



Haryana Government Gazette

EXTRAORDINARY

Published by Authority

© Govt. of Haryana

No. 48-2021/Ext.]

CHANDIGARH, MONDAY, MARCH 22, 2021
(CHAITRA 1, 1942 SAKA)

LEGISLATIVE SUPPLEMENT

CONTENTS

PART - I	ACTS	PAGES
1.	THE HARYANA MUNICIPAL CORPORATION (AMENDMENT) ACT, 2021 (HARYANA ACT NO. 4 OF 2021).	47-52
2.	THE HARYANA MUNICIPAL (AMENDMENT) ACT, 2021 (HARYANA ACT NO. 5 OF 2021)	53-60
3.	THE HARYANA DEVELOPMENT AND REGULATION OF URBAN AREAS (AMENDMENT) ACT, 2021 (HARYANA ACT NO. 6 OF 2021)	61
PART - II	ORDINANCES	
	NIL	
PART - III	DELEGATED LEGISLATION	
	NIL	
PART - IV	CORRECTION SLIPS, REPUBLICATIONS AND REPLACEMENTS	
	NIL	

PART – I
HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 22nd March, 2021

No. Leg. 4/2021.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 20th March, 2021 and is hereby published for general information:—

HARYANA ACT NO. 4 OF 2021

THE HARYANA MUNICIPAL CORPORATION (AMENDMENT) ACT, 2021

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-second Year of the Republic of India as follows:—

1. This Act may be called the Haryana Municipal Corporation (Amendment) Act, 2021.

Short title.

2. For sub-section (1) of section 67 of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act), the following section shall be substituted and shall be deemed to have been substituted with effect from the 31st May, 1994, namely:—

Amendment of section 67 of Haryana Act 16 of 1994

“(1) The Government may, by notification constitute, in the prescribed manner, all or any of the categories of Corporation services and notwithstanding anything to the contrary contained in any other provision of this Act, once a category of Corporation services has been constituted, all employees of category, who are in service on the date of such constitution or who shall come into the service on any subsequent date, shall constitute one-single joint cadre of that category of Corporation services:

Provided that the Government shall appoint a Corporation Secretary for performing the duties assigned to him under this Act for every Corporation.”.

3. In section 87 of the principal Act,—

Amendment of section 87 of Haryana Act 16 of 1994.

(i) for clause (a) of sub-section (1), the following clause shall be substituted, namely:—

“(a) a property tax payable by the owner or occupier of a building or land in the municipal area, calculated depending upon the area in which the building or land is situated, its location, purpose for which it is used, its capacity for profitable use, quality of construction and other relevant factors, method of calculation and the rates for application be such, as the Government shall, by notification in the Official Gazette specify. The rates of tax may be different for different types of properties like residential, non-residential or commercial, industrial, institutional etc. and may be at flat rate or at a graded scale; and in all cases, those shall be the floor rates and the Corporation may increase the rates prospectively at any time by following the due procedure as specified by the Government:

Provided that no property tax shall be payable on any land being exclusively used for agricultural purposes.

Explanation.— For the purposes of this clause,—

- (1) the words “land being exclusively used for agricultural purposes” shall include the land on which any structure has been raised for the purposes of keeping electricity meter and other electric fixture for tubewell connection.
- (2) the words “floor rate” means the minimum rate, as specified in the notification to be issued under the said clause;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:-

“(3) Save as provided in clause (a) of sub-section (1), the taxes as specified in sub-section (1) and sub-section (2) shall be levied at such rates, as may from time to time be specified by the Government, by notification and shall be assessed and collected in accordance with the provisions of this Act and the bye-laws made thereunder.”.

Insertion of sections 87D and 87E in Haryana Act 16 of 1994.

4. After section 87C of the principal Act, the following sections shall be inserted, namely:-

“**87D. Levy of penalty on unlawful building.**— (1) Whoever unlawfully constructs or reconstructs any building or part of a building,-

- (a) on his land without obtaining permission under this Act or any other law for the time being in force or any rules or bye laws made thereunder or in contravention of any condition attached to such permission; or
- (b) on a site belonging to him which is formed without approval under the relevant applicable law, including rules framed/instructions issued thereunder; or
- (c) on any land belonging to, or leased by the Corporation, the Central Government or Government, or any statutory Board/Corporation or organization or company set up by any such Government, in breach of any provisions of this Act or of any other law for the time being in force and the rules and bye-laws made there-under,

shall be liable to pay every year a penalty, which shall be equal to twice the amount of property tax leviable on such building, so long as it remains unlawful construction without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction and the penalty paid under sub-section (1), shall be determined as collected under the provisions of this Act, as if the amount thereof were a property tax due against any such person:

Provided that none of such levy and collection of tax and penalty shall be construed as having regularised such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

87E. Levy of penalty on unlawful use of a building or land.— (1) Whoever puts a building or land or a part thereof to any use either in contravention of any law for the time being in force regulating or controlling the use of such building or land or part thereof or in violation of an order or direction, if any, issued under such law, shall be liable to pay a penalty, which shall be equal to two times the amount of property tax that is leviable on such building or land or part thereof, as the case may be, under sub-section (1) of section 87 of this Act for the whole period of such unlawful use on annual basis, calculated construing part of a year as full year and the penalty paid under this sub-section shall be determined as collected under the provisions of this Act, as if the amount thereof were a property tax due against any such person.

