

# Faridabad Complex (Regulation and Development) Act, 1971

HARYANA

India

## Faridabad Complex (Regulation and Development) Act, 1971

### Act 42 of 1971

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Faridabad Complex (Regulation and Development) Act, 1971 Haryana Act 42 of 1971 Statement of Objects and Reasons - Haryana Act 42 of 1971. - There is at present a multiplicity of local authorities in Faridabad-Ballahgarh area with the result that integrated development of this area is not possible. It is essential to devise a set up for administration of this area which would meet the objectives of rapid and integrated development and eliminate haphazard development This Bill seeks to achieve the object in view. Published vide Haryana Gazette Extra, dated 22.10.1971. Page 136. Statement of Objects and Reasons - Haryana Act 23 of 1988. - Since the pay scales of Faridabad Complex Administration employees have been revised, it has become necessary that the minimum and maximum limits of the Salary as contained in the proviso of sub-section (2) of section 4 of the Faridabad Complex (Regulation and Development) Act, 1971 may be raised to Rs. 1640 per mensem and Rs. 3,200 per mensem respectively. Therefore, the necessity of amending proviso to the sub-section 2 of the section 4 has arise, Hence this bill. Published vide Haryana Government Gazette (Extra Ordinary) dated 21 March, 1988 page 384. Statement of Objects and Reasons - Haryana Act 14 of 1989. - Faridabad Complex (Regulation and Development) Act, 1971, provides for constitution of an elected body to discharge such functions of Chief Administrator as may be prescribed by law after 18 years of coming into being of the Act. It is proposed to extend this period by two years. Published vide Haryana Government Gazette (Extra Ordinary) dated 8 September, 1989 page 1722. Statement of Objects and Reasons - Haryana Act 9 of 1991. - According to sub-section (1) of section 13 of the Faridabad Complex (Regulation and Development) Act, 1971, the Chief Administrator is empowered to enter into contracts, for and on behalf of the Administration, the value of which does not exceed rupees one lac in value. Approval of the State Government is required to be obtained for the works exceeding rupees one lac in value. Since the cost of the material and labour rates have increased considerably, it is proposed to raise this limit of rupees one lacs to rupees five lacs. Hence this Bill. Published vide Haryana Government Gazette (Extra Ordinary) dated 15 March, 1990 page 420. Statement of Objects and Reasons - Haryana Act 3 of 1992. - The Faridabad Complex (Regulation and Development) Act, 1971 provides for constitution of an elected body to discharge such functions of Chief Administrator or as may be prescribed by law

before the expiry of 20 years which is about to expire. It is proposed to extend this period by two years. Published vide Haryana Government Gazette (Extra Ordinary) dated 17 December, 1991 page 2200. Statement of Objects and Reasons - Haryana Act 4 of 1994. - To enable the State Government to extend the period from 14th January, 1994 to 31st May, 1994 for constitution of an elected body under the Faridabad Complex (Regulation and Development) Act, 1971. An Ordinance (Haryana Ordinance No. 1 of 1994) was promulgated on 10th January, 1994. The proposed Bill now seeks to replace this Ordinance into Bill for enactment in the ensuing session of the Legislative Assembly. Published vide Haryana Government Gazette (Extra Ordinary) dated 28, February, 1994 page 384. Received the assent of the Governor of Haryana on the 15th November, 1971 and first published in Haryana Government Gazette (Extraordinary) of November, 16, 1971. An Act to enact a uniform law for regulation and development of the Faridabad Complex and the adjoining towns and localities. Be it enacted by the Legislature of the State of Haryana in the Twenty-second Year of the Republic of India as follows :-

## **Chapter I**

### **Preliminary**

#### **1. Short title, extent, and commencement.**

(1) This Act may be called the Faridabad Complex (Regulation and Development) Act, 1971. (2) It extends to the whole of the Faridabad Complex and such other areas as may be included from time to time by the State Government by notification in the Official Gazette in the Faridabad Complex. (3) It shall come into force on such day as the State Government may, by notification in the Official Gazette, appoint in this behalf.

#### **2. Definitions.**

- In this Act, unless the context otherwise requires, -(a) "Administration" means the Administration of the Faridabad Complex established under Section 3 of this Act; (b) "advertisement" means any word, letter, model, sign, placard, board, notice, device or representation in any manner whatsoever wholly or in part, intended for the purpose of advertisement, announcement or direction, and includes any structure used or adapted for the display of advertisements; (c) "amenity" includes the construction and maintenance of roads, water-supply, street lighting, drainage, sewerage, public building, horticulture, land scaping and any other public utility service provided in the Faridabad Complex; (d) "building" means any construction or part of construction which is intended to be used for residential, commercial, industrial or any other purpose, whether in actual use or not, and includes any out-house, stable, cattle shed and garage; (e) "Chief Administrator" means a person appointed as such under Section 4 of this Act; (f) "controlled area" means an area declared under section 29 of this Act to be controlled area; (g) "erect or re-erect any building" has the same meaning as is assigned to this expression in [the Haryana Municipal Act, 1973] [Substituted by Haryana Act, 41 of 1973.] (h) [ "Faridabad Complex" means the municipalities, revenue estate and Sabha areas specified in Schedule I to this Act and other areas as the State Government may, from time to time by notification, include; ] [Substituted by Haryana Act No. 10 of 1975 and shall deemed to have

always substituted.](i)"occupier" means a person (including a firm or other body of individuals, whether incorporated or not) who occupies a site or building and includes his successors and assigns;(j)"prescribed" means prescribed by rules made under this Act;(k)"site" means any land on which building is proposed to be erected or re-erected or which is transferred by the Chief Administrator under section 53 of this Act;(l)"workshop" means any building or place in which or within the compound of which manual labour is employed or utilized in aid of, or incidental to, any process for the following purposes, --(i)the making of any article or part thereof;(ii)the altering, repairing, ornamenting or finishing of any article; or(iii)the adapting for sale of any article; and(m)the words and expressions not defined in this Act shall have the same meanings as are assigned to them in [the Haryana Municipal Act, 1973.] [Substituted by Haryana Act No. 41 of 1973.]

