

## **EXECUTIVE SUMMARY**

- That the Haryana Development and Regulations of Urban Areas Act, 1975 is applicable in and around municipal limits of towns. The Act prohibits the transfer of land by subdividing it into a colony without obtaining licence from the Director, Town & Country Planning.
- Over a period of time, numbers of unauthorized colonies have come up in various towns in violation of this Act. These colonies lack basic infrastructure and civic amenities such as water supply, sewerage, roads and street light.
- The Government granted the relief earlier also after regularizing number of colonies in the year 1992-1993 and 2004. However, the Hon'ble Court stayed the process of regularization vide order dated 02.08.2012 in CWP no. 14717 of 2012 titled as Indu Rani Vs S.S. Dhillon.
- The Govt. with the aim to provide essential services in unauthorized colonies, enacted an Act namely "The Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provision) Act 2013" (Act no. 13 of 2013) on 26.09.2013.
- Total 887 such areas were declared as civic amenities and infrastructure deficient areas in the State under the said Act in the year 2013-14.
- The Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provision) Act 2016" (Act no. 14 of 2016) was enacted on 21.04.2016, in order to provide essential services in unauthorized colonies, Under the Act no. 14 of 2016, total 685 colonies have been notified.
- In the year 2021, amendment has been carried out in the Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provision) Act 2016 vide which the condition of 50% built up area, condition of cut of date (i.e. 31.03.2015) and time period of enactment of the Act have been omitted. Further, the Government has finalized Norms for the colonies, which also stands conveyed to all municipalities on 14.02.2022.
- However, it is important to mention that under the Haryana Management of Civic Amenities & Infrastructure Deficient Municipal Areas (Special Provisions) Amendment Act, 2021, survey of colonies have been conducted and about 2237 unauthorized colonies are identified in municipal area.
- The layout plan of these colonies have been examined as per the norms dated 14.02.2022 and it observed that most of the colonies are not fulfilling the norms, therefore, the Government has decided to further

relax the norms to give benefit to maximum colonies. Now it has been decided that the colonies with the approach road of minimum 6 meters width and internal road with minimum 3 meters will be considered for notification.

- Till date, the Government has in-principle approved 190 colonies which are complying with the norms. Final proposal of these 190 colonies are with the respective municipalities for sending it with the recommendation, for its notification under the Act. The exercise will be completed soon

### **Note for Pad**

1. The Government of Haryana enacted the Haryana Management of Civic Amenities & Infrastructure Deficient Municipal Areas (Special Provisions) Amendment Act, 2021 vide notification dated 10.09.2021 and formulated policy norms dated 14.02.2022 for declaring unauthorized colonies in the State as deficient infrastructure areas.
2. Section 9 of the above Act states that :  
*9. Nothing in this Act shall apply to any area:*
  - (a) .....
  - (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;*
3. In view of the above provisions, Ishwar Nagar, Tilla Plot of Ward No. 2, Ambedkar Nagar of Ward No.- 10, Sanjay Colony of Ward No. 8 and 9, Bega Basti of Ward No.1, Dhanak Basti of Ward No. 6 and other similar colonies established on municipal land cannot be considered for notification under the Act.
4. However, it is important to mention that under the Haryana Management of Civic Amenities & Infrastructure Deficient Municipal Areas (Special Provisions) Amendment Act, 2021, survey of colonies have been conducted and about 2237 unauthorized colonies have been identified in municipal area.
5. The layout plan of these colonies have been examined as per the norms dated 14.02.2022 and it was observed that most of the colonies are not fulfilling the norms, therefore, the Government has decided to further relax the norms to give benefit to maximum colonies. Now it has been decided that the colonies with the approach road of minimum 6 meters width and internal road with minimum 3 meters will be considered for notification.
6. Till date, the Government has in-principle approved 190 colonies which are complying with the norms. Final proposal of these 190 colonies are with the respective municipalities for sending it with the recommendation, for its notification under the Act. The exercise will be completed soon.

## नोट फॉर पैड

1. हरियाणा सरकार ने दिनांक 10.09.2021 की अधिसूचना के माध्यम से नागरिक सुविधाओं और अवसंरचना की कमी वाले नगरपालिका क्षेत्रों (विशेष प्रावधान) संशोधन अधिनियम 2021 के हरियाणा प्रबंधन को अधिसूचित किया और राज्य में अनाधिकृत कॉलोनियों की कमी वाले क्षेत्रों को बुनियादी ढांचे के रूप में घोषित करने के लिए नीतिगत मापदंड दिनांक 14.02.2022 तैयार किए हैं।
2. उपरोक्त अधिनियम के धारा (9) में कहा गया है कि:—
  - (9) इस अधिनियम की कोई भी बात किसी भी क्षेत्र पर लागू नहीं होगी:—
    - (क) .....
    - (ख) केन्द्र या राज्य सरकार के स्वामित्व में
    - (ग) केन्द्र या राज्य सरकार के बोर्डों और निगमों के स्वामित्व में
    - (घ) किसी भी कानून के तहत गठित सार्वजनिक क्षेत्र के उपक्रमों के स्वामित्व में;
3. उक्त प्रावधानों के दृष्टिगत ईश्वर नगर, वार्ड नं0 2 का टील्ला प्लाट, वार्ड नं0 10 का अम्बेडकर नगर, वार्ड नं0 8 और 9 की संजय कॉलोनी, वार्ड नं 1 की बेगा बस्ती, वार्ड नं 6 की धानक बस्ती और अन्य समान कॉलोनियां जो कि नगर पालिका की जमीन पर विकसित हैं को इस अधिनियम के तहत अधिसूचित करने के लिए विचार नहीं किया जा सकता।
4. हांलाकि यह उल्लेख करना महत्वपूर्ण है कि हरियाणा नागरिक सुविधाओं और अवसंरचना की कमी वाले नगरपालिका क्षेत्रों (विशेष प्रावधान) संशोधन अधिनियम 2021 के तहत कॉलोनियों का सर्वेक्षण किया गया है और नगर पालिकाओं क्षेत्र में लगभग 2237 अनाधिकृत कॉलोनीयों की पहचान की गई है।
5. इन कॉलोनियों के ले-आउट प्लान की दिनांक 14.02.2022 के मापदंडों के अनुसार की जांच की गई तथा पाया गया कि अधिकतर कॉलोनियां मापदंडों को पूरा नहीं कर रही हैं, इसलिए सरकार ने अधिकतम कॉलोनियों को लाभ देने के लिए मापदंडों में और छूट देने का निर्णय लिया है। अब यह निर्णय लिया गया है कि कम से कम 6 मीटर चौड़ाई की पहुंच सड़क और न्यूनतम 3 मीटर की आंतरिक सड़क वाली कॉलोनियों को अधिसूचित करने के लिए पर्याप्त माना जाएगा।
6. अब तक सरकार ने सिद्धांतिक रूप से 190 कॉलोनियों को मंजूरी दी है, जो मापदंडों का पालन कर रही हैं। इन 190 कॉलोनियों का अन्तिम प्रस्ताव अधिनियम के तहत इनकी अधिसूचना के लिए सिफारिश के साथ भेजने के लिए सम्बन्धित नगर पालिकाओं के पास है। यह प्रक्रिया जल्द ही पूर्ण कर ली जाएगी।