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The Haryana Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963

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¹[The Punjab Scheduled Roads and Controlled Areas Restriction of

Unregulated Development Act, 1963 (Haryana Act No. 41 of 1963)

Received the assent of the President of India on November 22, 1963 was published in the Punjab Government Gazette (Extraordinary), Legislative Supplement, Part I, dated November 30, 1963 / Agrahayana 9, 1885, Saka

An Act to prevent haphazard and sub-standard development along scheduled roads and in controlled areas in the State of²[Haryana]

³[Be it enacted by the Legislature of the State of Haryana in the Seventy-second Year of the Republic of India as follows:-

1. Short title and extent.—

(1) This Act may be called the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.

(2) It extends to the whole of the State of ²[Haryana]

2. Definitions.— In this Act, unless the context otherwise requires,-

(1) “Agriculture” includes horticulture, dairy farming, poultry farming and the planting and upkeep of an orchard;

⁴[(1a) “abadi deh” means the area falling within circular road around village abadi also commonly known as phirni, fixed at the time of consolidation under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) rules, 1949 framed under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (East Punjab Act 50 of 1948):

Provided that in case phirni as mentioned above has not been fixed under the said Act, then abadi-deh shall mean the area falling within lal dora.]

(2) “Amenity” includes roads, water supply, street lighting, drainage, sewerage, public parks and any other convenience which the Government may by notification specify for the purposes of this Act;

¹ See Punjab Govt. Gaz. (Extra) 1963 at page 1018

² Substituted for the word “Punjab” by Haryana Adaptation of Laws Order, 1968

³ Amendment vide notification no. Leg.3/2022 dated 17.01.2022

⁴ Inserted by Haryana Act. No. 16 of 2014 published on 4.4.2014

- (3) “Bye-pass” means a road provided as a permanent diversion to a scheduled road, whether such diversion is situated within or without the limits of a local authority and whether it is constructed before or after the commencement of this Act;
- ⁵[(4) “Commissioner” means Commissioner and Secretary to Government, Haryana, Town and Country Planning Department;]
- (5) “Controlled Area” means an area declared under section 4 to be a controlled area;
- (6) “Director” means the Director of Town and Country Planning [Haryana], and includes any person for the time being appointed by the Government by notification to exercise and perform all or any of the powers and functions of the Director under this Act and the rules made there under in respect of any scheduled road or controlled area;
- (7) “the Government” means the Government of the State of ⁶[Haryana].
- (8) “Prescribed” means prescribed by rules made under this Act;
- (9) “Road reservation, in relation to a scheduled road” means the land, whether metalled or unmetalled, which vests in the Government or the Central Government or a local authority for the purposes of such road and the boundaries of which are demarcated by pillars, posts or wires or in any other manner;
- ⁷[(10) “scheduled road” means a road specified in the Schedule to this Act which is wholly situated within the State of Haryana, and, where, any road so specified is not so situated, the portion of such road, which is situated in the State of Haryana and includes a bye-pass or expressway but does not include any part of such road or portion, not being a bye pass or expressway, which is situated in the limits of a local authority;
- Explanation.*— For the purposes of this clause “local authority” means a cantonment board, municipal committee, notified area committee or an improvement trust.]
- (11) “Building” means any shop, house, hut, outhouse, shed or stable, whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood mud thatch, metal or any other material whatever; and includes “wall” and “a well”;
- (12) “erect or re-erect any building” includes-

⁵ Substituted by Haryana Act No. 8 of 2001 published on 7.6.2001

⁶ Substituted for the word “Punjab” by Haryana Adaptation of Laws Order, 1968

⁷ Substituted by Haryana Act No. 7 of 2004 published on dated 11.3.2004

- (a) any material alteration or enlargement of any building;
- (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place;
- (d) the conversion of two or more places of human habitation into a greater number of such places;
- (e) such alternations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security,
- (f) the addition of any rooms, building, outhouses, or other structures to any building; and
- (g) the constructions in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;

⁸ [(13) “expressway” means a road as may be notified by the Government from time to time in the Official Gazette, and includes the portion of such road which is situated in the State of Haryana, within or outside the limits of a local authority; ⁹{.}]

¹⁰ [(14) “location premium” means an amount over and above the prescribed fee and charges that an applicant is willing to pay to the Government to obtain the permission against applications received under sub-section (1A) of section 8, as determined through bidding/auction process in pursuance of the policy issued by the Government in this regard, from time to time.]

3. Prohibition to erect or re-erect buildings along scheduled roads. –

¹¹[No person shall erect or re-erect any building or make or extend any excavation or lay out any means of access to a road within one hundred meters of either side of the road reservation of a bye-pass or expressway, or, within thirty meters on either side of the road reservation of any scheduled road not being bye-pass or expressway.]

Provided that nothing in this section shall apply to-

- (a) the repair to a building which was in existence immediately before the commencement of this Act or any erection or re-

⁸ Added by Haryana Act No. 7 of 2004 published on dated 11.3.2004

⁹ Sign {.} substituted by Haryana Act No. 19 of 2018 dated 4.5.2018

¹⁰ Added by Haryana Act No. 19 of 2018 dated 4.5.2018

¹¹ Substituted by Haryana Act No. 7 of 2004 published on dated 11.3.2004

- erection of such a building which does not involve any structural alteration or addition therein; or
- (b) the erection or re-erection of a building, which was in existence immediately before the commencement of this Act and which involves any structural alteration or addition with the permission of the Director; or
- ¹²[(bb) a building, which was in existence, immediately before the commencement of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Amendment) Ordinance, 2009 (Haryana Ordinance No. 1 of 2009), or to any repair, erection or re-erection of such a building which does not involve any structural alteration or addition therein, on payment of such fee, as may be prescribed; or”.
- (c) the laying out of any means of access to a road with the permission of the Director; ¹³[or]
- (d) the erection or re-erection of a motor-fuel-filling station or a bus queue-shelter with the permission of the Director ²[:or]
- ¹⁴[(e) “the public utility buildings” and “community assets” which were in existence immediately before the commencement of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Second Amendment & Validations) Act, 1996.

Explanation.—(1) “Public utility buildings” means buildings belonging to Government, Government controlled Organizations, Local Bodies, Voluntary Organisations and individuals which are being used for the benefit of public at large without profit motive; and

(2) “Community assets” means assets belonging to Government, Government Controlled Organizations, Local bodies, Voluntary Organizations, and individuals which are created for the beneficial use of public at large without profit motive.]

4. Declaration of controlled area.—¹⁵[(1)The Government may, by notification in the Official Gazette, declare any area outside the limits of municipal town or any other area, which in its opinion has the potential for building activities, industrial, commercial, institutional, recreational estates/

¹² Inserted by Haryana Act No. 13 of 2009 dated 19.3.2009

¹³ Substituted by Haryana Act No. 16 of 1996 dated 13.12.1996

¹⁴ Added by Haryana Act No. 16 of 1996 dated 13.12.1996

¹⁵ Substituted by Haryana Act No. 6 of 2007 published on dated 3.4.2007

activities and uses subservient to the above, to be a controlled area for the purposes of this Act.]

(2) The Government shall also cause the contents of the declaration made under sub-section (1) to be published in at least two newspapers printed in a language other than English.

5. Publication of plans etc. in controlled area.— (1) The Director shall, not later than ¹⁶[one year] from the declaration under sub-section (1) of section 4 or within such further period as the Government may allow, prepare plans in the prescribed manner showing the controlled area and signifying therein the nature of restrictions and conditions proposed to be made applicable to the controlled area and submit the plans to the Government.

(2) Without prejudice to the generality of the powers specified in subsection (1), the plans may provide for any one or more of the following matters, namely:-

- (a) the division of any site into plots for the erection or re-erection of any building and the manner in which such plots may be transferred to intending purchasers or lessees;
- (b) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;
- (c) the development of any site into a town ship or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;
- (d) the erection or re-erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and the height and character of buildings;
- (e) the alignment of buildings on any site;
- (f) the architectural features of the elevation or frontage of buildings to be built on any site;
- (g) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection or re-erection of buildings and the person or authority by whom such amenities are to be provided;
- (h) the prohibition or restrictions regarding erection or re-erection of shops, workshops, where houses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in any locality;

¹⁶ Substituted for the words “three months” by Haryana Act No. 15 of 2010 published on dt. 29.9.2010

- (i) the maintenance of walls, fences, hedges, or any other structural or architectural construction and the height at which they shall be maintained;
- (j) the restrictions regarding the use of any site for purposes other than the erection or re-erection of buildings;
- (k) any other matter which is necessary for the proper planning of any controlled area and for preventing building being erected or re-erected haphazardly in such area.