## **Chapter II**

### **Establishment of the Faridabad Complex Administration**

#### **3. Incorporation.**

(1)With effect from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established an administration by the name of the Faridabad Complex Administration.(2)The said Administration shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be used.

#### **4. Appointment of officers.**

(1)The State Government shall, by notification in the Official Gazette, appoint Chief Administrator to exercise the powers and to perform the functions assigned to him under this Act.(2)The Chief Administrator may appoint such number of persons as he may deem fit to assist him for carrying out the purposes of this Act :Provided that the creation of posts and appointment of all officers with a minimum salary [Rs.1640] [Substituted by Haryana Act No. 23 of 1988] per mensem or above and the maximum salary of [Rs. 3200] [Substituted by Haryana Act No. 23 of 1988] or above per mensem will be made with the approval of the State Government.

#### **5. Power to apply provisions of [Haryana Act 24 of 1973.] [Substituted by Haryana Act No. 41 of 1973.]**

(1)The Chief Administrator may, from time to time by notification in the Official Gazette, and with the previous approval of the State Government, apply to the Faridabad Complex or any part thereof all or any of the provisions of [the Haryana Municipal Act, 1973] [Substituted by Haryana Act No. 41 of 1973.] with such adaptations and modifications not affecting the substance as may be specified in the notification, in so far as such provisions are not inconsistent with the provisions of this Act.(2)On the issue of the notification under sub-section (1), the Chief Administrator shall, in relation to the Faridabad Complex or any part thereof, as the case may be, exercise the same powers and perform the same functions under provisions applied by such notification as a Municipal

Committee or its President or Executive Officer or any other functionary of the Committee would exercise and perform as if the Faridabad Complex were a Municipality of the first class.(3)While exercising the powers and performing the functions under the provisions of [the Haryana Municipal Act, 1973] [Substituted by Haryana Act No. 41 of 1973.] applied to the Faridabad Complex by this Act or by a notification under sub-section (1), the Chief Administrator shall be subject to the control of the State Government.(4)The powers exercisable under the provisions of [the Haryana Municipal Act, 1973] [Substituted by Haryana Act No. 41 of 1973.] which have been made applicable to the Faridabad Complex by the various sections of this Act shall be exercised by the Chief Administrator in accordance with the manner laid down in sub-section (2).

## **6. Advisory Committee.**

(1)The State Government may appoint an advisory committee consisting of not more than forty members to advise the Chief Administrator in carrying out the functions assigned to him under this Act for a period of five years which may be extended up to ten years.(2)The State Government may, from time to time, add members to the advisory committee so as not to exceed the limit specified in sub-section (1).(3)[Before 31st May 1994] [Substituted by Haryana Act No. 4 of 1994.] [After the expiry of the period of Eighteen years] there shall be constituted an elected body by the State Government by law to be made in this behalf to exercise such powers, functions and duties of the Chief Administrator as may be specified therein.

## **7. Appointment of the staff.**

(1)In order to carry out the purposes of this Act, the Chief Administrator shall take over the entire staff of the Municipal Committees and Panchayats that are being included or may be included in the Faridabad Complex on the existing terms of service and integrate them in the manner prescribed, till fresh rules in this behalf are made under section 8 of the Act.(2)In case any of the staff so taken over is found surplus, the Chief Administrator may reduce or retrench such staff or adjust them against other vacancies, if any, as he may consider appropriate.(3)He may recruit additional staff if found necessary in the manner prescribed.

## **8. Service rules.**

- The staff employed in connection with the affairs of the Administration shall be governed by such rules as may be framed by the State Government.

## **9. Application of the provisions of Punjab Act 4 of 1922.**

(1)The provisions of the Punjab Town Improvement Trust Act, 1922, shall apply mutatis mutandis to the Faridabad Complex.(2)The powers of the chairman, trust, trustee, committee appointed under the aforesaid Act, or any other functionary of the trust shall be exercisable by the Chief Administrator.

## **10. Withdrawal from the operation of this Act and its effect.**

(1)The State Government may, by notification in the Official Gazette, withdraw from the operation of this Act, any area of the Faridabad Complex.(2)On the issue of such notification, this Act and all notifications, rules, bye-laws, orders, directions issued and powers conferred under this Act shall cease to apply to the said area; and such proportionate part of the Administration Funds and other property as the State Government may by specify shall vest in the State Government and the liabilities in the same proportion shall stand transferred to the State Government.

## **Chapter III**

### **Delegation of powers**

#### **11. Delegation of certain powers.**

(1)The State Government may delegate any of its powers under this Act, by notification, to any of its officers subject to such conditions as it may impose.(2)Unless otherwise provided, the Chief Administrator may by notification, with the approval of the State Government delegate his powers except those under Section 13, to his junior officers and the delegation shall continue until revoked.(3)The delegation may be by name or by designation.

