

HARYANA VIDHAN SABHA

THE HARYANA MUNICIPAL CORPORATION (AMENDMENT) BILL, 2022

(Report of the Select Committee)



**HARYANA VIDHAN SABHA SECRETARIAT,
CHANDIGARH**

(Presented on 8th August, 2022)

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THE HARYANA MUNICIPAL CORPORATION (AMENDMENT) BILL, 2022

COMPOSITION OF THE SELECT COMMITTEE

| | | |
|-----|---|-------------|
| *1. | Shri Ranbir Gangwa, Hon'ble Deputy Speaker | Chairperson |
| 2. | Dr. Kamal Gupta, Urban Local Bodies Minister (Minister-in-charge of the Bills) | Member |
| 3. | Shri Aseem Goel, M L A. | Member |
| 4. | Shri Ghanshyam Dass Arora, M L A | Member |
| 5. | Shri Parmod Kumar Vij, M.L.A | Member |
| 6. | Shri Sudhir Kumar Singla, M L.A | Member |
| 7. | Shri Bharat Bhushan Batra, M L.A | Member |
| 8. | Shri Neeraj Sharma, M.L A | Member |
| 9. | Shri Surender Panwar, M.L. A | Member |
| 10. | Shri Ishwar Singh, M L.A | Member |
| 11. | Shri Nayan Pal Rawat, M L.A | Member |

SECRETARIAT

Shri R.K. Nandal, Secretary

Shri Vishnu Dev, Under Secretary

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- * Ex-office Chairperson vide Rule 136 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

**REPORT OF THE SELECT COMMITTEE ON THE HARYANA
MUNICIPAL CORPORATION (AMENDMENT) BILL, 2022**

1. The Select Committee to report on the Haryana Municipal Corporation (Amendment) Bill, 2022 was nominated by the Hon'ble Speaker on 04.04.2022 with direction to submit its report within two months.
2. The Committee held two sittings.
3. The Select Committee met on the 26th April, 2022 and 12th May, 2022. The Select Committee at its meeting held on 26th April, 2022 had gone through various clauses of the Haryana Municipal Corporation (Amendment) Bill, 2022 at the meeting held on 12th May, 2022 was associated with the Principal Secretary to Government, Haryana, Urban Local Bodies Department, Haryana and Deputy Legal Remembrancer, Haryana, Law and Legislative Department, Chandigarh to clarify any point that may arise during the course of discussion/consideration of the Bill.
4. After considering the Bill Clause by Clause in the meeting held on the 12th May, 2022 the Committee suggested the following changes thereon:-

Clause 1 and 2 - Approved

Clause- 3 for Section 331

In clause-3 for Section 331 shall be substituted as under:-

“331. Place/premises not to be used for certain purposes without licence. (1) No person shall use or permit to be used any place/premises for the purpose specified by the Government as dangerous to life, health or property or likely to create nuisance, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf.

(2) The Commissioner may impose such other conditions while granting licence, as it may deems necessary.”

Clause-4 After Section 331 of the Principal Act, the following section shall be inserted namely:-

“331A Prohibition of keeping animals or birds in the municipal area.-

Notwithstanding anything to the contrary contained in this Act, no quadruped animals or birds shall be permitted to be kept and reared within the limits of Corporation:

Provided that cat or dog or bird may be kept as domestic pets in terms of the licence granted by the Commissioner:

Provided further that cows or she-buffalos or any other milch animals or their young ones shall be allowed to be kept for domestic use in the villages falling in the outer periphery included in the limits of Corporation:

Insertion of
331A in
Haryana Act
16 of 1994

Provided further that villages falling in the outer periphery included in the limits of Corporation and the period keeping milch animals on the basis of change in demographic profile of such areas shall be decided by the concerned Corporation by way of resolution. The Corporation shall also provide reasonable time for rehabilitation of animals from prohibited area to permitted area by its resolution:

Provided further that the provisions of this section shall not be applicable in zones where such kind of activities are permitted as per the plan notified under the provisions of the Haryana New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1953), the Haryana Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) and the Haryana Municipal Corporation Act, 1994 (16 of 1994).