(3) The Government may either approve the plans without modifications with such modifications as it may consider necessary or reject the plans with directions to the Director to prepare fresh plans according to such directions.

(4) The Government shall cause to be published by notification the plans approved by it under sub-section (3) for the purpose of inviting objections thereon.

(5) Any person may, within thirty days from the date of publication of the notification under sub-section (4), send to the Director his objection and suggestion in writing, if any, in respect of such plans and the Director shall consider the same and forward them with his recommendations to the Government within a period of sixty days from the aforesaid date.

(6) The Director shall also give reasonable opportunities to every local authority, within whose local limits any land included in the controlled area is situated, to make any representation with respect to the plans.

(7) After considering the objections, suggestions and representations, if any, and the recommendations of the Director thereon, the Government shall decide as to the final plans showing the controlled area and signifying therein the nature of restrictions and conditions applicable to the controlled area and publish the same in the Official Gazette and in such other manner as may be prescribed.

(8) Provision may be made by rules made in this behalf with respect to the form and content of the plans and with respect to the procedure to be followed, and any other matter in connection with the preparation, submission and approval of the plans.

(9) Subject to the foregoing provisions of this section, the Government may direct the Director to furnish such information as the Government may require for the purpose of approving the plans submitted to it under this section.

6. Erection or re-erection of buildings etc. in controlled areas.— Except as provided hereinafter, no person shall erect or re-erect any building or make or extend any excavation or lay out any means or access to a road in a controlled area save in accordance with the plans and the restrictions and

conditions referred to in section 5 and with the previous permission of the Director:

Provided that no such permission shall be necessary for erection or re-erection of any building if such building is used or is to be used for agricultural purpose or purposes subservient to agriculture:

¹⁷[Provided further that nothing in this section shall apply to a building constructed along the extension of the scheduled road located in the limit of the local authority and which was in existence immediately before the commencement of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Amendment) Ordinance, 2009, on payment of such fee, as may be prescribed.]

7. Prohibition on use of land in controlled areas.— (1) No land within the controlled area shall, except with the permission of the Director, ¹⁸[and on payment of such conversion charges as may be prescribed by the Government from time to time] be used for purposes other than those for which it was used on the date of publication of the notification under sub-section (1) of Section 4, and no land within such controlled area shall be used for the purposes of a charcoal-kiln, pottery kiln, lime-kiln, brick-kiln or bricks field or for quarrying stone, bajri, surkhi, kankar or for other similar extractive or ancillary operation except under and in accordance with the conditions of a licence from the Director on payment of such fees and under such conditions as may be prescribed:

¹⁹[Provided that any fee or charges leviable, if not paid within the specified period, shall be recoverable as arrears of land revenue.]

²⁰[(IA) Local authorities, firms and undertakings of Government, colonisers and persons exempted from obtaining a licence under the Haryana Development and Regulations or Urban Areas Act, 1975, and authorities involved in land development will also be liable to pay conversion charges but they shall be exempt from making an application under section 8 of this Act.]

(2) The renewal of such licences may be made ²¹[after three years] on payment of such fees as may be prescribed.

¹⁷ Added by Haryana Act No. 13 of 2009 dated 19.3.2009 L.S. Pt. I dated 24.3.2009

¹⁸ Substituted for the words “except with permission of the Director” inserted by Haryana Act No. 16 of 1996 dated 13.12.1996

¹⁹ Added by Haryana Act No. 7 of 2004 published on dated 11.3.2004

²⁰ Inserted by Haryana Act No. 16 of 1996 dated 13.12.1996

²¹ Substituted for the words “annually” by Har. Act. No. 11 of 1995 dated 7.7.1995

²²[7A. Power of relaxation.- The Government may, in public interest, relax any restrictions or conditions in so far as they relate to land use prescribed in the controlled area in exceptional circumstances.]

8. Application for permission etc. and the grant or refusal thereof. –

(1) Every person desiring to obtain the permission referred to in Section 3 or Section 6 or Section 7 or licence under Section 7 shall make an application in writing to the Director in such form and containing such information in respect of the land, building, excavation or means of access to a road to which the application relates as may be prescribed²³{:}

²⁴[Provided that for such uses for which limited number of permissions have been prescribed, located in such land use zones of various notified development plans, where in the opinion of the Government, the permissions are to be issued after invitation of bids or following an auction procedure in pursuance of the policy framed by the Government in this regard from time to time, such application shall be considered to be valid only if it is filed in response to a notice of the Director and fulfils the prescribed terms and conditions.]

²⁵[(1A) All such applications, for which limited number of permissions have been prescribed, received in response to the notice issued by the Director against policy for auction of permissions that are considered to be in order by the Director shall, in addition to the prescribed requirements, also be liable for payment of location premium, as determined through the bidding/auction process, in such manner and in such time frame as conveyed by the Director. The amount received against location premium shall be utilised for provision, maintenance and augmentation of external development works as provided in the Haryana Development and Regulation of Urban Areas Act, 1975 and shall be recovered in addition to the prescribed rates of development charges received against external development works from an applicant, if applicable.]

(2) On receipt of such application the Director, after making such enquiry as he considers necessary, shall by order in writing either:-

- (a) grant the permission or licence subject to such conditions if any, as may be specified in the order, or
- (b) refuse to grant such permission or license.

(3) The Director shall not refuse permission to the erection or re-erection of a building which was in existence in a controlled area on the date on which

²² Inserted by Haryana Act No. 16 of 1996 dated 13.12.1996

²³ Sign { . } substituted by Haryana Act No. 19 of 2018 dated 4.5.2018

²⁴ Proviso added by Haryana Act No. 19 of 2018 dated 4.5.2018

²⁵ Inserted by Haryana Act No. 19 of 2018 dated 4.5.2018

the notification under sub-section (1) of Section 4 was published, nor shall he impose any condition in respect of such erection or re-erection unless he is satisfied, after affording to the applicant an opportunity of being heard, that there is a probability that the building will be used for a purpose, or is designed in a manner, other than that for which it was used or designed on the date on which the said notification was published.

(4) If, at the expiration of period of three months after an application under sub-section (1) has been made to the Director, no order in writing has been passed by the Director, the permission shall, without prejudice to the restrictions and conditions signified in the plans published in the official Gazette under sub-section (7) of Section 5, be deemed to have been given without the imposition of any conditions:

²⁶[Provided that such time limit of three months shall not be applicable to the cases where directions have been issued by the Government under section 11 of the Act and require approval of the Government accordingly.]

²⁷[Provided further that where an application is made for change of land use for industrial purpose and orders are to be passed by the Director, the time limit for granting permission shall be two months²⁸{:}]

²⁹[Provided further that such time limit of three months shall not be applicable wherein limited number of permissions have been specified in notifications issued from time to time.]

(5) The Director shall maintain such register as may be prescribed with sufficient particulars of all such cases in which permission or license is given or deemed to have been given or refused by him under this section, and the said register shall be available for inspection without charge by all persons interested and such persons shall be entitled to take extracts therefrom.

8A. Online receipt and approval.- (1) All functions performed under this Act may also be performed through electronics form and internet.

(2) Without prejudice to the generality of sub-section (1), the functions may include all or any of the followings:-

- (a) receipt or acknowledge of applications and payments;
- (b) issue of approvals, orders or directions;
- (c) scrutiny, enquiry of correspondence for grant of permissions, its extension;
- (d) approval of plans, grant of occupation certificate etc.;
- (e) filing of documents;

²⁶ Added by Haryana Act No. 17 of 2004 published on dated 20.7.2004

²⁷ Added by Haryana Act No. 4 of 2010 published on dated 5.4.2010

²⁸ Sign { } substituted by Haryana Act No. 19 of 2018 dated 4.5.2018

²⁹ Proviso added by Haryana Act No. 19 of 2018 dated 4.5.2018

- (f) issue of notices for recoveries etc.;
- (g) maintenance of registers and records;
- (h) any other function that the Director may deem fit in public interest.