#### **12. Bye-laws.**

- The Chief Administrator may, from time to time, and shall if so required by the State Government provide by bye-laws consistent with this Act and the rules for, -(a)custody of the common seal and the purposes for which it shall be used;(b)persons by whom receipt shall be granted on behalf of the Administration for money received under this Act;(c)the conditions on which registers, documents, maps and plans of the Administration may be inspected by the public and supply of copies thereof and fees payable for such inspection or for the supply for such copies;(d)the appointments, duties, pay, leave and pension, suspension, removal and dismissal of its officers and servants;(e)any other matter with the approval of the State Government.(2)Bye-laws made under sub-section (1) shall take effect with the prior approval of the State Government.(3)Every bye-law made under this section shall be published in the manner prescribed.(4)All bye-laws, until modified or repealed, relating to any matter to which this Act relates and which were in force immediately before the commencement of this Act, shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made under this Act.

#### **13. Contracts.**

- [(1) All contracts up to rupees ten lacs in value or as may be notified by the State Government from time to time, for and on behalf of the Administration shall be entered into by the Chief Administrator.] [Rule (1) Substituted by Haryana Act No. 9 of 1991.](2)Every contract or transfer of immovable property belonging to the Administration exceeding ten thousand rupees in value made

by or on behalf of the Administration, shall be in writing and shall be signed by the Chief Administrator.(3)No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the Administration.

## **Chapter IV**

### **Funds and Property**

#### **14. Constitution of Administration Fund.**

- There shall be constituted a fund to be known as Administration Fund which shall consist of the following -(1)all balances and credits of the Municipal Committees and Gram Panchayats [of the municipalities and Sabha areas respectively specified in Schedule 1 of this Act] [Substituted by Haryana Act 10 of 1975 and shall be deemed to have always been substituted w.e.f. 15.1.1972.]; and(2)all sums received by, or on behalf of the Administration under this Act.

#### **15. Vesting of immovable property.**

- All property, movable or immovable, and assets belonging to the Municipal Committees and Gram Panchayats [of the municipalities and Sabha areas respectively specified in Schedule 1 of this Act] [Substituted by Haryana Act No. 10 of 1975 and shall be deemed to have always been substituted w.e.f. 15.1.1972.] shall vest in the Administration.

#### **16. Liabilities of Municipal Committees and Gram Panchayats.**

(1)All liabilities of the Municipal Committees and Gram Panchayat specified in [of the municipalities and Sabha areas respectively specified in Schedule 1 of this Act] [Substituted by Haryana Act No. 10 of 1975 and shall be deemed to have always been substituted w.e.f. 15.1.1972.] shall be the liabilities of the Administration.(2)All actions taken, rights acquired or liabilities incurred by Municipal Committees and Gram Panchayats specified in [of the municipalities and Sabha areas respectively specified in Schedule 1 of this Act] [Substituted by Haryana Act No. 10 of 1975 and shall be deemed to have always been substituted w.e.f. 15.1.1972.] shall be deemed to have been taken, acquired or incurred by the Administration under this Act.

#### **17. Application of Fund.**

(1)The Administration shall set apart and apply out of the Administration Fund, -(a)such sum as may be required for the payment of any amount falling due on any loan legally contracted by it;(b)such sums as may be required by the State Government for contribution towards the cost of the State Government establishment for the purpose of advising, assisting and supervising the work of the Administration :Provided that such sums shall not exceed an amount equal to five per centum of the income for the financial year preceding the year in which the Administration is called upon to

make contribution;(c)such sums as may be required to meet the charges of its own establishment including such subscription and contribution as may be approved by the Chief Administrator or the State Government and the maintenance of the Police Establishment;(d)such sums as may be required to pay the expenses incurred in auditing the accounts of the Administration and such portion of the cost of any public expenditure by the Central or State Government as may be held by the State Government to be equitably payable by the Administration in return for services rendered to it;(e)such sums as may be due to the State Government in respect of cost of maintenance by the State Government on behalf of the Administration of water works, drainage, sewerage or other works.(2)Subject to the charges specified in sub-section (1) and to such rules as the State Government may make with respect to the priority to be given to the several duties of the Administration, the Administration Fund shall be applicable to the payment in whole or in part, of the charges and expenses incidental to the following matters within the Administration, and with the sanction of the State Government outside the Administration, namely :-(a)the construction, maintenance, improvement, cleaning and repair of all public streets, bridges, town walls, town-gates, embankments, drains, privies, latrines, urinals, tanks and water courses and the preparation of compost manure;(b)the watering and lighting of such streets or any of them;(c)the constitution, establishment and maintenance of schools, hospitals, dispensaries and other institutions for the promotion of education or for the benefit of the public health, and of the rest-houses, sarais, poor-houses, markets (stalls), encamping grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;(d)grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;(e)the training of teachers and establishment of scholarships;(f)the giving of relief and the establishment and maintenance of relief works in time of the famine or scarcity;(g)the supply, storage and preservation from pollution of water for the use of men or animals;(h)the planting and preservation of trees, and the establishment and maintenance of public parks and gardens;(i)the taking of census, the registration of births, marriages and deaths, public vaccination and any sanitary measure;(j)the holding of fairs and industrial exhibitions;(k)the preparation and maintenance of a record of rights of immovable property; and(l)all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants or expenditure whereof may be declared by the Administration, with the sanction of the State Government, to be an appropriate charge on the Administration Fund.(3)Notwithstanding anything contained in the foregoing sub-sections of this Act, no charges or expenses shall be paid from the Administration Fund incidental to any matter which has been specifically declared by the State Government by general or special order to be a matter in regard to which no expenditure shall be met from the Administration Fund.