(2) The penalty imposed or paid under sub-section (1) shall be without prejudice to any proceedings which may be instituted against the user in respect of such unlawful use and shall not clothe him with any right to raise the plea of regularisation of such unlawful use; and shall not be offset against any composition that may be lawfully accepted from him.”.

Amendment of section 89 of Haryana Act 16 of 1994.

5. In clause (a) of section 89 of the principal Act, for the words “annual value” the word “value” shall be substituted.

Insertion of sections 96A and 96B in Haryana Act 16 of 1994.

6. After section 96 of the principal Act, the following sections shall be inserted, namely: –

“**96A. Issue of no dues certificate for registration of certain documents.**— A document in respect of sale, transfer, lease, gift or alienation, in any manner, of any lands or buildings, situated in a municipal area, which is required to be registered under section 17 of the Registration Act, 1908 (Central Act 16 of 1908), shall not be registered

unless the said document is accompanied with a no dues certificate issued by the Commissioner which shall remain valid for a period of three months or for such other time period, as may be specified by the Government, from time to time, certifying that all municipal dues including rents, taxes, cesses, charges, fees, fines and penalties in respect of such lands and/or buildings as mentioned in the document, payable or recoverable under this Act or the rules, bye-laws or regulations made thereunder, have been fully paid:

Provided that the Government may by order, exempt, wholly or partly, such lands and buildings, which have fallen for the first time or have fallen afresh in the municipal area as a result of a notification issued under section 3 of the Act, from the requirements of this section, for such duration, as the Government may deem fit.

96B. Issue of no objection certificate for sanction/release of electricity, water and sewerage connection.— Any person before making application to concerned authority for sanction/release of electricity, water and sewerage connection to any premises, shall obtain a no dues certificate from concerned municipal corporation and no authority shall sanction/release such connection unless no dues certificate is accompanied with the application.

Explanation.— For the purposes of this section, the term ‘sanction/release’ shall include restoration of disconnection or increase in capacity/load, etc.”.

7. For section 122 of the principal Act, the following section shall be substituted, namely:-

“122. Control and regulation of advertisement in public spaces. – (1) The Commissioner, or such other authority as specified by the Government, shall control and regulate all advertisements displayed in public spaces and means of transport in the municipal area. They shall for this purpose, identify the suitable spots and sites for displaying advertisement in the municipal area and may, as part of this exercise, invite, by wide publicity, applications from the interested persons for letting out public visual landscape of their premises or vehicles for display of advertisements. The Commissioner or an authority as specified by the Government shall decide all such applications made to him by finalising the identification of spots, sites and vehicles after taking into consideration such relevant factors, which are either specified by the Government or directed in terms of any order of the court of law exercising such jurisdiction or specified under any policy of the Government.

(2) Any person, desirous of putting up an advertisement at a spot, site or vehicle, identified under sub-section (1), shall make an application in such manner, as may be specified by the Government, to the Commissioner or to the authority for permission, who shall dispose of the same by taking into consideration all the relevant factors, within a reasonable time and may, while doing so, impose such other restrictions and conditions as befits the facts and circumstances of each case. No application shall, in any circumstances, be entertained for putting up an advertisement at a spot, site or vehicle different from those which have been identified under sub-section (1).

(3) The Commissioner or the authority, as specified by the Government, shall, before giving such a permission for putting up an advertisement under sub-section (2), shall enter into a rent sharing arrangement with the owner/occupier of the identified premises or owner/user of the identified vehicle (other than the building, land or vehicle belonging to the Municipal Corporation) where the advertisement is to be put up; and shall, at the time of giving permission, charge a permission fee from the applicant advertiser at the rates as determined by an authority appointed by the Government for this purpose and different authorities may be appointed for different Corporations or regions of the State.

(4) The Government may lay down guidelines/policy for the identification of sites, spots and vehicles, the processing of applications made for giving permission for putting up the advertisements, the rent sharing arrangements and other relevant matters, as it deems fit.

(5) No advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon any vehicle or shall be displayed in any manner whatsoever in any place within the municipal area without the written permission of the Commissioner or the authority as specified by the Government, as the case may be.

Substitution of section 122 of Haryana Act 16 of 1994.

Explanation.— For the purposes of this section, “a public space” means a place that is generally open and accessible to people and includes-

- (i) roads, flyovers, pavement, sidewalks, streets, public squares, parks, gardens, water bodies, lakes, river fronts, green belts along the roads;
- (ii) government buildings which are open to the public, such as public libraries, museums, monuments, zoos, aquariums, open air theatres, sports grounds, stadiums;
- (iii) railway stations, metro railway stations, bus stands, taxi stands, rickshaw stands, bus queue shelters, street furniture, parking places;
- (iv) all other lands, buildings and structures, whether in government hands or private, that are visible from sidewalks, public thoroughfares and other public places in so far as they affect the public visual landscape.”.