9. Power of entry on land or building for survey, etc.- The Director may authorize any person to enter into or upon any land or building with or without assistants or workman for the purpose of making any enquiry, inspection, measurement or survey or taking levels:

Provided that no entry shall be made except between, the hours of sunrise and sunset and without giving twenty-four hours notice to the occupier or owner of such land or building.

10. Appeals.- Any person aggrieved or affected by an order of the Directors under sub-section (2) of section 8 granting permission or license subject to conditions or refusing permission or licence may, within sixty days from the date of such order, prefer an appeal to the ³⁰[Commissioner and Secretary to Government, Haryana, Town and Country Planning Department whose orders] on such appeal shall be final.

³¹**10A. Revision.-**The Government may call for the record of any case pending before, or disposed of by any subordinate authority for the purpose of satisfying itself as to the legality or propriety of any proceedings or of any order made therein and may pass such order in relation thereto as it may think fit.

10B. Review.-The Director may, either of his own motion or on an application of any party interested, review, and on so reviewing modify, reverse or confirm any order passed by himself or by any of his predecessors in office-

Provided that-

- (a) When the Director proposes to review any order passed by his predecessor in office, he shall first obtain the sanction of the Government;
- (b) No application for review of an order shall be entertained unless it is made within a period of sixty days from the date of passing of the order, or unless the applicant satisfies the Director that he

³⁰ Substituted by Haryana Act No. 16 of 1996 dated 13.12.1996

³¹ Inserted by Haryana Act No. 8 of 2001 published on dated 7.6.2001

- had sufficient cause for not making the application within that period;
- (c) No order shall be modified or reversed unless the parties concerned have been afforded a reasonable opportunity of being heard;
 - (d) No order against which an appeal has been preferred shall be reviewed.]

11. Control by Government.- The Director shall carry out such directions as may be issued to him from time to time by the Government for the efficient administration of this Act.

12. Offence and penalties.- (1) Any person who-

- (a) erects or re-erects any building or make or extends any excavation or lays out any means of access to a road in contravention of the provisions of Section 3 or Section 6 or in contravention of any conditions imposed by an order under Section 8 or Section 10, or
- (b) Uses any land in contravention of the provision of sub section (1) of Section 7 or Section 10.

shall be punishable with ³²[imprisonment of either description for a term which may extend to three years and shall also be liable] to fine which may extend to ³³[fifty thousand rupees but not less than ten thousand rupees] and, in the case of a continuing contravention, with a further fine which may extend to ³⁴[one thousand rupees] for every day after the date of the first conviction during which he is proved to have persisted in the contravention.

³⁵[(2) Without prejudice to the provisions of sub-section (1), the Director may, by notice, served by post and if a person avoids service, or is not available for service of notice, or refuses to accept service, then by affixing a copy of it on the outer door or some other conspicuous part of such premises, or in such other manner as may be prescribed, call upon any person who has committed a breach of the provisions referred to in the said sub-section to stop further construction and to appear and show cause why he should not be ordered to restore to its original state or to bring it in conformity with the provisions of the Act or the rules, as the case may be, any building or land in respect of which a contravention such as described in the said sub-section has been committed, and if such person fails to show cause to the satisfaction of

³² Inserted by Haryana Act No. 7 of 1989

³³ Substituted for "ten thousand rupees" by Haryana Act No. 11 of 1999 dated 12.3.1999 at page 37

³⁴ Substituted for "five hundred rupees" by Haryana Act No. 11 of 1999 dated 12.3.1999 at page 37

³⁵ Sub-sections (2) and (3) substituted by Haryana Act No. 11 of 1999 dated 12.3.1999

the Director within a period of seven days, the Director may pass an order requiring him to restore such land or building to its original state or to bring it in conformity with the provisions of the Act or the rules, as the case may be, within a further period of seven days.

(3) If the order made under sub-section (2) is not carried out, within the specified period, the Director may himself at the expiry of the period of this order, take such measures as may appear necessary to give effect to the order and the cost of such measures shall, if not paid on demand being made to him, be recoverable from such person as arrears of land revenue:

Provided that even before the expiry of seven days period mentioned in the order under sub-section (2), if the Director is satisfied that instead of stopping the erection or re-erection of the building or making or extending of the excavation or laying out of the means of access to a road, as the case may be, the person continues with the contravention, the Director may himself take such measures as may appear necessary to give effect to the order and the cost of such measures, shall, if not paid on demand being made to him, be recoverable from such person as arrears of land revenue.]

³⁶[12-A. Duty of police officers.- It shall be the duty of every police officer:-

(1) to communicate without delay to the Director of any other officer authorized in writing by him, in this behalf, any information which he receives of a design to commit or of the commission of any offence against this Act or any rule or regulation made thereunder.

(2) to assist the Director any other officer authorized in writing, by him, in this behalf, in the lawful exercise of any power vested in the Director or any other officer authorized in writing by him, in this behalf, under this Act or any rule or regulation made thereunder.

12-B. Power to arrest.—(1) A police officer not below the rank of sub-inspector shall arrest any person who commits, in his view, any offence against this Act or any rule made thereunder, if the name and address of such person be unknown to him and if such person, on demand declines to give his name and address, or gives such name or address which such officer has reason to believe to be false.

(2) The person so arrested shall, without unavoidable delay be produced before the Magistrate authorized to try the offence for which the arrest has been made and no person, so arrested, shall be detained in custody for a period exceeding twenty-four hours without an order from the above mentioned Magistrate.]

³⁶ Inserted by Haryana Act No. 7 of 1989

³⁷ [³⁸ {12-C. Constitution of Tribunal – (1) The Government shall, by notification, constitute a Tribunal consisting of a Chairman, who shall be retired judge of the High Court and two other members, of whom one shall be of the rank of Chief Engineer, having special knowledge about roads and highways and the other member shall be a professional from the fields like Law, Town Planning, Industry, Management or such other field, as may be decided by the Government. If the members of the Tribunal are divided over some issue, the decision of the Chairman shall prevail.]

(2) The Tribunal shall have its sitting at Chandigarh or at any other place as per its convenience.

(3) A person aggrieved by the orders of Director passed under sub-section (2) or sub-section (3), as the case may be, of section 12 of the Act, may file an appeal to the Tribunal within a period of sixty days and the decision of the Tribunal on such appeal shall be final. The Tribunal shall also hear the cases involving constructions made up to 28th April, 1995 in violation of the Act along scheduled roads and otherwise as if these were appeals against the order of Director. Any case against the orders of Director passed under sub-section (2) or sub-section (3) of section 12 of the Act pending in any court of law except High Court or Supreme Court shall be transferred to the Tribunal.}

13. Offences of companies.- (1) Where an offence under this Act has been committed by a company, the company as well as every person incharge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any Director, Manager, Secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section-

³⁷ Sub Section 1 of Section 12-C substituted by Haryana Bill No. 4 – HLA of 2017 dated 25.2.2017

³⁸ Section 12-C inserted by Haryana Act No. 11 of 1999 dated 12.3.1999 at page 37

- (a) “company” means anybody corporate and includes a firm or other association of individuals, and
- (b) “director” in relation to a firm is a partner in the firm.

14. Composition of offence.- (1) The Director or any person authorized by the Director by general or special order in this behalf may either before or after the institution of the proceedings compound any offence made punishable by or under this Act.

(2) Where an offence has been compounded the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

15. Trial of offence and special provision regarding fine.- (1) No court inferior to that of ³⁹[Judicial Magistrate] of the First Class shall be competent to try any offence punishable under this Act.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any ¹[Judicial Magistrate] of the First Class to pass a sentence of fine not exceeding the pecuniary limit specified in the section as in force in any part of the State on any person convicted of an offence punishable under this Act.