## **18. Budget.**

(1)The Chief Administrator shall submit to the State Government the budget estimates for every financial year in accordance with the provisions of the Municipal Accounts Code.(2)The State Government may sanction the budget with such modification as it may deem fit.

## **19. Custody and investment of funds.**

(1)The Administration Fund shall be kept in a Government Treasury situated within the Faridabad Complex or in any Schedule Bank.(2)The Administration may, invest any portion of its Funds in such securities or in such other manner as may be prescribed with the approval of the State Government.(3)The income resulting from such securities and the proceeds of the sale of the same shall be credited to the Administration Fund.

## **20. Application of [Sections 61 to 65 of the Haryana Act 24 of 1973.] [Substituted by Haryana Act No. 41 of 1973.]**

- Provisions of [Sections 61 to 65 of the Haryana Municipal Act, 1973] [Substituted by 41 of 1973.] shall be applicable to the Faridabad Complex.

## **Chapter V Taxes and Fees**

### **21. Taxes which may be imposed.**

(1)Subject to the rules and any general or special orders which the State Government may make in this behalf, the Chief Administrator may from time to time for the purposes of this Act, and in the manner directed by this Act, impose with the previous sanction of the State Government in whole or in part of the Faridabad Complex or any part thereof the following taxes, namely :- (a) a tax payable by the owner, on buildings and lands not exceeding fifteen per centum on the annual value thereof; Provided that in the case of lands and buildings occupied by tenants in perpetuity, the tax shall be payable by such tenants; (b) a tax on persons practising any profession or art or carrying on any trade or calling in the Faridabad Complex. Explanation :- A person in the service of the Government or holding office under the State Government or the Central Government or a local or other public authority shall be deemed to be practising a profession within the meaning of this clause; (c) a tax payable by the owner on all or any class of vehicles other than motor vehicles, animals used for riding, draught or burden and dogs, when such vehicles, animals and dogs are kept within the Faridabad Complex; (d) a tax payable by the employer on menial servants; (e) a tax payable by the occupier of any building in respect of which the Administration has in the exercise of the powers conferred by [sections 162 to 169 of the Haryana Municipal Act, 1973] [Substituted by Haryana Act No. 41 of 1973.] undertaken the house scavenging; [(1-A) The duty on the transfer of immovable property, situated within the limits of Faridabad Complex, imposed, from time to time, by the State Government, in exercise of the powers conferred by sections 21 and 22, shall be collected by the Registrar or Sub-Registrar in the shape of non-judicial stamp paper at the time of registration of the documents. It shall be in addition to the duty imposed under the Indian Stamp Act, 1989, as in force for the time being in the State of Haryana. An intimation regarding the duty so collected shall be sent to the Administration immediately and the same shall be paid to the Administration.] [Added by Haryana Act No. 16 of 1986.](2)Without prejudice to the provisions of



sub-section (1), for the purpose of providing, maintaining or continuing any amenity in any area other than an urban estate in the Faridabad Complex, the State Government may levy such fees or tax as it may consider necessary which shall be in addition to any fee or tax for the time being leviable under any other law in respect of any site or building on the occupier thereof. Explanation. - "Urban estate" means an area declared to be an urban estate under section 3 of the Punjab Urban Estates (Development and Regulation) Act, 1964. (3) The State Government may by general or special order, published in the Official Gazette, exempt in whole or in part any class of persons or property from the payment of any tax or fee levied under sub-sections (1) and (2). (4) The State Government may revoke exemption granted under sub-section (3) by an order published in the Official Gazette.

## **22. Procedure for the imposition of taxes.**

(1) The Chief Administrator may send a proposal to impose, or increase the rate of, a tax or fee for the approval of the State Government. (2) After the approval of the State Government has been conveyed, the Chief Administrator may invite objections from the residents of the Faridabad Complex by, - (a) issuing a public notice defining the nature and rate of tax or fee to be imposed or the increase in the rate of tax or fee and affixing the notice at the Administration office and other conspicuous places easily accessible to the residents; (b) causing a public notice to be published in at least two well circulated newspapers. (3) Any person objecting to the proposed imposition or increase of tax or fee may, within thirty days from the date of publication of the said notice submit his objection in writing to the Chief Administrator. (4) When the Chief Administrator has finally settled the proposal after consideration of objections, if any, he will forward the proposal to the State Government for final approval and publication in the Official Gazette. (5) The State Government may sanction, modify or refuse to sanction the proposal or return it to the Chief Administrator for further consideration. (6) The State Government, if satisfied with the proposal, shall notify the proposal and shall in the notification specify a date not less than thirty days from the date of the publication of the notification on which the tax or fee shall come into force. (7) A tax or fee leviable by the year shall come into force on the first day of January, on the first day of April, on the first day of July or on the first day of October in any year, and if it comes into force on any day other than the first day of the year by which it is leviable shall be leviable by the quarter till the first day of such year then next ensuing. (8) A notification of the imposition of a tax or fee under this Act shall be conclusive evidence that the tax or fee has been imposed in accordance with the provisions of this Act.

## **23. Direction of State Government to impose or modify taxes.**

(1) The State Government, may, by special or general order require the Chief Administrator to impose any tax not already imposed at such rate and within such period as may be specified in the order and the Chief Administrator shall thereupon act accordingly. (2) The State Government may require the Chief Administrator to modify, enhance or reduce the rate of any tax already imposed and there-upon the Chief Administrator shall modify the tax as required within such period as the State Government may direct.

