

HARYANA VIDHAN SABHA

Bill No. 1— HLA of 2024

THE HARYANA MUNICIPAL (AMENDMENT) BILL, 2024

A

BILL

further to amend the Haryana Municipal Act, 1973.

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

1. (1) This Act may be called the Haryana Municipal (Amendment) Act, 2024. Short title, commencement and applicability.
 - (2) It shall come into force on the date of its publication in the Official Gazette.
 - (3) It shall apply to all the persons appointed on or after the date of the commencement of this Act.
2. After section 38 of the Haryana Municipal Act, 1973, the following section shall be inserted, namely:-

“38A. Power to make common service rules.- Notwithstanding anything contained in this Act, the Haryana Municipal Corporation Act, 1994 (16 of 1994) and any other State Law for the time being in force, the State Government may, by notification in the Official Gazette, make common service rules regulating the appointment and other terms and conditions of the services of the persons recruited in connection with the affairs of the Municipal Corporations, Municipal Councils and Municipal Committees.”.
- Insertion of section 38A in Haryana Act 24 of 1973.

STATEMENT OF OBJECTS AND REASONS

1. Municipalities in the State of Haryana have three tiers of hierarchy based on population criteria i.e., Municipal Corporation, Municipal Council and Municipal Committee. There were only Municipal Councils and Municipal Committees in the State till 1994 due to the small urban population. Haryana Municipal Act, 1973 (Act No. 24 of 1973) was enacted to govern the matters of municipalities in the State of Haryana. Keeping in view the 74th Constitutional amendment, the Haryana Municipal Corporation Act, 1994 (Act No. 16 of 1994) was enacted for the constitution of Municipal Corporations in large towns. Faridabad Complex Administration (FCA) was responsible for the management of the city of Faridabad and it was upgraded to Municipal Corporation in 1994.
2. Sub-section (2) of section 3 of the ibid Act, 1994 provides that any area having a population of three lakhs or more shall be declared as a Municipal Corporation. Municipal Council, Gurgaon (now Gurugram), Yamunanagar-Jagadhari, Panchkula, Rohtak, Hisar, Ambala, Panipat, Karnal and Sonapat were upgraded as Municipal Corporations while Municipal Corporation, Manesar was constituted on 24th December, 2020.
3. All the municipalities are being administered by a single Department, i.e., the Urban Local Bodies Department. However, Municipal Councils/ Municipal Committees and Municipal Corporations are governed by separate Acts. The services of employees of Municipal Councils and Municipal Committees are governed under the Haryana Municipal Services (Integration, Recruitment and Conditions of Service) Rules, 2010 framed under the Act No. 24 of 1973 whereas the services of employees of Municipal Corporations are governed under the Haryana Municipal Corporation Employees (Recruitment and Conditions) Service Rules, 1998 framed under the Act No. 16 of 1994.
4. Due to the merging of Municipal Councils/Municipal Committees or the upgradation of Municipal Councils to Municipal Corporations, their employees become the employees of the newly constituted Municipal Corporations. In such a situation, it is very difficult for the Municipal Corporation to refix their seniority.
5. Further, the Department has been transferring the employees of Municipal Councils/Municipal Committees to Municipal Corporations and vice versa on administrative grounds in the public interest for the smooth working of municipalities.
6. Due to the above reasons, the Department is facing administrative difficulties and resultant litigations on account of such adjustments/transfers and these litigations defeat the purpose of proper deployment of the municipal

staff for better productivity. Further, promotions for transferring employees also get affected.

7. Therefore, to improve the service conditions of employees and their utilisation in providing municipal services as per their competence and experience, the Department has felt the need for the applicability of common service rules to all the categories of employees of Municipal Corporations, Municipal Councils and Municipal Committees by making amendments to the Haryana Municipal Act, 1973 by inserting new section 38A in the said Act.
8. Hence, it is necessary to carry out the amendment to the Haryana Municipal Act, 1973 (Act No. 24 of 1973) by way of enacting the Haryana Municipal (Amendment) Bill, 2024. Hence, the Bill.

DR. KAMAL GUPTA,
Urban Local Bodies Minister, Haryana.

Chandigarh :
The 15th February, 2024.

R.K. NANDAL,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 15th February, 2024, under proviso to Rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.