16. Sanction of prosecution.— No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Director or any officer authorized in writing by the Director in this behalf.

17. Officer to be public servants.— The Director and every other officer or employee acting under this Act or the rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

18. Power to amend the schedule.— The Government may by notification add to the schedule to this Act any other road not specified therein or omit therefrom any road specified therein, and on the issue of such a notification the Schedule shall be deemed to be amended accordingly.

19. Delegation.—The Government may by notification direct that any power exercisable by it under this Act, except the power specified in sub-section (1) of section 4, sub-sections (3) and (7) of section 5, section 18 and

³⁹ Substituted for the word “Magistrate” by Punjab Act No. 25 of 1964

section 25, shall, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercisable also by such officer or authority subordinate to the Government as may be specified in the notification.

(2) The Director may, with the approval of the Government, by an order in writing delegate any of his powers and functions under this Act or the rules made thereunder to such other officer subordinate to him as may be specified in such order.

20. Indemnity.—(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.

(2) No suit or other legal proceeding shall lie against the government for any damage caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

21. Bar of jurisdiction of civil courts.—No civil court shall have any jurisdiction to entertain or decide any question relating to matters falling under this Act or the rules made thereunder.

22. Exemption.— Nothing in this Act shall apply to—

(a) the area comprised in the *abadi deh* of any village;

⁴⁰ [(aa) the area adjacent to the *abadi deh* of any village which the government identifies for village expansion through a notification, published in the Official Gazette, specifically to this effect subject to the condition that this area shall not exceed 60% of the existing village *abadi deh*];

(b) the erection or re-erection of a place of worship or a tomb or cenotaph or of a wall enclosing a graveyard, place worship, cenotaph or *samadhi* on land which, on the date of publication, of the notification under sub-section (1) of section 4, is occupied by or for the purpose of such worship, tomb, cenotaph, graveyard or *samadhi*;

(c) Excavations (including wells) or other operations made in the ordinary course of agriculture; and

(d) The construction of an unmetalled road intended to give access to land for agricultural purposes or purposes subservient to agriculture.

⁴⁰ Omitted by Haryana Act No. 28 of 2012 dated 30.10.2012 for [(aa) the area adjacent to the *abadi deh* of any village expansion through a notification, published in the Official Gazette, specifically to this effect subject to the condition that this area shall not exceed sixty percent of the existing village *abadi deh*]; Earlier Sub-section (aa) inserted by Haryana Act No. 25 of 2003 dated 13.10.2003

23. Effect of other laws.— (1) Nothing in this Act shall affect the operation of –

- (a) the Punjab New Capital (periphery) Control Act, 1952 (Punjab Act of 1953);
- (b) ⁴¹[* * * * *]
- (c) the Punjab Slum Areas (Improvement and Clearance) Act, 1961 (Punjab Act 24 of 1961);
- (d) ⁴²[* * * * *]

(2) Save as aforesaid, the provisions of this Act and the rules made thereunder shall effect notwithstanding anything inconsistent therewith contained in any other law.

(3) Notwithstanding anything contained in any such other law –

- (a) when permission required under this Act for doing any act or taking any action in respect of any land has been obtained, such act or action shall not be deemed to be unlawfully done or taken by reason only of the fact that permission, approval or sanction required under such other law for doing such act or taking such action has not been obtained;
- (b) when permission required under this Act for doing such act or taking such action has not been obtained, such act or action shall not be deemed to be lawfully done or taken by reason only of the fact that permission, approval or sanction required under such other law for the doing of such act or the taking of such action has been obtained.

24. Saving.—Nothing in this Act shall affect the power of the Government or any other authority to acquire land or to impose restriction upon the use and development of land comprised in the controlled area under any other law for the time being in force , or to permit the settlement of a claim arising out of the exercise of powers under this Act by mutual agreement.

25. Power to make rules.- ⁴³[(1) The Government may, by notification in the Official Gazette, subject to the condition of previous publication, make rules for carrying out the purposes of this Act and may give them prospective or retrospective effect.]

⁴¹ Omitted by Haryana Adaptation of Laws Order, 1968

⁴² Omitted by Haryana Adaptation of Laws Order, 1968

⁴³ Substituted by Haryana Act No. 28 of 2012 published on dated 30.10.2012

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the manner, in which the plans in respect of controlled area shall be prepared under sub-section (1) of section 5;
- (b) the other manner in which the final plans in respect of a controlled area shall be published;
- (c) the Form and contents of the plans in respect of a controlled area and the procedure to be followed and any other matter in connection with the preparation, submission and approval of the plan;
- (d) the conditions on which the licences under section 7 shall be granted or renewed and the fees to be charged for the grant and renewal thereof;
- (e) the form in which application for permission or licence shall be made under sub-section (1) of section 8 and the information which shall be furnished therein;
- (f) the principles and condition under which application for permission or licence under this Act may be granted or refused;
- ⁴⁴[(ff) the recovery of arrears of fee and charges under section 7;]
- (g) the form and manner in which the register referred to in sub-section (5) of section 8 shall be maintained;
- (h) the procedure to be followed in hearing appeals under ⁴⁵[sections 10 and 12C], the fees to be paid in respect of, and the document which shall accompany such appeals; and
- (i) any other matter which may be prescribed.

THE SCHEDULE

[See section 2 (10) and 18]

- (1) Grand Trunk Road (from Delhi to Amritsar and on the border with Pakistan)
- (2) ⁴⁶[* * * * *]
- (3) Delhi-Mathura Road,
- (4) Delhi-Alwar Road,
- (5) Delhi-hisar –Sulebanki Road.
- (6) Ambala-Kalka Road.
- (7) ⁴⁷[* * * * *]

⁴⁴ Inserted by Haryana Act No. 7 of 2004 published on dated 11.3.2004

⁴⁵ Substituted by Haryana Act No. 8 of 2001 published on dated 7.6.2001

⁴⁶ Omitted by Haryana Adaptation of Laws Order, 1968

- (8) ⁴⁸[* * * * *]
 (9) ⁴⁹[* * * * *]
 (10) Panipat-Rohtak-Bhiwani Road,
 (11) ⁵⁰[* * * * *]
 (12) Gurgaon-Delhi Road via Qutab.
 (13) Sonapat-rohtak Road
 (14) Kharkhauda-Delhi border Road,
 (15) Sonapat-Murthal Road
 (16) Sonapat-Rathdana Road,
 (17) ⁵¹[* * * * *]
 (18) Sonapat-Gohana Road,
 (19) ⁵²[* * * * *]
⁵³{(20) ⁵⁴[* * * * *]
 (21) ⁵⁵[* * * * *]
 (22) ⁵⁶[* * * * *]
 (23) Ambala-Patiala-Sangrur-Barnala-Bhatinda-Malout-Abohar-Rajasthan
 Border towards Hanumangarh Road.
 (24) ⁵⁷[* * * * *]
 (25) ⁵⁸[* * * * *]
 (26) ⁵⁹[* * * * *]
 (27) ⁶⁰[* * * * *]
 (28) Patiala-Patran-Narwana-Jind road. }
⁶¹[(29) Sonapat-Bahalgarh Road starting from Sonapat upto Haryana U.P.
 Border.]
⁶²[(30) Delhi-Jaipur road (Portion falling in Haryana State from Gurgaon to
 State boundary with Rajasthan)⁶³.
 (31) New Haryana State Highway direct from mile No. 8 of Ambala-
 Jagadhri Road to Panchkula through Haryana Territory.
 (32) Jind Gohana Road.