## **24. Savings of taxes already imposed.**

- Any tax, charge, cess, surcharge or fee already being levied or collected in the Faridabad complex or any part thereof shall be continued to be levied or collected as if it is so collected and levied under the provisions of this Act.

## **25. Power to exempt.**

(1)The Chief Administrator may exempt, in whole or in part, for any period not exceeding one year at a time, from the payment of any such tax any person who by reason of poverty may in his opinion be unable to pay the same and may renew such exemption as often as may necessary.(2)[ The Chief Administrator, subject to the approval of the State Government, by order in writing, may  
-(a)provided that all or any persons may be allowed to compound for taxes imposed under section 21;(b)abolish, suspend or reduce in amount any tax imposed under section 21;(c)exempt in whole or in part from payment of any such tax, any person or class of persons or any property or description of property.]

## **26. Power of the State Government to suspend the levy of tax or fee.**

- If at any time it appears to the State Government on objections made or otherwise that any tax or fee imposed under the foregoing sections is unfair in its incidence or that the levy thereof is against the interest of the general public it may require the Administration to take within a specified period measures to remove the objections and if within that period the requirements is not complied with to the satisfaction of the Government, the State Government may by notification suspend the levy of the tax or fee or such part thereof until the objections have been removed.

## **27. [Application of certain sections of Haryana Municipal Act, 1973. [Substituted by Haryana Act No. 41 of 1973.]**

- Provisions as contained in sections 85 to 101 of the Haryana Municipal Act, 1973, shall be applicable to the Faridabad Complex.] [Instituted by Haryana Act No. 16 of 1982.]

## **28. Assessment procedure.**

- Procedure for assessing immovable property for the purpose of imposition of tax shall be the same as given in [Sections 76 to 82 of the Haryana Municipal Act, 1973.] [Substituted by Haryana Act No. 41 of 1973.]

## **Chapter VI**

## **Declaration and Publication of Plans of Controlled Area**

## 29. Declaration of controlled area.

(1) Notwithstanding any law for the time being in force the Chief Administrator may, with the previous approval of the State Government by notification, declare the whole or any part of the area, within the Faridabad Complex including an area within a distance of 8 kilometres on the outer sides of the boundaries of Faridabad Complex as a controlled area. (2) The Chief Administrator shall not later than six months from the date of declaration under sub-section (1), or within such further period as the State Government may allow, prepare plans showing the controlled area and signifying therein the nature of restrictions and conditions proposed to be made applicable to the controlled area and submit the plan to the State Government. (3) Without prejudice to the generality of the powers specified in sub-section (2) above, the plans may provide for any one or more of the following matters, namely:-(a) the division of any site into plots for the erection or re-erection of any building and the manner in which such plots may be transferred to intending purchasers or lessees; (b) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes; (c) the development of any site into a colony and the restrictions and conditions subject to which such development may be undertaken or carried out; (d) the erection or re-erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and the height and character of buildings; (e) the alignment of buildings on any site; (f) the architectural features of the elevation or frontage of buildings to be built on any site; (g) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection or re-erection of buildings on such site and the person or authority by whom such amenities are to be provided; (h) the prohibition or restrictions regarding erection or re-erection of shop, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in any locality; (i) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained; (j) the restrictions regarding the use of any site for purposes other than the erection or re-erection of buildings; (k) any other matter which is necessary for the proper planning of any controlled area and for preventing buildings being erected or re-erected haphazardly in such area. (4) The State Government may either approve the plans without modifications or with such modifications as it may consider necessary or reject the plans with directions to the Chief Administrator to prepare fresh plans according to such directions. (5) The Chief Administrator shall cause to be published by notification the plans approved by Government under sub-section (4) for the purpose of inviting objections thereon. (6) Any person within thirty days from the date of publication of the notification under sub-section (5) send to the Chief Administrator, his objections and suggestions in writing, if any, in respect of such plans and the Chief Administrator shall consider the same and forward them with his recommendations to the State Government within a period of sixty days from the aforesaid date. (7) After considering the objections, suggestions and representations, if any, and the recommendations of the Chief Administrator thereon, the State Government shall decide as to the final plans showing the controlled area and signifying therein the nature of restrictions and conditions applicable to the controlled area and publish the same in the Official gazette and in such other manner as may be prescribed. (8) Provision may be made by rules made in this behalf with respect of the form and content of the plans and with respect to the procedure to be followed, and any other matter in connection with the preparation, submission and approval of the plans. (9) Subject to the foregoing

provisions of this section, the Government may direct the Chief Administrator to furnish such information as the State Government may require for the purpose of approving the plans submitted to it under this section.

### **30. Erection or re-erection of buildings etc. in controlled area.**

- Except as provided hereinafter, no person shall erect or re-erect any building or make or extend any excavation or lay out any means of access to a road in a controlled area save in accordance with the plans and the restrictions and conditions referred to in section 29 and with the previous permission of the Chief Administrator.

### **31. Prohibition on use of land in controlled area.**

(1) No land within the controlled area shall, except with the permission of the Chief Administrator, be used for purposes, other than those for which it was used on the date of publication of the notification under sub-section (1) of Section 29 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, kankar or manufacturing of surkhi or for crushing stone or for other similar extractive or ancillary operations except under and in accordance with the conditions of a licence to be obtained from the Chief Administrator on payment of such fees and under such conditions as may be prescribed. (2) The licence so granted shall be valid for one year and may be renewed annually on payment of such fees as may be prescribed.