Provided further that the provisions of this sections shall not be applicable to cattle pounds & gaushalas owned/managed by the Corporation or any other department of the Government including registered gaushalas

Explanation.— For the purposes of this section, —

- (i) “quadruped animals or birds” means animals or birds which are prohibited under any Law for keeping and rearing;
- (ii) “villages falling in the outer periphery” means and includes such villages or areas, as specified by the Corporation as per demographic profile;
- (iii) “milch animal” means cow, she-buffalo, she-goat, she-camel etc. which are not prohibited under any law for keeping and rearing

After insertion of Section 331A as Clause 4, the numbering of the further clauses be re-numbered accordingly.

Clause 5 to 9 - Approved

Chandigarh
The 3rd June, 2022

Sd/-
RANBIR GANGWA,
DEPUTY SPEAKER,
CHAIRPERSON.

**THE HARYANA MUNICIPAL CORPORATION
(AMENDMENT) BILL, 2022**

THE HARYANA MUNICIPAL CORPORATION (AMENDMENT) BILL, 2022

(Bill as introduced in the Haryana Vidhan Sabha on the 16th March, 2022)

A

BILL

further to amend the Haryana Municipal Corporation Act, 1994.

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

- | | |
|--|--|
| Short title | 1. This Act may be called the Haryana Municipal Corporation (Amendment) Act, 2022. |
| Omission of section 330 of Haryana Act 16 of 1994 | 2. Section 330 of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act) shall be omitted. |
| Amendment of section 331 of Haryana Act 16 of 1994 | <p>3. For Section 331 of the principal Act, the following section shall be substituted, namely :-</p> <p>“331 Place/premises not to be used for certain purposes without licence.-</p> <p>(1) No person shall use or permit to be used any place/premises for any of the following purposes without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, namely :-</p> <p>(a) Keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof;</p> <p>(b) any other purpose, as specified by the Government as dangerous to life, health or property or likely to create a nuisance.</p> <p>(2) The Commissioner may impose such other conditions while granting licence, as it may deems necessary.”.</p> |

(Bill as amended by the Select Committee. The Amendments are Bold.)

A

BILL

further to amend the Haryana Municipal Corporation Act, 1994

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

1. This Act may be called the Haryana Municipal Corporation (Amendment) Act, 2022. Short title
2. Section 330 of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act) shall be omitted. Omission of section 330 of Haryana Act 16 of 1994
3. For Section 331 of the principal Act, the following section shall be substituted namely :- Substitution of section 331 of Haryana Act 16 of 1994

“331 Place/premises not to be used for certain purposes without licence.-

 - (1) No person shall use or permit to be used any place/permises for the purpose specified by the Government as dangerous of life, health or property or likely to create nuisance, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf.
 - (2) The Commissioner may impose such other conditions while granting licence, as it may deems necessary.”.
4. After Section 331 of the principal Act, the following section shall be inserted, namely:- Insertion of section 331 A in Haryana Act 16 of 1994

“331A. Prohibition of keeping animals or birds in the municipal area.-Notwithstanding anything to the contrary contained in this Act, no quadruped animals or birds shall be permitted to be kept and reared within the limits of Corporation:

Provided that cat or dog or bird may be kept as domestic pets in terms of the licence granted by the Commissioner:

- | | | |
|--|----|--|
| Omission of section 335 of Haryana Act 16 of 1994 | 4 | Section 335 of the principal Act shall be omitted |
| Omission of section 336 of Haryana Act 16 of 1994 | 5. | Section 336 of the principal Act shall be omitted. |
| Amendment of section 352 of Haryana Act 16 of 1994 | 6. | In sub-section (2) of section 352 of the principal Act, the following sub-section shall be substituted, namely:- “(2) Notwithstanding any fee imposed by the Corporation under this Act or bye-laws made thereunder, for every licence or written permission, the Corporation may charge such fee at such rate and for such period as specified by the Government from time to time.” |

Provided further that cows or she-buffalos or any other milch animals or their young ones shall be allowed to be kept for domestic use in the villages falling in the outer periphery included in the limits of Corporation:

Provided further that villages falling in the outer periphery included in the limits of Corporation and the period for keeping milch animals on the basis of change in demographic profile of such areas shall be decided by the concerned Corporation by way of resolution. The Corporation shall also provide reasonable time for rehabilitation of animals from prohibited area to permitted area by its resolution:

Provided further that the provisions of this section shall not be applicable in zones where such kind of activities are permitted as per the plan notified under the provisions of the Haryana New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1953), the Haryana Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) and the Haryana Municipal Corporation Act, 1994 (16 of 1994):

Provided further that the provisions of this section shall not be applicable to cattle pounds & gaushalas owned/manged by the Corporation or any other department of the Government including registered gaushalas.

Explanation.- For the purposes of this section,-

- (i) **“quadruped animals or birds” means animals or birds which are prohibited under any law for keeping and rearing;**
- (ii) **“villages falling in the outer periphery” means and includes such villages or areas, as specified by the Corporation as per demographic profile;**
- (iii) **“milch animals” means cow, she-buffalo, she-goat, she-camel etc. which are not prohibited under any law for keeping and rearing.**

5. Section 335 of the principal Act shall be omitted.

Omission of section 335 of Haryana Act 16 of 1994

6. Section 336 of the principal Act shall be omitted.

Omission of section 336 of Haryana Act 16 of 1994

7. For sub-section (2) of section 352 of the principal Act, the following sub-section shall be substituted, namely:-

Amendment of section 352 of Haryana Act 16 of 1994

- “(2) Notwithstanding any fee imposed by the Corporation under this Act or bye-laws made thereunder, for every licence or written permission, the Corporation may charge such fee at such rate and for such period, as specified by the Government from time to time.”.**

Omission of
second
Schedule to
Haryana Act
16 of 1994

7. The existing Second Schedule of the principal Act shall be omitted.

Amendment
of Third
Schedule of
Haryana Act
16 of 1994

8. In the Third Schedule of the principal Act, the entries under columns 1, 2, 3 and 4 related to sections 330, 335 and 336 shall be omitted.

8. The existing Second Schedule of the principal Act shall be omitted. Omission of second Schedule to Haryana Act 16 of 1994
9. In the Third Schedule to the principal Act, the entries under columns 1, 2, 3 and 4 related to sections 330, 335 and 336 shall be omitted. Amendment of Third Schedule of Haryana Act 16 of 1994

Chandigarh :
The 3rd June, 2022.

R. K. NANDAL,
Secretary,
Haryana Vidhan Sabha.

APENDIX-I**MOTION IN THE HARYANA LEGISLATIVE ASSEMBLY**

“That the Haryana Municipal (Amendment) Bill, 2022 be referred to the Select Committee consisting of the members of the House as nominated by the Speaker and to submit its report within two months.”

The Speaker nominated the following members to serve on the Select Committee on the Haryana Municipal Corporation (Amendment) Bill, 2022

| | | |
|-----|--|-------------|
| 1. | Shri Ranbir Gangwa, Hon'ble Deputy Speaker | Chairperson |
| 2. | Dr. Kamal Gupta, Urban Local Bodies Minister (Minister-in-charge of the Bill) | Member |
| 3. | Shri Aseem Goel, M.L. A | Member |
| 4. | Shri Ghanshyam Dass Arora, M.L.A. | Member |
| 5. | Shri Parmod Kumar Vj, M.L.A | Member |
| 6. | Shri Sudhir Kumar Singla, M.L. A. | Member |
| 7. | Shri Bharat Bhushan Batra, M.L.A. | Member |
| 8. | Shri Neeraj Sharma, M.L.A. | Member |
| 9. | Shri Surender Panwar, M.L. A. | Member |
| 10. | Shri Ishwar Singh, M.L.A. | Member |
| 11. | Shri Nayan Pal Rawat, M.L.A | Member |

APENDIX-II

Relevant Proceeding of the meeting of the Select Committee on the Haryana Municipal Corporation (Amendment) Bill, 2022 held on 12.05.2022 at 2.00 P.M. in the Committee Room of the Haryana Vidhan Sabha Secretariat, Chandigarh.