⁴⁷ Omitted by Haryana Adaptation of Laws Order, 1968

⁴⁸ Omitted by Haryana Adaptation of Laws Order, 1968

⁴⁹ Omitted by Haryana Adaptation of Laws Order, 1968

⁵⁰ Omitted by Haryana Adaptation of Laws Order, 1968

⁵¹ Omitted by Haryana Adaptation of Laws Order, 1968

⁵² Omitted by Haryana Adaptation of Laws Order, 1968

⁵³ Item Nos. 20 to 28 added by Notification Pb. Govt. Gaz. Pt.-I dated 27.3.1964

⁵⁴ Omitted by Haryana Adaptation of Laws Order, 1968

⁵⁵ Omitted by Haryana Adaptation of Laws Order, 1968

⁵⁶ Omitted by Haryana Adaptation of Laws Order, 1968

⁵⁷ Omitted by Haryana Adaptation of Laws Order, 1968

⁵⁸ Omitted by Haryana Adaptation of Laws Order, 1968

⁵⁹ Omitted by Haryana Adaptation of Laws Order, 1968

⁶⁰ Omitted by Haryana Adaptation of Laws Order, 1968

⁶¹ Added by Notification Haryana Govt. Gaz. L.S. Pt-III dated 3.6.1969

⁶² Item Nos. 30 to 53 added by Haryana Govt. Notification dated 31.12.1971

⁶³ Item 30 substituted vide Notification Haryana. Govt. Gaz. (Extra) dated 6.5.1988

- (33) Yamuna nagar Billaspur-Sadhaura-Naraingarh-Raipur Rani-barwala Road.
- (34) Ambala-Pehowa – Kaithal – Narwana – Uklana – Fatehabad Road.
- (35) Ambala – Jagadhri Road.
- (36) Saharanpur-yumuna nagar-ladwa Pipli-Pehowa-Guhla Road.
- (37) Karnal-Kaithal Road.
- (38) Kaithal-Deoban-Nikuran-Jind Road (Section Deoban to Nikuran).
- (39) Panipat-Assandh-Deoban-Kaithal.
- (40) Karnal-Assandh Jind-Hansi Road.
- (41) Jind-rohtak-Jhahhar-Riwari road.
- (42) Narnaul-Mohindergarh-Dadri-Bhiwani-Hansi-Barwala-Tohana Road.
- (43) Hissar-Sewani-Singhni Road.
- (44) Bhiwani-Laharu Road.
- (45) Hissar-Tosham-Bhiwani Road.
- (46) Bhadurgarh – Jhajjar – Kosli – Kanina – Mohindergarh Road.
- (47) Jhajjar – Dadri – Laharu Road.
- ⁶⁴[(48) Bhadurgarh–Badli–Gurgaon–Pali Road]
- (49) Palwal – Sohna – Rewari – Narnaul Road.
- (50) Uklana – Hissar Road.
- (51) Gohana – Meham – Bhiwani Road.
- (52) Jind – Safidon Road.
- (53) Jhajjar-Sampla – Kharkhauda Road.]
- (54) ⁶⁵[Gurgaon – Faridabad Road.]
- (55) ⁶⁶[Delhi – Gurgaon (via Dunda-Hera) Road.
- (56) Kala-Amb- Ambala Road.
- (57) Kala-Amb-Sadhaura Shahbad Thol Road.
- (58) Jagadhri-Paonta Road.
- (59) Kunjpura to Karnal Road.
- (60) Kaithal to Khanauri upto State Border.
- (61) Jind – Barwala – Agroha – Adampur – Bhadra (Upto Rajasthan Border)
- (62) Hansi-Tosham Satnali,
- (63) Jind-Mundhal – Bhiwani Road.
- (64) Rewari – Dahina – Kanina Road.
- (65) Mohindergarh – Satnali – Loharu.
- (66) Gurgaon – Rewari Road via pataudi (Upto Rajasthan Border)
- (67) Narnaul – Singhana (Upto State Boundary).
- (68) Karnal-Kaur – Peohwa – Patiala.
- (69) Karnal – Ladwa – Shahbad.
- (70) Gohana – Safidon (via Jagsi)

⁶⁴ Serial Nos. (48) and (91) substituted vide Notification Haryana Govt. Gaz. (Extra) dated 18.10.2017

⁶⁵ Added by Notification dated 28.1.1981 published in Haryana Govt. Gaz. Dated 17.2.1981

⁶⁶ Item Nos. 55 to 94 added by Notification published in Haryana Govt. Gaz. (Extra) dated 31.12.1990

- (71) Kaithal-Patiala Road (Upto Haryana Border.)
- (72) Shahajahanpur to Rewari.
- (73) Jhajjar – Farukhnagar Chandu Road.
- (74) Nizampur – Narnaul.
- (75) Sewani Jhumpa – Rajgarh.
- (76) Budhlana – Ratia – Fatehabad – Bhattu – Bhadra.
- (77) Sardulgarh- Sirsa – Ellenabad.
- (78) Mile 8 from Saha on Ambala – jagadhri Road to Shahbad.
- (79) Panipat to Sanauli upto U.P.Border.
- (80) Faridabad to Dankaur upto U.P.Border.
- (81) Dabwali – Chautala (Upto State Border).
- (82) Pinjore – Nalagarh (Upto State Border).
- (83) Panchkula – Morni Road.
- (84) Jhajjar – Badli to Delhi Border.
- (85) Satnali – Bhadra jui-Kairu – Tosham.
- (86) Dadri – Jhajju Kalan – kadam Satnali.
- (87) Nizampur – Nangal – Durgu - Nangal Chaudhry.
- (88) Narnaul – Nangal Chaudhry – badhwal.
- (89) Hodel – Punhana – Nagina.
- (90) Hodel – Utwar – Nuh – Taoru – Pataudi – Patauda.
- ⁶⁷[(91) Sardar Vallabhghai Patel Marg (total length of Road 0.00 to 28.575 Km. Ballabgharh Pali – Dhauj – Sohna Road]
- (92) Palwal – Hathin – Utwar – Bhas.
- (93) Palwal – Mandokoula Nuh Road.
- (94) Mahrauli – Gurgaon Road of Faridabad]
- ⁶⁸[(95) Karnal – Meerut Road (Upto U.P. Border).
- (96) Approach road from Panipat Sanauli Road to village Kala Amb (Historical Place).]

⁶⁹**[Validation:-** Notwithstanding any judgment, decree or order of any court or tribunal or authority to the contrary and notwithstanding that the notification for declaration of the controlled area of Hisar published in the Haryana Government Gazette, Extraordinary, dated the 28th August, 1971, which was published late in newspapers in accordance with the provisions of sub-section (2) of section 4 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) i.e. was published in the newspapers in accordance with the said provision in the Patriot on the 17th March, 1991, in Jan Sandesh on the 18th

⁶⁷ Serial Nos. (48) and (91) substituted vide Notification Haryana Govt. Gaz. (Extra) dated 18.10.2017

⁶⁸ Added by Notification published in Haryana Govt. Gaz. Part I dated 1.9.1992

⁶⁹ Haryana Act No. 1 of 2015 dated 4.3.2015

March, 1991 and in Nab Chhor on the 13th April, 1991 and the notification for declaration of the controlled area of Hisar published in the Haryana Government Gazette, Extraordinary, dated the 9th March, 1982 which was held to be not published in accordance with the provisions of sub-section (2) of section 4 of the Act *ibid* by the Additional District Judge, Hisar and was thereafter published in newspapers in accordance with the said provisions in The Tribune and Dainik Bhaskar on the 15th July, 2013 and in the Dainik Tribune on the 20th October, 2013, the said notifications though published late in the newspapers shall be deemed to be valid and effective from the date of their publication in the Official Gazette and any executive instructions or notices issued or bilateral agreement executed or demolition done or permission granted for change of land use or undertaking obtained or recovery made in connection thereto in the said controlled areas in view of the said notifications shall be deemed to be valid and effective as if such executive instructions or notices were issued, bilateral agreements were executed or demolition done or permission for change of land use granted or undertakings obtained or recoveries made in accordance with the provisions as validated by this Act and shall not be called in question before any court, tribunal or authority and accordingly-

- (i) all acts, proceedings or things done or action taken by the Government or any official of the Government or by any authority, after the publication of notification of controlled area of Hisar in the Haryana Government Gazette, Extraordinary, dated the 28th August, 1971 and the 9th March, 1982 for all purposes be deemed to be, and to have always been done or taken in accordance with law;
- (ii) no suit or other proceeding shall be maintained or continued in any court or tribunal or authority for the refund of any amount already deposited or any executive instructions or notices issued or for any bilateral agreements executed, demolitions done or permission granted for change of land use, any undertakings obtained or any recovery made; and
- (iii) no court or tribunal or authority shall enforce a decree or order directing the refund of any amount so charged or for nullification of bilateral agreement executed or any executive instructions or notices issued or any undertaking obtained in this regard.