### **32. Application of permission or licence and the grant or refusal thereof.**

(1) Every person desiring to obtain the permission or licence referred to in sections 30 and 31 shall make an application in writing to the Chief Administrator in such form and containing such information in respect of the land, building, excavation or means of access to a road to which the application relates as may be prescribed. (2) On receipt of such application the Chief Administrator, after making such enquiry as he may consider necessary, shall by order in writing either -(a) grant the permission or licence subject to such conditions, if any, as may be specified in the order, or (b) refuse to grant such permission or licence; provided that the order of refusal shall not be passed unless the applicant has been afforded an opportunity of being heard. (3) If, at the expiration of a period of three months after an application under sub-section (1) has been made to the Chief Administrator no order in writing has been passed by the Chief Administrator, the permission shall be deemed to have been granted without the imposition of any conditions but subject to the restrictions and conditions signified in the plans published in the Official Gazette under Section 29. (4) The Chief Administrator shall maintain such registers as may be prescribed with sufficient particulars of all such cases in which permission or licence is given or deemed to have been given or refused by him under this section, and the said register shall be available for inspection without charge by all persons interested and such persons shall be entitled to take extracts therefrom.

### **33. Power of entry.**

- The Chief Administrator may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of making any enquiry, inspection, measurement or survey or taking levels :Provided that no entry shall be made except between the hours of sunrise and sunset and without giving twenty-four hours notice to the occupier or owner of such land or buildings.

### **34. Appeal.**

- Any person aggrieved or affected by an order of the Chief Administrator under sub-section (2) of section 32 may within sixty days from the date of such order, prefer an appeal to the State Government and the order of the State Government on such appeal shall be final.

### **35. Control by Government.**

- The Chief Administrator shall carry out such directions as may be issued to him from time to time by the Government for the efficient administration of this Act.

### **36. Offences and penalties.**

(1)Any person who -(i)erects or re-erect any building or makes or extends any excavation or lays out any means of access to a road in contravention of the provisions of this Act or the rules framed thereunder, or(ii)uses any land in contravention of the provisions of sub-section (1) of section 31.shall be punishable with fine which may extend to two thousand rupees and in the case of a continuing contravention, with a further fine which may extend to fifty rupees for every day after the date of the first conviction during which he is proved to have persisted in the contravention.

### **37. Offence by Companies.**

(1)Where an offence under this Act has been committed by a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business, at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offences was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.(2)Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.Explanation - For the purpose of this section -(i)"company" means any body corporate and includes a firm or other association of individuals,

and(ii)"director" in relation to a firm means a partner in the firm.

### **38. Composition of offences.**

(1)The Chief Administrator or any person authorised by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act.(2)Where an offence has been compounded, the offender, if in custody, shall be released and no further proceedings shall be taken against him in respect of the offence compounded.(3)Sums paid by way of composition under this section shall be credited to the Administration Fund.

### **39. Trial of offences.**

- No court inferior to that of a Magistrate of the First Class shall be competent to try any offence punishable under this Act.

### **40. Sanction of prosecution.**

- No prosecution for any offence punishable under this Act or the rules framed thereunder shall be instituted except with the previous sanction of the Chief Administrator or any officer authorised in writing by the Chief Administrator in this behalf.

### **41. Officers to be public servants.**

- The Chief Administrator and every other officer or employee acting under this Act or the rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

### **42. Chief Administrator to carry out functions of the Director.**

- All powers and functions of the Director, Town and Country Planning shall be exercised and performed by the Chief Administrator in respect of the Faridabad Complex and acts already done under provisions of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act 41 of 1963), shall be construed to be acts done by the Chief Administrator under this Act. The powers of the Commissioner of the Division under the aforesaid Act shall be exercised by the State Government for the purposes of this Act.

### **43. Bar to erection of buildings in contravention of building rules.**

(1)No person shall erect or occupy any building in the Faridabad Complex in contravention of the building rules made under sub-section (2).(2)The State Government may, by notification in the Official Gazette, make rules to regulate the erection of buildings and such rules may provide for all or any of the following matters, namely :-(a)the materials to be used for external or partition walls,

roofs, floors, stair-cases, lifts, fire-places, chimneys and other parts of a building and their position or location or the method of construction;(b)the height and slope of the roofs and floors of any building which is intended to be used for residential or cooking purposes;(c)the ventilation in or the space to be left about, any building or part thereof to secure a free circulation of air or for the prevention of fire;(d)the number and height of storeys of any building;(e)the means to be provided for the ingress or egress to and from any building;(f)the minimum dimensions of rooms intended for use as living rooms, sleeping rooms, or rooms for the use of cattle;(g)the ventilation of rooms, the position and dimensions of rooms or projections beyond the outer face of external walls of a building and of doors or windows;(h)any other matter in furtherance of the proper regulation of erection, completion and occupation of buildings;(i)the certificates necessary and incidental to the submission of building plans, amended plans and completion reports;(j)architectural features of the elevation or frontage of any buildings;(k)erection of detached or semi-detached buildings or both and the area of the land appurtenant to such building;(l)the number of residential buildings which may be erected on any site in any locality;(m)prohibition regarding erection of shops, workshops, warehouses, factories or buildings of a specified architectural character or buildings designed for particular purposes in any locality;(n)maintenance of height and position of walls, fences, hedges or any other structural or architectural construction;(o)restrictions regarding the use of site for purposes other than erection of buildings.(3)Every owner of site or building shall comply with the rules made under sub-section (2) and shall as expeditiously as possible erect any building or take such other steps as may be necessary to comply with such rules.

