



The Haryana Management of Civic Amenities and Infrastructure Deficient Areas Outside Municipal Area (Special Provisions) Act, 2021

Act No. 5 of 2022

Keywords:

Declared Area, Essential Services

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PART - I
HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 17th January, 2022

No. Leg. 5/2022.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 31st December, 2021 and is hereby published for general information:-

HARYANA ACT NO. 5 OF 2022
THE HARYANA MANAGEMENT OF CIVIC AMENITIES AND INFRASTRUCTURE
DEFICIENT AREAS OUTSIDE MUNICIPAL AREA (SPECIAL PROVISIONS)
ACT, 2021

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ACT

to make special provisions for providing essential services in civic amenities and infrastructure deficient areas outside municipal area 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 Seventy-second Year of the Republic of India as follows:-

1. This Act may be called the Haryana Management of Civic Amenities and Infrastructure Deficient Areas Outside Municipal Area (Special Provisions) Act, 2021. Short title.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (a) “declared area” means an area declared to be civic amenities and infrastructure deficient area under section 3;
 - (b) “development agency” means such agency as the Government may, by notification in the Official Gazette, notify;
 - (c) “Director” means the Director, Town and Country Planning Department, Haryana;
 - (d) “District Level Scrutiny Committee” means a committee constituted under section 4;
 - (e) “essential services” includes water supply, sewerage, roads and street lights;
 - (f) “Government” means the Government of the State of Haryana;
 - (g) “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;
 - (h) “public land” means land owned by the Central or the State Government, Boards or Corporations constituted under any Central or State law or owned by the Central or State Government including the land owned by Gram Panchayat or municipality;
 - (i) “prescribed” means prescribed by the rules made under this Act;
 - (j) “unauthorized building” means building that has been erected in contravention of the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Haryana Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), the Haryana New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1953) or any other law for the time being in force;
 - (k) “unauthorized development” means an area that has been developed in contravention of the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Haryana Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), the Haryana New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1953) or any other law for the time being in force;

	(1) “unauthorized plot” means the area which has been sub-divided in contravention of the provisions of section 7 of the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975).
Declared area.	<p>3. (1) The Government may, by notification in the Official Gazette, declare any area outside the municipal area to be a civic amenities and infrastructure deficient area, after considering the recommendations made by the Director as per the criteria specified by the Government in this regard.</p> <p>(2) Notwithstanding anything contained in any other State law for the time being in force, any rules, regulations or bye-laws made thereunder, any judgment, decree or order of any court or any authority to the contrary, the Government shall take all possible measures to finalize criteria, policy guidelines and feasible strategies to deal with the problem of civic amenities and infrastructure deficiencies in the declared area.</p>
District Level Scrutiny Committee.	4. The Government shall, by notification in the Official Gazette, constitute a District Level Scrutiny Committee to be headed by the concerned Deputy Commissioner consisting of such number of members, as the Government may deem fit, which shall submit the proposal for the purposes of section 3 to the concerned Divisional Commissioner. The Divisional Commissioner shall forward his recommendations to the Director.
Proceedings to be kept in abeyance.	5. All notices and restoration orders passed prior to the commencement of this Act or before the declaration is made under section 3 of the Act to this effect, as the case may be, by the Director or any officer authorized in this behalf 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 building or have made unauthorized development in contravention of the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Haryana 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 except in the cases forwarded to or pending before any court of law.
Regularization.	6. Notwithstanding anything contained in any other State law for the time being in force, the concerned development agency under which the declared area falls, may initiate action for providing essential services in such an area and further the plots or buildings or development area 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.
Entitlement for benefit.	7. 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 has been deposited.
Control by Government.	8. The Director shall carry out such directions, as may be issued to him from time to time, by the Government for efficient administration of this Act.
Power to issue directions.	9. The Director with the approval of the Government may, from time to time or under the directions issued by the Government under section 8, shall issue directions as are necessary or expedient for carrying out the purposes of this Act.
Power to relax.	10. If the Government is of the opinion that the operation of any of the provisions of this Act or any part of notification issued under the Act causes or has caused undue hardship or circumstances exists which render it expedient to do so, it may, subject to such terms and conditions, as it may impose by an order, give relaxation to any class of persons or area or land from all or any of provisions of the Act.
Protection of action taken in good faith.	<p>11. (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 thereunder.</p> <p>(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.</p>
Bar of jurisdiction.	12. No civil court shall have the jurisdiction to entertain any suit relating to matters falling under this Act or the rules made thereunder.

- 13.** Nothing in this Act shall apply to any area- Exemptions.
- (a) which is notified or covered under the Land Acquisition Act, 1894 (Central Act 1 of 1894), the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), 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) which is an encroachment on public land;
 - (c) where any industrial unit is located;
 - (d) where any commercial building, mall, multiplex, hotel or banquet hall is located;
 - (e) where such type of building, as may be prescribed is located.
- 14.** The Government may, by notification in the Official Gazette and subject to previous publication, make rules for carrying out the purposes of this Act. Power to make rules.

BIMLESH TANWAR,
ADMINISTRATIVE SECRETARY TO GOVERNMENT, HARYANA,
LAW AND LEGISLATIVE DEPARTMENT.