

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 26th September, 2013

No. Leg.15/2013.—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. 12 OF 2013)

The Haryana Municipal Corporation (Second Amendment) Act, 2013.

AN

ACT

further to amend the Haryana Municipal Corporation Act, 1994.

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

1. This Act may be called the Haryana Municipal Corporation (Second Amendment) Act, 2013. Short title.
2. After clause (f) of sub-section (1) of section 161 of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act), the following clause shall be inserted, namely:— Amendment of section 161 of Haryana Act 16 of 1994.

“(fa) all the properties, funds and dues alongwith all the legal liabilities of the trust dissolved under sub-section (1) of section 105, vested in the State Government under clause (b) of sub-section (2) and transferred to the municipality under the proviso to clause (d) of sub-section (2) of section 105 of the Haryana Town Improvement Act, 2008 (36 of 2008);”.
3. After section 263 of the principal Act, the following section shall be inserted, namely:— Insertion of section 263A in Haryana Act 16 of 1994.

“263A. Power to seal premises.—(1) The Commissioner may, at any time, before or after making an order under section 261 or 262 may order to seal the premises.

(2) Where any premises has been sealed, the Commissioner, may order such seal to be removed for the purpose of—

(a) allowing an opportunity to the owner to bring it in conformity with the sanctioned building plan as per

the provisions of this Act, rules or bye-laws framed thereunder within a period, which shall not exceed three months; or

(b) allowing the functionaries of the Corporation to bring it in conformity with the sanctioned building plan as per the provisions of this Act, rules or bye-laws framed thereunder at the cost of the owner; or

(c) demolition, at the cost of the owner.

(3) No person shall remove such seal except—

(a) under an order made by the Commissioner under sub-section (2); or

(b) under an order of the appellate authority.

(4) Where any order of sealing has been passed under sub-section (1), the owner may file an appeal before the Divisional Commissioner concerned within a period of seven days of passing of such order. The Divisional Commissioner may either reject the appeal or stay the order to allow the owner to bring the premises in accordance with the sanctioned building plan as per the provisions of this Act, rules or the bye-laws framed thereunder, with such conditions including furnishing of a bank guarantee of an amount, as deemed fit. On failure of the owner to adhere to the conditions of the order, bank guarantee shall be revoked and the premises shall be liable for demolition, at the cost of the owner. Such cost shall be paid by the owner within a period of one month from the date of demolition of the said premises.

(5) In the event of non-payment of the cost by the owner as per sub-section (3), the same shall be recoverable as arrears of land revenue.”.

Amendment of section 392 of Haryana Act 16 of 1994.

4. In section 392 of the principal Act,—

- (i) the existing section shall be re-numbered as sub-section (1);
- (ii) under heading “I. Bye-laws relating to miscellaneous matters”, after clause (5), the following clause shall be inserted, namely:—

“(5A) regulate the laying of communication cables (underground as well as over ground), erection of communication towers and dish antennas established and maintained by private agencies as well as semi-Government agencies;”.

(iii) after sub-section (1) so re-numbered, the following sub-section shall be added at the end, namely:—

“(2) Notwithstanding anything contained in sub-section (1), the Government may, subject to previous publication, frame bye-laws applicable to all the Corporations to implement a policy decision of the Government or to have uniformity of bye-laws on any subject, on which a Corporation can frame bye-laws.”.

5. In sub-section (1) of section 393 of the principal Act,—

Amendment of
section 393 of
Haryana Act 16
of 1994.

(i) in clause (c), for the sign “.” existing at the end, the sign “:” shall be substituted; and

(ii) after clause (c), the following proviso shall be added, namely:—

“Provided that a breach or an abetment of a breach under clause (5A) under heading “I. Bye-laws relating to miscellaneous matters” of section 392, shall be punishable with a fine which shall not be less than one lac rupees and more than two lac rupees, and in the case of a continuing breach, with a further fine of two thousand rupees for every day during which the breach continues.”.

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