#### **44. Power to require proper maintenance of site or building.**

- If it appears to the Chief Administrator that the conditions or use of any site or building is prejudicially affecting the proper planning of, or the amenities in, any part of the Faridabad Complex or the interest of the general public, he may serve on the owner of site or building, a notice, requiring him to take such steps, and within such period, as may be specified in the notice and thereafter to maintain it in such manner as may be specified therein.

## **Chapter VII**

### **Miscellaneous Provisions**

#### **45. Preservation and planting of trees.**

- If it appears to the Chief Administrator that it is necessary or expedient to preserve or plant trees generally or of specified kind in the Faridabad Complex he may, by notification in the Official Gazette, make an order (hereinafter referred to as the Trees Preservation Order) with respect to trees generally or such kind of trees as may be specified in that order, and such order may regulate, restrict or prohibit -(a)cutting down, toppling, lopping and wilful destruction of trees, except with the previous permission of the Chief Administrator; and(b)the planting and replanting of any trees or kinds of trees in any site or location therein as may be specified in the Trees Preservation Order.

## **46. Control of advertisement.**

- If it appears to the Chief Administrator that it is necessary or expedient to restrict or regulate the display of advertisements in Faridabad Complex, he may, by notification in the Official Gazette, make an order (hereinafter referred to as the Advertisements Control Order) restricting or regulating the display of advertisements and such order may provide -(a)for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which such advertisement may be displayed, and the manner in which they are to be affixed to land or building;(b)for requiring the permission of the Chief Administrator to be obtained for the display of advertisements;(c)for enabling the Chief Administrator to require the removal of any advertisement which is being displayed in contravention of such order or discontinuance of the use for the display of advertisements on any site which is being used for that purpose in contravention of such Order;(d)for fees to be charged for advertisements at places specified in such Order.

## **47. Penalties.**

(1)If any person contravenes any provision of sections 45 and 46 of this Act, he shall, on conviction, be punishable with fine which may extend to five hundred rupees and if the contravention is a continuing one, with a further fine which may extend to twenty rupees for every day after first conviction during which the contravention continues.(2)The Court while passing an order under sub-section (1), may direct that any trees or part thereof or any material used for advertisement, which is the subject-matter of the contravention, shall be forfeited to the State Government, or impose a fine of an amount which shall be equivalent to the value thereof.(3)Except as otherwise provided for in this Act any contravention of any of the rules framed thereunder shall be punishable with fine which may extend to five hundred rupees, and in case of a continuing contravention with an additional fine, which may extend to twenty rupees for each day during which such contravention continues after the first conviction and the Court while passing any sentence of conviction on any person for the contravention of any rule, may direct that any property or part thereof in respect of which the rule has been contravened, shall be forfeited to the State Government.Illustration. - Where an authorised structure has been constructed or any obnoxious material or substance is collected or heaped on a site in any unauthorised manner, or where an advertisement board has been set up in contravention of the Advertisement Control Order, such structure, material, substance or board shall be liable to forfeiture, and not the site or building on which the same may be located or fixed.

## **48. Penalty.**

- Except as otherwise provided for in this Act, any contravention of any of the provisions of the Act shall be punishable with imprisonment, of either description, for a term which may extend to two years and fine which may extend to two thousand rupees.



## **49. Appeal.**

(1)Any person aggrieved -(a)by a notice from the Chief Administrator requiring a street to be drained, levelled, paved, flagged, metalled or provided with proper means of lighting or being declared a street to be a public street or requiring the alteration or demolition of a building; or(b)by an order made by the Chief Administrator under the powers exercisable by him under [Section 116 for section 123 or section 128 or section 131 of the Haryana Municipal Act, 1973, as made applicable by section 56 of this Act] [Substituted by Haryana Act No. 41 of 1973.];may appeal within thirty days from the date of such notice or order to the State Government.(2)No such notice order shall be liable to be called in question otherwise than by such appeal.(3)The appellate authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.(4)The order of the appellate authority confirming, setting aside or modifying the notice or order appealed from, shall be final :Provided that the notice or order shall not be modified or set aside unless the aggrieved party is given an opportunity of being heard.

## **50. Penalty for making immovable encroachment.**

(1)Whoever without the written permission of the Chief Administrator makes any immovable encroachment on or under any street, on, over, or under any sewer, or watercourse or erect or re-erects any immovable overhanging structure projecting into a street at any point above the said ground level shall be punishable with a fine which may extend to one thousand rupees and if the offence is a continuing one shall pay an additional fine of fifteen rupees every day for the period during which such offence continues after conviction for the first commission of offence.(2)The Chief Administrator may by notice require the owner or occupier of any building to remove or alter within a specified time not exceeding two weeks such immovable encroachment or overhanging structure as aforesaid and no compensation shall be paid in respect of such removal or alteration :Provided that if a period of more than three years has elapsed from the completion of the encroachment or overhanging structure, no prosecution shall lie under sub-section (1) [-] [Omitted by Haryana Act No. 41 of 1973.](3)Wherever the terms of the notice have not been complied with, the Chief Administrator may after six hours notice, cause the act to be done at the cost of such person. In case that person fails to pay the such said cost, the same may be recovered as arrears of land revenue.

## **51. Bar of jurisdiction of courts.**

- No order made by the State Government or any authority in exercise of any power conferred by or under this Act shall be called in question in any court.

## **52. Protection of action taken in good faith.**

(1)No suit, prosecution or other legal proceedings shall lie against the Chief Administrator, or any other person acting under his direction in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.(2)No suit or

other legal proceeding shall lie against the State Government, the Chief Administrator or any other person in respect of any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or rules or orders made thereunder.

