six months. Every meeting shall be presided over by the Chairman and in his absence by the Vice-Chairman. The Chairman may, whenever so required, call a special meeting.

(2) In every meeting one third of the members shall form the quorum.

(3) The minutes of each proceeding shall be recorded and maintained in such form as may be prescribed.

203K. Staff of Board.—To maintain the record, accounts, proceedings of the meeting and other works or any duty under this Act, the Chief Administrator may utilise the services of the Staff of Directorate of Urban Development Department. The Board may, with the prior approval of the State Government, create such posts

and appoint such Officers and Servants thereto as it may consider necessary for the efficient discharge of its duties.

203L. Constitution of Fund.—(1) There shall be constituted a Fund to be called the Haryana Urban Infrastructural Development Fund which shall vest in the Board.

(2) It shall be administered by the Chief Administrator of the Board.

(3) To the credit of the Fund shall be placed—

(a) licence fee, scrutiny fee, service charges and composition fee realized on account of licences granted by the Director under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act 41 of 1963) and the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), in the Municipal Areas of the State;

(b) grants, loans and financial assistance from the Central Government or State Government or from any other source which is deemed appropriate by the Government to be credited to the Fund;

(c) any other fee or charges to be specified by the Government.

203M. Utilization of Fund.—The Fund shall be utilized by the Board for—

(1) provision for and upgradation of Urban Infrastructure in all Municipalities in the State;

(2) upgradation and modernization of Town Planning and its implementation Techniques and Urban Affairs in all Municipalities in the State;

(3) providing training facilities in Urban management and Human Resource Development of Municipalities and the Urban Development Department;

(4) organizing seminars, workshops and conferences on Urban management;

(5) coordinating, planning and implementing the approved schemes and projects of the municipalities; and

(6) any other purpose as approved by the Board.

203N. Audit of Account of Fund.—The Directorate of Local Audit or the authority as specified by the State Government by order, shall audit the account of Fund annually.”

6. (1) The Haryana Municipal (Second Amendment) Ordinance, 2001 (Haryana Ordinance No. 3 of 2001), is hereby repealed. Repeal and Saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

L. N. MITTAL,
Secretary to Government Haryana,
Legislative Department.