

The Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Act, 2016

HARYANA

India

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Act 14 of 2016

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The Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Act, 2016(Haryana Act No. 14 of 2016)[Dated 21.4.2016]Haryana GovernmentLaw and Legislative DepartmentNo. Leg. 17/2016. - The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 12th April, 2016 and is hereby published for general information :-An Act to make special provisions for providing essential services in civic amenities and infrastructure deficient municipal areas in the State of Haryana and for matters connected therewith and incidental thereto.Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Act, 2016.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"competent authority" means an authority competent to take legal action for violations, under the provisions of the Haryana Municipal Act, 1973 (24 of 1973), the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), the Punjab New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1953), or any other law for the time being in force;(b)"declared area" means an area declared to be civic amenities and

infrastructure deficient area under section 3;(c)"essential services" means water supply, sewerage, roads and street lights;(d)"Government" means the Government of the State of Haryana in the Administrative Department;(e)"municipal area" means the municipal area as defined in the Haryana Municipal Act, 1973 (24 of 1973) or the Haryana Municipal Corporation Act, 1994 (16 of 1994), as the case may be;(f)"municipality" means a municipality as defined in the Haryana Municipal Act, 1973 (24 of 1973) and the Haryana Municipal Corporation Act, 1994 (16 of 1994);(g)"unauthorized building" means a building that has been erected in contravention of the provisions of the Haryana Municipal Act, 1973 (24 of 1973), the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), the Punjab New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1953) or any other law for the time being in force.

3. Declared area.

- The Government may, by notification in the Official Gazette, declare any area of the municipal area to be civic amenities and infrastructure deficient area wherein-(a)construction has taken place on more than fifty percent plots prior to the 31st March, 2015; and(b)a resolution to this effect is passed by the concerned municipality and recommended by the concerned Divisional Commissioner in case of a Municipal Corporation and the Deputy Commissioner in case of a municipality:Provided that the resolution already passed by the concerned municipality and recommended by the Divisional Commissioner or the Deputy Commissioner, as the case may be, fulfils the criteria, laid down by the Government.

4. Enforcement to be kept in abeyance.

(1)Notwithstanding anything contained in any other State law for the time being in force in the State of Haryana, any judgment, decree or order of any court or any authority to the contrary, any rules, regulations or bye-laws made there under, the Government shall within a period of [two years] [Substituted 'one year' by Haryana Act No. 33 of 2017, dated 8.11.2017.] from the commencement of this Act, take all possible measures to finalize norms, policy guidelines and feasible strategies to deal with the problem of civic amenities and infrastructure deficiencies, in the declared areas.(2)All notices and restoration orders passed prior to the commencement of this Act, by any competent authority in the declared area for initiating legal action against persons who have sub-divided the land without authority or have erected or re-erected unauthorized buildings in contravention of provisions of the Haryana Municipal Act, 1973 (24 of 1973), the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), or any other law for the time being in force, shall be deemed to have been suspended in the declared area and no further punitive action shall be taken during the aforesaid period of [two years] [Substituted 'one year' by Haryana Act No. 33 of 2017, dated 8.11.2017.], except in the cases forwarded and pending before any court.

5. Regularisation of plots/buildings.

- Notwithstanding anything contained in any other State law for the time being in force, the concerned municipality under which the declared area falls, may initiate action for providing essential services in such an area and further the plots or buildings located in the declared area shall, subject to the payment of fee and fulfillment of the terms and conditions within the specified time, as may be prescribed, be deemed to be regularized.

6. Entitlement for benefit.

- No person shall be entitled to claim any benefit or relief-unless all the terms and conditions as specified by the Government have been fulfilled and requisite fee, as may be prescribed by the Government, has been deposited.

7. Immunity.

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

8. Bar of jurisdiction.

- No civil court shall have the jurisdiction to entertain any suit relating to matters falling under this Act or the rules made thereunder.

9. Exemptions.

- Nothing in this Act shall apply to any area-(a) which is notified/covered under the Land Acquisition Act, 1894 (Central Act 1 of 1894), the Forest Conservation Act, 1980 (Central Act 69 of 1980), the Environment Protection Act, 1986 (Central Act 29 of 1986), the Works of Defence Act, 1903 (Central Act 7 of 1903), the Indian Electricity Act, 1910 (Central Act 9 of 1910) or any other Central Act; (b) owned by the Central or the State Government; (c) owned by Boards and Corporations of the Central or the State Government; (d) owned by public sector undertakings constituted under any law; (e) where any industrial unit is located; (f) where any commercial building, mall, multiplex, hotel or banquet hall is located; (g) where any other type of building, as may be prescribed by the Government, is located.

10. Power to make rules.

- The Government may, by notification in the Official Gazette and subject to previous publication, make rules for carrying out the purposes of this Act.

11. Repeal and savings.

(1)The Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Act, 2013 (Haryana Act 13 of 2013), is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Act so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.