

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

The 11th December, 2020

No. Leg. 42/2020.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 26th November, 2020 and is hereby published for general information:—

HARYANA ACT NO. 32 OF 2020**THE HARYANA MUNICIPAL CORPORATION (SECOND AMENDMENT) ACT, 2020**

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ACT

further to amend the Haryana Municipal Corporation Act, 1994.

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

1. This Act may be called the Haryana Municipal Corporation (Second Amendment) Act, 2020. Short title.
2. In sub-section (1) of section 13 of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act),- Amendment of section 13 of Haryana Act 16 of 1994.
 - (i) in the existing proviso, for the sign “.” existing at the end, the sign “:” shall be substituted;
 - (ii) after the existing proviso, the following proviso shall be added, namely:-
“Provided further that the provisions of this section shall not apply in the case of vacancy occurred in the office of the Mayor.”.
3. After section 37A of the principal Act, the following sections shall be inserted, namely:- Insertion of sections 37B and 37C in Haryana Act 16 of 1994.

“37B. Motion of no-confidence against Mayor elected directly.— (1) A motion of no-confidence against the Mayor who has been elected directly in terms of sub-section (2) of section 4 shall be in writing and signed by not less than one-half of the total number of elected members along with a copy of the motion, which shall be delivered by any two of the members signing the notice to the concerned Divisional Commissioner:

Provided that for the purposes of calculating the number of the elected members, the Mayor shall be considered as an elected member.

(2) The Divisional Commissioner shall then convene a meeting of the elected members for the consideration of the motion to be held on the date and time appointed by him, by giving a clear notice in writing of not less than fourteen days:

Provided that members nominated under sub-section (3) of section 4 shall not be entitled to be present or vote in the meeting.

(3) As soon as the meeting convened under sub-section (2) has commenced, the Divisional Commissioner shall read to the elected members, the motion for the consideration and declare it to be open for discussion and he shall not speak on the merits of the motion or vote thereon.

(4) The motion shall be carried only when it has been passed by a majority of three-fourth of the total number of elected members and if such a motion is passed, the Mayor shall be deemed to have vacated his office.

(5) A copy of the minutes of the meeting along with a copy of the motion and the result of the voting thereon shall be forwarded forthwith by the Divisional Commissioner to the Government. The Government on receipt of the same, if no-confidence motion is passed, shall forward it to the State Election Commission for de-notification and to conduct fresh elections for the post of the Mayor.

(6) In case motion is not passed, as referred to in sub-section (4) or if the meeting could not be held for want of quorum, no notice of any subsequent motion of no-confidence against the same Mayor shall be entertained, unless a period of six months from the date of such voting or the date of such meeting, as the case may be, has expired.

(7) If no-confidence motion is passed against the Mayor, the Senior Deputy Mayor or the Deputy Mayor, as the case may be, shall exercise the powers and discharge the functions of the Mayor till the new Mayor enters his office.

“37C. Discharge of functions of Mayor in case of vacancy.— (1) When the office of the Mayor is vacant by reason of illness, death, resignation or otherwise, the Senior Deputy Mayor and in his absence, the Deputy Mayor shall act as the Mayor until the Mayor enters the office.

(2) If due to any exigency, the Mayor or the Senior Deputy Mayor or the Deputy Mayor is unable to exercise the powers and discharge the functions of the Mayor as provided in sub-section (1), the Divisional Commissioner shall exercise the powers and discharge the functions of the Mayor till the Mayor, Senior Deputy Mayor or Deputy Mayor, as the case may be, enters the office.”.

Amendment of section 164 of Haryana Act 16 of 1994.

4. In clause (c) of section 164 of the principal Act,-

- (i) in the second proviso, for the words “collector rate”, the words and sign “collector rate or any other concessional rate, as may be determined by the Government” shall be substituted;
- (ii) for the sign “.” existing at the end, the sign “:” shall be substituted;
- (iii) after the second proviso, the following proviso shall be added, namely:-

“Provided further that ownership rights in respect of shops and houses which are on lease or rent or license fee or tehbazari or otherwise for the last twenty years or more, may be transferred by way of sale, on such terms and conditions, including the rate at which such ownership rights shall be transferred, as specified in the policy framed in this behalf by the Government, from time to time.”.

BIMLESH TANWAR,
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