### **53. Registration and licensing of Architects, Engineers and Plumbers etc.**

- No architect or engineer who does not possess the qualifications, as detailed in the Schedule III appended to this Act, shall be considered as duly qualified; and no person other than a duly qualified architect or engineer or any plumber shall be competent to certify any plan or completion of a building, or engage in any plumbing work, as the case may be, unless registered and licensed by the Chief Administrator.

### **54. Other powers of the Chief Administrator.**

(1)Notwithstanding anything to the contrary contained in this Act, the provisions of the Punjab Urban Estates (Development and Regulation) Act, 1964, including the powers to impose tax or fees under section 7 thereof and the rules framed thereunder, shall apply to the urban estate comprised in the Faridabad Complex.(2)The powers of the Chief Administrator under sections 4, 5, 6, 12, 13 and 16 of the Punjab Urban Estates (Development and Regulation) Act, 1964, shall be exercised by the Chief Administrator appointed under sub-section (1) of Section 4 of this Act and the powers under the remaining sections of the said Act shall be exercised by the competent authority under the Punjab Urban Estate (Development and Regulation) Act, 1964.(3)Any person aggrieved by an order of the Chief Administrator in exercise of powers under Sections 4, 5, 6, 12, 13 and 16 of the Punjab Urban Estates (Development and Regulation) Act, 1964, may, within thirty days of the date of the communication to him of such order, prefer an appeal to the State Government.(4)The State Government may, after hearing the appeal, confirm, vary or reverse the order appealed from and may pass such order as it may deem fit.

### **55. Power to borrow money.**

- The Administration shall be deemed to be a local authority for the purposes of the Local Authorities Loans Act, 1922.

### **56. Power to apply certain provisions of other Acts in Faridabad.**

(1)The provisions of [sections 105 to 180, 182 to 201, 203, 208, 209, 212 to 214, 221, 222, 235, 239, [242, 253 and Sub-section (1) and (3) of section 257] [Substituted by Haryana Act No. 41 of 1973.] of the Haryana Municipal Act, 1973] shall, so far may be consistent with the provisions of this Act, apply to the Faridabad Complex.(2)All other Acts as are applicable to the Municipal Committee in Haryana shall be applicable to the Faridabad Complex as if it were a Municipal Committee within the meaning of the [the Haryana Municipal Act, 1973] [Substituted by Haryana Act 41 of 1973.].(3)All acts done or orders passed already by the Committee, President, Executive Officer and Secretary of the Municipal Committees, in valid exercise of authority under [the Haryana Municipal

Act, 1973] [Substituted by Haryana Act 41 of 1973.] and under other Acts applicable to the Faridabad Complex or by Gram Panchayats shall be deemed to have been done or passed under this Act.

## **57. Power to make rules.**

(1)The State Government may by notification make rules for carrying out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-(a)manner of integration of the employees of the Municipal Committees under sub-section (1) of section 7;(b)recruitment of additional staff under sub-section (3) of section 7;(c)terms and conditions of the staff under section 8;(d)publication of bye-laws under sub-section (3) of section 12;(e)regarding the priority to be given to the duties of the Administration and the application of the Administration Fund under sub-section (2) of section 17;(f)investment of fund under sub-section (2) of section 19;(g)form and contents of the plan under sub-section (8) of section 29;(h)imposition of tax under section 21;(i)conditions and fees for the grant of licence under sub-section (1) of section 31;(j)charging of renewal fees under sub-section (2) of section 31;(k)making an application under sub-section (1) of section 32;(l)maintenance of registers under sub-section (4) of section 32;(m)to regulate the erection of buildings under sub-section (2) of section 43.

## **58. Power to remove difficulties.**

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.[Schedule I [Schedules I & II substituted by Haryana Act 10 of 1975.][Section 2(h)]A. Municipalities and Revenue Estate included in the Faridabad Complex -(i)Municipality of Faridabad Township.(ii)Municipality of Faridabad Old.(iii)Municipality of Ballabgarh.(iv)Revenue Estate of Ballabgarh not included in the Municipality of Ballabgarh.B. Sabha areas included in the Faridabad Complex -(i)Atmadpur.(ii)Annangpur.(iii)Palla.(iv)Sarai Khaja.(v)Wazirpur.(vi)Mevla Maharajpur.(vii)Fateh Pur Chandila.(viii)Budina.(ix)Daulatabad.(x)Ajrona.(xi)Saran.(xii)Mujesar.(xiii)Ranhera.(xiv)Unchagaon.(xv)J

## **III**

(Section 53)

**1. Fellow of the Royal Institute of British Architects (England) or Associate of the Royal Institute of British Architects (England) or an equivalent registration in any other foreign country.**

- 2. Member of the Institution of Engineers (India), or Associate Member of the Institution of Engineers (India).**
- 3. Member of the Institution of Civil Engineers (England) or Associate Member of the Institution of Civil Engineers (England) or an equivalent registration in any other country.**
- 4. Fellow of the Indian Institute of Architects or Associate of the Indian Institute of Architects.**
- 5. B.Sc. in Engineering of any Engineering University in India or abroad or Diploma in C.E. Roorkee.**
- 6. Diploma from JJ School of Arts, Bombay.**
- 7. Diploma from School of Architecture, Delhi Polytechnic.**
- 8. Diploma, degree or certificate from any other institution recognised by the Indian Institute of Architects or Institution of Engineers (India).**