The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965

NOTIFICATION The 26th May, 1965

No. G.S.R. 105/P.A. 41/63/S. 25/65—With reference to Punjab Government notification No. GSR 8/P.A. 41/63/S.25/65, dated the 22nd January, 1965, and in exercise of the powers conferred by section 25 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, the Governor of Punjab is pleased to make the following rules, namely:-

RULES **PART I**

1. Short title and commencement.—(1) These rules may be called the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965.

(2) They shall come into force at once.

2. Definitions.— In these rules unless the context otherwise requires:-

- (a) “Act” means the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963;
- (b) “Colony” means an area of land, within a controlled area, which is developed or proposed to be developed for the purpose of subdividing it into plots for residential, commercial, industrial or other purposes;
- (c) “Coloniser” means an individual, company or association or body of individuals whether incorporated or not including a Co-operative Society owing or acquiring or agreeing to own or acquire, whether by purchase or otherwise, land for the purpose of setting up a colony;
- (d) “Development Plan” means the final plan notified in the official Gazette under sub-section (7) of section 5;
- (e) “Form” means a form appended to these rules;
- (f) “Section” means a section of the Act;
- (g) “Sector” means any part of the controlled area indicated as such in the Development Plan;

- (h) “Sector Plan” shall mean the Plan as proposed under rule 8 and kept in the office of the Director showing the layout of a sector and in particular defining the main road system and approximate location of sites for shopping centre, schools and other public buildings and major open spaces within the sector.
- ⁷⁰[(i) “title to land” or “title deed” means a document evidencing applicant’s ownership or lease right for such period, as may be specified by the Government for different purpose.]

PART II

CONTROL ALONG SCHEDULED ROADS AND BYE PASSES OUTSIDE THE CONTROLLED AREAS

3. Registration of existing building along Schedule Roads and by-pass. [Section 3 and 25 (1)].—(1) The Director shall, as soon as may be cause a survey of all scheduled roads including bye-passes thereof to be carried out and prepare a liner map on a scale of 200 feet to 1 inch indicating all such buildings, excavations and means of access to the aforesaid road and bye-passes which were within 100 meters on either-side of the road reservation in the case of bye-pass and within 30 meters on either side of the road reservation in the case of a scheduled road.

(2) The Director shall maintain a register in Form SRI showing all the buildings, excavations and means of access to roads indicated in the map prepared under sub-rule (1).

(3) The Director as well as the official conducting the survey referred to in sub rule (1) shall sign each page of the register maintained under sub-rule (2) in token of correctness of the entries made therein.

(4) The Director shall, on application by any member of public make, available, the map referred to in sub-rule (1) and the register referred to in sub rule(2), for inspection free of cost.

(5) The Director may after making such enquiries as he considers necessary, amend such map or register, as the case may be, if it is found to be wrong in any particulars.

⁷¹[3A.Exclusion of building which was in existence, immediately before commencement of Haryana Ordinance No. 1 of 2009. [Section 3, 25(1) and 25(2)(i)].—(1) Every owner of a building, which was existence immediately

⁷⁰ Added by Haryana Govt. Gaz. (Extra) Notification No. M-6/JE(SS)2010/5911 dated 7.5.2010 at page 1768

⁷¹ Rule 3A inserted by Haryana Govt. Gaz. Notification No. C-620(B).STP(EV)/2012/428 dated 21.3.2012 at page 912

before commencement of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Amendment) Ordinance, 2009 (Haryana Ordinance No. 1 of 2009), shall make an application in Form SR-IV to District Town Planner of respective district, within six months of the publication of these rules for exclusion of such building from the provisions of section 3 of the Act.

(2) Every application shall be made in Form SR-IV and shall be accompanied by the requisite plans, documents/photographs (hard copy) on Compact Disk. In case of failure, to furnish the application together with the plans, documents/photographs and Compact Disk, the same shall be returned to the applicant for submission in accordance with the rules.

(3) The Committee consisting of the following officers shall scrutinize the application, namely:-

- (i) District Town Planner/District Town Planner, Enforcement;
 - (ii) a representative of the Deputy Commissioner (not below the status of HCS officer);
 - (iii) Executive Officer of the concerned Municipal Corporation/Municipal Committee, Municipal Council;
 - (iv) Concerned Executive Engineer, Public Works Department (Building and Roads Branch), Haryana.
- (4) (a) After scrutiny of the application if the Committee is satisfied it shall, call upon the applicant to deposit the amount at the rate of Rs. 600/- per square metre for the structure/buildings located on National Highway and Rs. 350/- per square metre for the structures/buildings on Scheduled road other than National Highway, within a period of thirty days from the date of notice given to him under a registered cover and the building shall be deemed to have been excluded from the provisions of section 3 of the Act on payment of aforesaid charges.
- (b) If the applicant fails to submit application within period specified in sub-rule (1) above or deposit the said charges within the period as specified in clause (a), such building shall not be deemed to be excluded.]

4. Application for permission under section 3. [Sections 3, 8 (1) and 25(2) (e)].—(1) Every person requiring permission of the Director for.—

- (a) Erection or re-erection of a building which was in existence immediately before the commencement of the Act and which involves any structural alteration or addition.
- (b) laying out any means of access to a road; or

- (c) erection or re-erection of a motor fuel-filling station or a bus queue-shelter within 30 meters on either side of a road reservation of a scheduled road, or within 100 meters on either side of a road reservation of a bye-pass, lying outside a controlled area, shall make an application to the Director in Form SR II accompanied by Plans and documents mentioned therein.

(2) The site plans mentioned in the application shall be drawn to a scale of not less than 40 feet to 1 inch and indicate;—

- (a) the boundaries of the site;
- (b) the outline of the proposed building with outer dimensions mentioning therein the total area to be covered;
- (c) existing building, if any, by distinct notation.

(3) The building plans mentioned in the application shall be drawn to a scale of not less than 1/8 inches to a foot and indicate;—

- (a) the plan of all the floors of the building;
- (b) elevations in typical sections (only in case of motor fuel-filling stations or bus queue shelter); and
- (c) the plinth level with reference to the level of the center line of the scheduled road or bye-pass, as the case may be.

5. Principles and conditions under which application under rule 4 may be granted or refused [*Sections 3,8(1) and 25(2)(f)*].—No permission shall be granted on an application submitted under rule 4, unless:

- (a) the erection or re-erection of the building conforms to the building rules contained in Part VII of these rules;
- (b) means of access takes off from an existing road or revenue rasta already adjoining the scheduled road or conforms to traffic requirements of the scheduled road as determined from time to time by the Director; and
- (c) erection or re-erection of a fuel filling stations or bus-queue-shelter is in accordance with the designs and specifications laid down by the Director, from time to time.

6. Information necessary to validate application under rule 4. [*Sections 3,8 (1) and 25(2)(e)*].—No application under rule 4 shall be considered to be valid unless:

- (i) it is made on the prescribed form and all the necessary information required to be filled in that form is given: and
- (ii) where necessary, it is accompanied by the requisite number of the site plans, building plans and other documents.

In case of failure to submit the application in the aforesaid manner the application together with the plans and documents shall be returned to the applicant for resubmission in accordance with the rules.

7. Form in which other under Section 8(2) is to be passed. [*Sections 8(2) and 25(1)*]— After an application on the prescribed form containing the requisite information and accompanied by necessary documents as mentioned in rule 4 is received, the Director shall, after making such inquiry as he considers necessary, pass an order under sub-section(2) of Section 8 in Form SR-III.

PART III

PREPARATION OF DEVELOPMENT PLANS

8. Contents of Plans of Controlled area. [*Section 5(1) and 25(2)(e)*].— Plans of a controlled area prepared under sub-section 5 shall consist of:-

- (i) a map showing existing land use including existing building;
- (ii) a map showing:-
 - (a) areas reserved for major land uses such as residential, industrial, commercial and warehousing;
 - (b) areas reserved for public and community amenities, such as civic centres and educational, recreational and social institutions and major open spaces;
 - (c) main lines of roads, railways, airports and areas reserved for major public utility services, such as treatment of water supply, disposal of drainage and electricity and gas installations;
 - (d) lands reserved for major green rural belts;
 - (e) special areas of aesthetic, sentimental or historic value which require protection;
 - (f) lands liable to flooding or subsidence; and
 - (g) stages in which areas reserved for major land uses and the sectors will be permitted to be developed having regard to compact and economical development.