PRESENT

- | | |
|---|-------------|
| 1. Shri Ranbir Gangwa, Hon'ble Deputy Speaker | Chairperson |
| 2. Dr. Kamal Gupta, Urban Local Bodies Minister (Minister-in-Charge of the Bill) | Member |
| 3. Shri Parmod Kumar Vij | Member |
| 4. Shri Neeraj Sharma | Member |
| 5. Shri Ishwar Singh | Member |
| 6. Shri Nayan Pal Rawat | Member |

URBAN LOCAL BODIES DEPARTMENT

1. Shri Arun Kumar Gupta, Principal Secretary to Government, Haryana
2. Shri D.K. Behera, Director
3. Shri Y.P. Gupta, Additional Director

LAW AND LEGISLATIVE DEPARTMENT

Shri Sanjay Singhmar, Deputy Legal Remembrancer & D.S

SECRETARIAT

Shri Vishnu Dev, Under Secretary

OBSERVATIONS/RECOMMENDATION OF THE COMMITTEE

After discussion on the Bill, the Committee made the following observations:

Clause- 3 for Section 331

In clause-3 for Section 331 shall be substituted as under:-

“331. Place/premises not to be used for certain purpose without licence.,

- (1) No person shall use or permit to be used any place/premises for the purpose specified by the government as dangerous to life, health or property or likely to create nuisance, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf.
- (2) The Commissioner may impose such other conditions while granting licence, as it may deems necessary.”

The Committee also recommended that after clause 3, the following section 331A be inserted and numbered as Clause 4.-

Insertion of
Section 331 A
of Haryana
Act 16 of
1994

Clause-4 After Section 331 of the Principal Act, the following section shall be inserted as under—

“331A Prohibition of keeping animals or birds in the municipal area.-

- (1) Notwithstanding anything to the contrary contained in this Act, no quadruped animals or birds shall be permitted to be kept and reared within the limits of Corporation:

Provided that cat or dog or bird may be kept as domestic pets in terms of the licence granted by the Commissioner.

Provided further that cows or she-buffalos or any other milch animals or their young ones shall be allowed to be kept for domestic use in the villages falling in the outer periphery included in the limits of Corporation:

Provided further that villages falling in the outer periphery included in the limits of Corporation and the period keeping milch animal on the basis of change in demographic profile of such areas shall be decided by the concerned Corporation by way of resolution. The Corporation shall also provide reasonable time for rehabilitation of animals from prohibited area to permitted area by its resolution.

Provided further that the provisions of sub-section (1) shall not be applicable in zones where such kind of activities are permitted as per the plan notified under the provisions of the Haryana New Capital

(Periphery) Control Act, 1952 (Punjab Act 1 of 1953), the Haryana Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) and the Haryana Municipal Corporation Act, 1994 (16 of 1994).

Provided further that the provisions of sub-sections (1) shall not be applicable to cattle pounds & gaushalas owned/managed by the Corporation or any other department of the Government including registered gaushalas.

Explanation.— For the purposes of this section.

- (i) "quadruped animals or birds" means animals or birds which are prohibited under any Law for keeping and rearing;
- (ii) "villages falling in the outer periphery" means and includes such villages or areas, as specified by the Corporation as per demographic profile;
- (iii) "milch animal means cow, she-buffalo, she-goat, she-camel etc., which are not prohibited under any law for keeping and rearing".

After insertion of Section 331A as Clause 4, the numbering of the further clauses be re-numbered accordingly.

The Committee approved The Haryana Municipal Corporation (Amendment) Bill, 2022 Clauses 1, 2 and 5 to 9 without amendment

The Committee desired that the Legal Remembrancer & Administrative Secretary to Government, Haryana, Law and Legislative Department, Chandigarh to redraft the Bill in the light of the observations of the Committee in consultation with the administrative department

The Committee authorized the Chairperson to draft, sign and present the Report to the House on its behalf.

(The meeting then adjourned.)