

PART-I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 19th September, 2023

No. Leg. 27/2023.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 13th September, 2023 and is hereby published for general information:—

HARYANA ACT NO. 25 OF 2023**THE HARYANA MUNICIPAL CORPORATION (AMENDMENT) ACT, 2023**

AN

ACT

further to amend the Haryana Municipal Corporation Act, 1994.

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

1. This Act may be called the Haryana Municipal Corporation (Amendment) Act, 2023. Short title.
2. In section 6 of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act),- Amendment of section 6 of Haryana Act 16 of 1994.
 - (i) for sub-section (1), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 16th May, 2023, namely:-

“(1) The total number of seats for each Corporation shall be fixed by the Government on the basis of the population drawn from the Family Information Data Repository established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021) on such date, as may be notified by the Government:

Provided that where the population as drawn from Family Information Data Repository is less than 140 per centum of the number of electors registered in such areas as per the last published Electoral Roll, then the population equal to 140 per centum of the number of voters in the electoral roll of the area shall be considered.

Illustration.- (i) Where the population as per Family Information Data Repository is 150 and the number of voters in a ward as per the last published electoral roll is 100, the population after 140 per centum comes to 140. In this case, the population as per Family Information Data Repository shall be considered being higher.

(ii) Where the population as per Family Information Data Repository is 125 and the number of voters in a ward as per the last published electoral roll is 100, the population after 140 per centum comes to 140. In this case, the population as per last published electoral roll shall be considered being higher.”;
 - (ii) in sub-section (4), for the figure “10”, the figure “20” shall be substituted and shall be deemed to have been substituted with effect from the 16th May, 2023;
 - (iii) in sub-section (5), for the words “Backward Classes”, the words, signs and alphabet “Backward Classes ‘A’ ” shall be substituted shall be deemed to have been substituted with effect from the 16th May, 2023;
 - (iv) explanation existing at the end shall be omitted and shall be deemed to have been omitted with effect from the 16th May, 2023.
3. In section 11 of the principal Act,- Amendment of section 11 of Haryana Act 16 of 1994.
 - (i) in sub-section (3), for the figures, brackets, signs and word “(1), (2) and (4)”, the figures, brackets and word “(1) and (2)” shall be substituted and shall be deemed to have been substituted with effect from the 16th May, 2023;

- (ii) for sub-section (4), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 16th May, 2023, namely:-

“(4) (a) The seats shall be reserved for the Backward Classes ‘A’ in every Corporation and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats in that Corporation as one-half of the proportion of Backward Classes ‘A’ population to the total population in that Corporation and rounded off to the next higher integer in case the decimal value is 0.5 or more; and such seats shall be allotted by draw of lots among three times of the number of seats, proposed for reservation of Backward Classes ‘A’, after excluding those seats already reserved for Scheduled Castes, drawn from those seats which are having the largest percentage population of Backward Classes ‘A’ and also by rotation in the subsequent elections:

Provided that the Corporation shall have at least one member belonging to the Backward Classes ‘A’ if their population is two per centum or more of the total population of the Corporation:

Provided further that where the number of seats so reserved for Backward Classes ‘A’ under this sub-section added to the number of seats reserved for the Scheduled Castes exceeds fifty per centum of the total number of seats in that Corporation, then the number of seats reserved for the Backward Classes ‘A’ shall be restricted to such largest number that shall lead to the total of the seats reserved for the Backward Classes ‘A’ and Scheduled Castes not exceeding fifty per centum of the total seats in that Corporation.

Explanation.-(1) For the purposes of reservation of Backward Classes ‘A’ under this sub-section, the population of the Municipal Corporation area and the population of Backward Classes ‘A’ in that Municipal Corporation shall be such as drawn from the Family Information Data Repository established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021) on such date, as may be notified by the Government.

Explanation.-(2) For the purposes of the second proviso, fifty per centum of the total seats in the Corporation shall be taken as one-half of the total seats of the Corporation rounded up to the next higher integer where the decimal value is 0.5 or more or rounded down to the next lower integer where the decimal value is less than 0.5.

- (b) Not less than one-third of the total number of seats reserved under this sub-section shall be reserved for women belonging to the Backward Classes ‘A’ and such seats may be allotted by rotation and by lots amongst the wards reserved under this sub-section.”;
- (iii) in sub-section (5), for the words “Backward Classes”, the words, signs and alphabet “Backward Classes ‘A’ ” shall be substituted and shall be deemed to have been substituted with effect from the 16th May, 2023;
- (iv) in sub-section (7), the sign, figure and brackets “, (4)” shall be omitted and shall be omitted to have been substituted with effect from the 16th May, 2023.

4. In section 267 of the principal Act,-

- (i) for the proviso to sub-section (1), the following proviso shall be substituted, namely:-

“Provided that where an individual or a company applies for preparation or approval of town planning scheme over its land, then the un-built area shall not be declared and no resolution from the Corporation shall be required. In case an application is received from an individual or a company for the town planning scheme, the Commissioner shall forward the same alongwith all relevant documents to the Government within a period of thirty days from the date of the receipt of the application. However, a resolution from the Corporation shall be required if the Corporation draws a town planning scheme for un-built area and building scheme for built area on its land or jointly with an individual or a company.”;

(ii) in sub-section 2,-

- (a) for the sign “.” existing at the end, the sign “:” shall be substituted;
- (b) the following proviso shall be added, namely:-

“Provided that public notice shall not be required in case town planning scheme is applied by an individual or a company on its land.”.

5. (1) The Haryana Municipal Corporation (Amendment) Ordinance, 2023 (Haryana Ordinance No. 2 of 2023) is hereby repealed. Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

NARENDER SURA,
Acting L.R./Additional Legal Remembrancer and
Special Secretary to Government, Haryana,
Law and Legislative Department.