Explanation. - This map may show the above reservations required for the controlled area as a whole and may not show the above reservations within a sector for which a sector plan shall be prepared as and when required;

- (iii) A note explaining the proposals illustrated on the map; and
- (iv) Zoning regulations containing:-

- (a) types of buildings and ancillary and allied uses which may be permitted within a major land use referred to in clause (ii)(a) above; and
- (b) any special or general restrictions applicable to a specific part or parts of the controlled area.

9. Publications of development plans for inviting objections [*Sections 5(4) and (6)*]*—* A copy of the development plan notified by Government under sub section(4) of section 5 shall be sent by the Director to every local authority within whose limits any land included in the controlled areas is situated so as to enable it to ⁷²[make any representation within a period of three months it may like] to make with respect to the plan.

10. Publication of final development plans. [*Sections 5(7) and 25(2) (b)*]*—* The development plan as notified by the Government under sub-section (7) of Section 5 shall in addition to its publication in the official gazette be published by displaying copy thereof at a conspicuous place at the office of the-

- (i) Director;
- (ii) Estate Officer, if any, having jurisdiction in the controlled area;
- (iii) Deputy Commissioner of the district in which the controlled area is situated; and
- (iv) Panchayat Samiti or Samitis in which the controlled area is situated.

PART IV

DEVELOPMENT OF COLONIES IN CONTROLLED AREAS

11. Application for permission under Section 7 in case of colonizer [*Section 8 and 25(2)*] (*e*)*—*(1) Every colonizer *intending* to change the existing use of the land in a controlled area for the purpose of setting up a colony by sub dividing and developing the said land into building plots for residential, industrial, commercial or other purpose shall make an application in writing to the Director in Form CL-1, accompanied by the following plans and documents in triplicate:-

- (i) Copy or copies of all title deeds and/or other documents showing the interest of the colonizer in the land under the proposed colony alongwith a list of such deed and or other documents.

⁷² Substitute for the words “make any representation it may like” by Haryana Govt. az. (Extra) Notification No. 19996 dated 22.12.1997 at page 2825

- (ii) A copy of the Shajra plan showing the location of the colony alongwith the name of the revenue estate, Khasra number of each field and the area of each field.
 - (iii) A guide map on a scale of not less than 6" to a miles showing the location of the colony in relation to surrounding geographical features to enable the identification of the land.
 - (iv) A survey plan of the land under the colony on a scale of 1" to one hundred feet showing the spot levels at a distance of 100 feet and where, contour plans. The survey will also show the boundaries and dimension of the said land, the location of streets, buildings and premises within a distance of at least 100 feet of the said land and existing means of access to it from existing roads.
 - (v) Layout plan of the colony on a scale of 1" to one hundred feet, showing the existing and proposed means of access to the colony, the width of streets, sizes and types of plots, sites reserved for open spaces community buildings and schools with area under each and proposed building lines on the front and sides of plots.
 - (vi) An explanatory note explaining the salient features of the proposed colony, in a particular the sources of water supply, arrangement for disposal and treatment of storm and sullage water and sites for disposal and treatment of storm and sullage water,
 - (vii) Plans showing the cross-sections of the proposed roads showing in particular width of the proposed carriageways, cycle tracts and footpaths green verges, position of electric pole and or any other works connected with such roads.
 - (viii) Plans as required under clause (vii) indicating, in addition, the position of sewers, storm water channels, water supply and any other public health services.
 - (ix) Detailed specifications and design of road work under clause viii above estimated costs thereof.
 - (x) Detailed specification and design of sewerage, storm water and water supply schemes with estimated costs of each.
 - (xi) Detailed specifications and designs for disposal and treatment of storm and sullage water and estimated costs of works.
- (2) The triplicate plans mentioned in sub rule (1) shall be clear and legible A0 prints, with one set mounted on cloth.

(3) Where a colonizer, before submitting an application under sub-rule (1), wants to ascertain if the proposed change in the use of land in the controlled area for the purpose of setting up a colony, is in conformity with the development plan and the lay-out of the sector plans, and that such land provides for satisfactory arrangements for disposal and treatment of sewage

and storm water and does not conflict with any programme of acquisition of land and its development to be undertaken by the Director, he may submit to the Director a preliminary application giving information only in respect of clause (ii), (iii), (iv), (v) and (vi) of sub-rule (1). On receipt of the preliminary application, the Director shall after making such enquiry as he considers necessary, intimate to the applicant the information on the above points.

12. Percentage of area under roads and open spaces in the lay-out plans [*Section 25(2)(f)*].— In the layout plan of the colony, the land reserved for roads, open spaces, schools, public and community building and other common use shall not be less than forty-five per centum of the gross area of the land under the colony; provided that the Director may reduced this percentage to a figure not below thirty five where in his opinion the planning requirements and the size of the colony so justify.

13. Development works to be provided in the colony.[*Section 25(2)(f)*].—The designs and specifications of the development works to be provided in a colony shall include—

- (i) metalling of roads and paving footpaths;
- (ii) turfing and plantation with trees of open spaces;
- (iii) street lighting;
- (iv) adequate and wholesome water-supply;
- (v) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal; and
- (vi) any other works that the Director may think necessary in the interest of proper development of the colony.

14. Conformity of layout plans with the Development Plan [*Section 25(2)*].— The plans and documents mentioned in rule 11 to be submitted alongwith the application shall conform to the provisions, restrictions and conditions laid in the Development Plan.

15. Preparation of layout on payment of fees [*Section 25(1)*].— A colonizer intending to make an application under rule 11 may request that any or all the plans and documents referred to in clauses (iv) to (xi) of sub-rule (1) of rule 11 may be got prepared for him by the Director on payment of such fees as may be assessed by the Director.

16. Information necessary to validate application under rule 11 [*Section 3(f) and 25(2)*].— No application under rule 11 shall be considered to be valid until plans and documents required by sub-rule (1) of that rule have

been furnished to the satisfaction of the Director. In case of failure of such compliance, the application together with the plans and documents shall be returned to the colonizer for resubmission in accordance with the rules.

⁷³[16A. Earnest Money.— (1) Before proceeding under rule 17 or rule 18, the Director shall, by order in writing, require the colonizer to furnish, within a period of thirty days from the date of service of such order, an earnest money at the rate of {one rupee} per square yard calculated for the gross area of the land under the proposed colony in the form of a demand draft in favour of the Director and drawn on any Scheduled Bank at Chandigarh.

Provided that the Director may, for reasons to be recorded in writing, extend such time by a period not exceeding thirty days.

(2) If the colonizer fails to furnish the earnest money as provided in sub-rule (1), the Director shall reject his application.]

17. Rejection of application [*Sections 8(2) and 25(2)(b)*].— On receipt of an application under rule 11, the Director shall, after making such inquiry, as he considers necessary and after giving reasonable opportunity of being heard to the applicant by an order in writing refuse to grant permission, if—

- (a) it does not conform to the requirements of rules 12, 13 and 14;
- (b) he is satisfied that the plans and designs of the development works submitted with application are not technically sound and workable; or
- (c) he is satisfied that the estimated expenditure on water supply mains or extramural and outfall sewer at the stage of the development of that part of the controlled area is incommensurate with the size of the colony.

18. Applicant to be called upon to fulfill certain conditions. [*Sections 8(2) and 25(2)(f)*].—(1) If, after scrutiny of the plans and other necessary enquiry which the Director may deem fit, he is satisfied that the application is fit for the grant of permission, he shall, before granting permission, call upon the colonizer to fulfill the conditions laid down in rule 19 within a period of thirty days from the date of notice given to him under a registered cover.

(2) If the colonizer fails to fulfill these conditions within the period specified in sub rule (1), the permission shall be refused.