Amendment of section 132 of Haryana Act 16 of 1994.

8. In section 132 of the principal Act, for the words “annual value”, the word “value” shall be substituted.

Amendment of section 164 of Haryana Act 16 of 1994.

9. (1) In section 164 of the principal Act,-
(i) for the existing clause (a), the following clause shall be substituted , namely: -

“(a) the Commissioner may,-

- (i) dispose of by sale or otherwise, any movable property belonging to the Corporation, the depreciated value of which does not exceed five lakh rupees;
- (ii) grant a lease not exceeding a period of ten years of any immovable property belonging to the Corporation; or
- (iii) sell or grant a lease in perpetuity of any immovable property belonging to the Corporation, the prevailing collector rate value of which does not exceed five lakh rupees, or the annual market rent of which does not exceed fifty thousand rupees;”;

(ii) for clause (c), the following clause shall be substituted, namely:-

“(c) subject to other provisions of this Act, the consideration for which any immovable property may be sold, leased or otherwise transferred under the aforesaid clauses shall not be less than the value at which such immovable property could be sold, leased or otherwise transferred in normal and fair competition:

Provided that in case of transfer of immovable property to Government Department by way of sale or lease or otherwise, the property may be transferred at collector rate, subject to prior approval from the Government:

Provided further that in case of transfer of shop or house to individual, who is in possession of such property for the last twenty years or more, by way of rent or lease or otherwise, the property may be transferred at collector rate or any other concessional rate, as may be determined by the Government by way of sale, subject to prior approval of such authority, as may be specified:

Provided further that ownership rights in respect of shops or 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.”;

- (iii) after clause (ca), the following clause shall be inserted, namely:-
- “(cb) Notwithstanding anything to the contrary contained in this Act, the Commissioner shall sell, lease or let out on hire or otherwise transfer any moveable or immovable property belonging to the Corporation under the following circumstances, namely:-
- (i) on the directions of the Government to sell, lease or otherwise transfer any moveable or immovable property of the Corporation for such consideration, as specified by the Government;
 - (ii) when any policy framed by the Government requires, as a part thereof, to sell, lease or otherwise transfer any moveable or immovable property of the Corporation for consideration as specified in the said policy:

Provided that the prior sanction of Government shall be required before the Commissioner acts under clause (ii).”.

10. In section 350-D of the principal Act,-

- (i) for the sign “.” existing at the end, the sign “:” shall be substituted;
- (ii) the following proviso shall be added and shall be deemed to have been added with effect from the 1st April, 2014, namely:-

“Provided that 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 (Punjab 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. The powers of the Commissioner and Secretary to Government, Haryana Town and Country Planning Department under the above referred Act shall be exercised by the Administrative Secretary to the Government, Haryana, Urban Local Bodies Department under this Act, within the municipal limits:

Provided further that where provisions of this Act are silent regarding the provision of the controlled area, then the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) shall be deemed to be applicable *mutatis mutandis* within the municipal limit.”.

Amendment of section 350-D of Haryana Act 16 of 1994.

11. In clause (b) of section 385 of the principal Act, for the words “annual value”, the word “value” shall be substituted.

Amendment of section 385 of Haryana Act 16 of 1994.

12. In section 419 of the principal Act,-

- (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 and shall be deemed to have been added with effect from the 31st May, 1994, namely:-

“Provided further that on determination of their designation by the Commissioner under this section, the officers and employees shall constitute part of such categories of Corporation service as their designation, nature of work and duties befit and their services shall be governed by the provisions regulating the category of the respective service as per the notifications issued under sub-section (1) of section 67 of this Act constituting all or any of the categories of the Corporation services with effect from the date of such notifications and in case any doubt arising or claims made regarding designation, nature of work and duties that befit the services of any individual or class or categories of officer/employee, the matter shall be referred to the Government, whose decision in this regard shall be final and binding.”.

Amendment of section 419 of Haryana Act 16 of 1994.

Amendment of
section 422 of
Haryana Act 16 of
1994.

13. In sub-section (1) of section 422 of the principal Act, the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 31st May, 1994, namely:—

“(1) Subject to the provisions of section 67, when any municipality including area comprising rural area or a part thereof, if any, is declared and constituted a Corporation under sections 3 and 4 of this Act, the entire officers and employees serving in a municipality including area comprising rural area or a part thereof, if any, on a post in relation to which the Corporation is constituted, shall, on the declaration and constitution of the Corporation, be deemed to be transferred to the Corporation on the existing terms of service and integrated into the Corporation Service.”.

BIMLESH TANWAR,
Administrative Secretary to Government,
Haryana, Law and Legislative Department.