

HARYANA VIDHAN SABHA

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

(Report of the Select Committee)



**HARYANA VIDHAN SABHA SECRETARIAT,
CHANDIGARH**

(Presented on 8th August, 2022)

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

1. The Select Committee to report on the Haryana Municipal (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 (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 - Approved

Clause- 2 for Section 128 (1)

In clause-2 for Section 128 (1) shall be substituted as under:-

“128. 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 State 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 committee in this behalf.”

Insertion of
128A Section
In Haryana
Act 24 of
1973

Clause-3 After section 128 of the Principal Act, the following section 128A inserted as under:—

128A. 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 committee:

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

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 municipality.

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

Provide 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 Act, 1973 (24 of 1973):

Provided further that the provisions of this section shall not be applicable to cattle pounds and gaushalas owned/managed by the committee 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 Committee 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 128A as Clause 3, the numbering of the further clauses be re-numbered accordingly.

Clause 4 to 6 Approved as the Bill redrafted by the Legal Remembrancer and Admn. Secretary to Government, Haryana, Law and Legislative Department.

Chandigarh
The 3rd June, 2022

Sd/-
RANBIR GANGWA
DEPUTY SPEAKER,
CHAIRPERSON.

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

THE HARYANA MUNICIPAL (AMENDMENT) BILL, 2022

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

A
BILL

further to amend the Haryana Municipal Act, 1973

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 (Amendment) Act, 2022 |
| Substitution of section 128 of Haryana Act 24 of 1973 | <p>2. For section 128 of the Haryana Municipal Act, 1973 (hereinafter called the principal Act), the following section shall be substituted, namely:—</p> <p>“128. 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 any of the following purposes without or otherwise than in conformity with the terms of a licence granted by the Committee in this behalf, namely.—</p> <ul style="list-style-type: none"> (a) keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof; (b) any other purpose, as specified by the Government as dangerous to life, health or property or likely to create a nuisance. <p>(2) The Committee may impose such other conditions while granting licence, as it may deem necessary.</p> <p>(3) Whoever without a licence uses any place/premises or contravene any of the conditions of licence shall be punishable with imprisonment for a term upto six months or with a fine which shall not be less than one thousand rupees but not more than five thousand rupees and with a further fine of one hundred rupees for every day during which the offence is continued.”.</p> |

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THE HARYANA MUNICIPAL (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

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

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

A

BILL

further to amend the Haryana Municipal Act, 1973.

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 (Amendment) Act, 2022 | Short title |
| 2. For section 128 of the Haryana Municipal Act, 1973 (hereinafter called the principal Act), the following section shall be substituted, namely.— | Substitution of section 128 of Haryana Act 24 of 1973 |

“128. 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 State 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 committee in this behalf.

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

(3) Whoever without a licence uses any place/premises or contravene any of the conditions of licence shall be punishable with imprisonment for a term upto six months or with a fine which shall not be less than one thousand rupees but not more than five thousand rupees and with a further fine of one hundred rupees for every day during which the offence is continued ”

- | | |
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| 3. After section 128 of the principal Act, the following section“shall be inserted, namely:— | Insertion of section 128A in Haryana Act 24 of 1973 |
|--|---|

“128A. 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 committee:

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

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 municipality:

Omission of
section 129
of Haryana
Act 24 of
1973

3. Section 129 of the principal Act shall be omitted.

Omission of
section 130
of Haryana
Act 24 of
1973

4. Section 130 of the principal Act shall be omitted

Insertion of
section 131A
in Haryana
Act 24 of
1973

5. After section 131 of the principal Act, the following section shall be inserted, namely:—

“131A. Fee and time period for licence.— Notwithstanding any provision of the Act or bye-laws made thereunder with regard to levy of fee by the Committee, for every licence, a fee may be charged as such rate and for such period, as may be specified by the Government from time to time.”

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

Provide 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 Act, 1973 (24 of 1973):

Provided further that the provisions of this section shall not be applicable to cattle pounds and gaushalas owned/managed by the committee 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 Committee as per the 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.

4. Section 129 of the principal Act shall be omitted

Omission of section 129 of Haryana Act 24 of 1973.

5. Section 130 of the principal Act shall be omitted.

Omission of section 130 of Haryana Act 24 of 1973

6. After section 131 of the principal Act, the following section shall be inserted, namely:—

Insertion of section 131A in Haryana Act 24 of 1973

“131A. Fee and time period for licence.— Notwithstanding any provision of the Act or bye-laws made thereunder with regard to levy of fee by the Committee, for every licence, a fee may be charged at such rate and for such period, as may be specified by the State Government from time to time.”.

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 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

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 Viji | 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- 2 for Section 128 (1)

In clause-2 for Section 128 (1) shall be substituted as under:-

“128. 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 a purpose which is specified by the government as dangerous to life, health or property or likely to create a nuisance, without or otherwise than in conformity with the terms of a licence granted by the committee in this behalf.”

The Committee also recommended that after clause 2, the following section 128A be inserted and numbered as Clause 3.-

‘Insertion of
Section 128A
of Haryana
Act 24 of
1973

Clause-3 After section 128 of the Principal Act, the following section shall be inserted as under:

“128 A. Prohibition of keeping animals or birds in the municipal are.-
(1) Notwithstanding anything to the contrary contained in this Act, no quadruped animals or birds shall be permitted be kept and reared within the limits of committee:

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

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 municipality:

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

Provide 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 Act, 1973 (24 of 1973):

Provided further that the provisions of sub-section (1) shall not be applicable to cattle pounds and gaushalas owned/managed by the committee 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 Committee as per their 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 128A as Clause 3, the numbering of the further clauses be re-numbered accordingly.

The Committee approved The Haryana Municipal Amendment) Bill, 2022 Clauses 1, 4 to 6 as the Bill redrafted by the Legal Remembrancer and Administrative Secretary to Government, Haryana, Law and Legislative Department.

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.)