19. Conditions required to be fulfilled by colonizer [*Section 8(3) and 25(2)(f)*].— The colonizer shall—

⁷³ Rule 16A. inserted by GSR 89/PA-41/63/S.125/Amd(1)/66 dated 21.4.1966

- ⁷⁴[(a) furnish to the Director a bank guarantee equal to 25 per centum of the estimated cost of the development of any one or more of the works as mentioned in rule 13, which the colonizer wishes to undertake first, as certified by the Director and he shall enter into agreement in Form CL-II for carrying out and completion of development works in accordance with the permission finally granted, provided that the colonizer shall undertake any such development work only after the permission for such a work has been given by the Director after the colonizer has furnished a bank guarantee equal to twenty five percent of the estimated cost of said development work/works.]
- (b) ⁷⁵[.....]
- (c) undertake to pay proportionate development charges as and when required and as determined by the Director in respect of laying out and construction of main lines of roads, drainage, sewerage, water-supply and electricity, if any when so laid by the Government or any other local authority;
- (d) undertake to be responsible for the maintenance and upkeep of all roads, open spaces, public parks and public health services for a period of five years from the date of issue of the completion certificate under rule 22 unless earlier relieved of this responsibility by the Government or a local authority, as the case may be, and there upon to transfer all such roads, open spaces, public parks and public health services free of costs to the Government or the local authority, as the case may be;
- (e) undertake to construct at his own cost or get constructed by any other institution or individual at its own cost, schools, hospitals, community centres and other community building on the land set apart for this purpose or undertake to transfer to the State Government at any time it may desire free of costs the land set apart for schools, hospitals, community buildings, in which case the Government shall at liberty to transfer such land to any person or institution including a local authority on such terms and conditions as it may deem fit, and
- (f) undertake to permit the Director or any other officer authorized by him in this behalf to inspect the execution of the layout and the development works in the colony and to carry out all directions

⁷⁴ Substituted by Haryana Govt. Gaz. (Extra) Notification No. GSR/119PA-41/63/S.25/70 dated 12.11.1970

⁷⁵ Omitted by Haryana Govt. Notification No. GSR 89/PA-41/63/S.125/Amd(1)/66 dated 21.4.1966

issued by him for ensuring due compliance of the execution of layout and development works in accordance to the permission granted.

20. Grant of permission and form of order of grant or refusal to grant permission. [Sections 8(2) and 25(1)].—(1) After the colonizer has fulfilled all the conditions laid down in rule 19 to the satisfaction of the Director, the Director shall grant the permission.

(2) Every order passed under sub section (2) of Section 8 on an application submitted under rule 11 shall be in Form CL-III.

21. Duration of sanction [Section 8(2)and25(2)(f)]—(1)The permission granted under rule 20 shall remain valid for a period of three years from the date of order during which period all works in connection with the laying out and development of colony shall be completed and a certificate of completion obtained from the Director as provided in rule 22:

Provided that permission may be renewed upto further period of two years if the Director is satisfied that the delay in execution of layout and development works was for reasons beyond the control of the colonizer:

[Provided further that if the permission granted under rule 20 is based on the colonizer's furnishing guarantee for one development work, or more one development work separately, the permission granted for rule work or works shall remain valid for a period of one year from the date of order, during which period such work/works shall be completed and a certificate to that effect obtained from the Director.]

(2) The colonizer shall commence the laying out of the colony and development works within three months of the issue of order under sub-rule (1) of rule 20.

22. Completion certificate [Sections 25(1)(2)(f)].—(1) After the colony has been laid out according to the approved layout plans and development works have been executed according to the designs and specifications as approved in the order granting permission, the colonizer shall make an application to the Director in Form CL-IV.

(2) After such scrutiny, as may be necessary, the Director may issue a completion certificate in Form CL-V or refuse to issue such certificate stating the reasons for such refusal.

23. Transfer of sanction [Section 25(2) (f)].— The colonizer shall not be entitled to transfer the permission granted to him under sub-rule (1) of rule 20 to any other person or persons without the prior permission in writing of the Director.

24. Revocation of permission [*Section 25(2)(f)*].—(1) Should the Director determine at any time that the execution of the layout plans and the construction of other work is not proceeding according to the permission granted under sub-rule(1) of rule 20 or is below specifications or is in violation of any provision of these rules or of any law or rules for the time being in force, he shall by a notice in form CL-VI notify the colonizer, to whom permission was granted, requiring to remove the various defects within the time specified in the notice.

(2) Should the colonizer fail to comply with the requirements detailed in the notice issued under sub rule (1), the Director shall issue him a further notice in Form CL-VII to afford him an opportunity to show cause why the permission granted should not be revoked.

(3) After hearing the colonizer or considering such representation as he may make, the Director may either revoke the permission or may grant him further time for complying, with the requirements of the notice issued under sub rule (1). If, however, the colonizer does not comply with the said requirements within such extend period, the Director shall revoke the permission.

(4) On the revocation of the permission no further works shall be undertaken or carried out by the colonizer unless fresh, permission has been obtained.

(5) After revocation of the permission, the Director may himself carry out or cause to be carried out the development works in the colony and recover such charges as he may incur on the said development works from the earnest money deposited by the colonizer and the bank guarantee furnished by him under rule 19.

⁷⁶**[25. Refund of Earnest money** [*Section 25(2) (f)*].— Such charges as may be determined by the Director for the scrutiny of the plans, estimates and works in respect of colony shall be deducted from the earnest money deposited by a colonizer under rule 16-A and the balance, if any, shall be refunded to him within six months of the rejection under rule 17 or grant of permission under rule 20.]

26. Release of Bank Guarantee [*Section 25(2)(f)*].—After the layout and development works or part thereof in respect of the colony or part thereof have been completed and a completion certificate in respect thereof issued, the Director may, on an application in this behalf from the colonizer, release

⁷⁶Substituted by Haryana Govt. Notification No. GSR 89/PA-41/63/S.125/Amd(1)/66 dated 21.4.1966

within a period of six months of the date of the application, the bank guarantee or part thereof, as the case may be, after adjusting the expenditure, if any, incurred as provided under Rule 24 (5): provided that if the completion of the colony is taken in part only the part of the bank guarantee corresponding to the part of the colony completed shall be released: and provided further that always 1/5th bank guarantee shall be kept unreleased to ensure upkeep and maintenance of the colony or the part thereof, as the case may be for a period of 5 years from the date of issue of the completion certificate under rule 22 or earlier till such time as the colonizer is earlier relieved of the responsibilities in this behalf by the Government or a local authority, as the case may be.

⁷⁷{PART IV – A

CHANGE OF LAND USE IN CONTROLLED AREAS

26A. Application for permission under Section 7 in case of a person other than colonizer.— Every person other than colonizer intending to change the existing use of the land in a controlled area for the purpose of developing the said land into buildings for residential, industrial, commercial or other purposes shall make ⁷⁸[an application in writing alongwith scrutiny fee of Rs. 10 (ten rupees only) per square meter in the form of bank draft to the Director] in Form CLU-I, accompanied by-

- (1) a survey plan of the land on scale of 1” to forty feet showing the existing means of access to the land for the nearest public road and building and their nature falling within 100 yards of the said land on its four sides; and
- (2) a copy of the deed showing the title of the applicant to the said land.

26B. Information necessary to validate application under rule 26-A.- No application under rule 26-A shall considered to be valid until a plan and a copy of the deed required by rule 26-A have been furnished to the satisfaction of the Director. In case of failure of such compliance, the application together with the plan and copy of the deed shall be returned to the applicant for resubmission in accordance with these rules.

26C. Applicant to be called upon to fulfill certain conditions. –(1) If, after scrutiny of the plan and other necessary enquiry which the Director may deed fit, he is satisfied that the application is fit for the grant of permission, he shall

⁷⁷ Part IV-A added by Notification GSR 65/PA-41/63/S-25 Amend. (1) 68 dated 31.7.1968

⁷⁸ Substituted by Haryana Govt. Gaz. Notification No. 10DP-99/14217 dated 1.10.1999 at page 2217

before granting permissions, call upon the applicant to fulfill the conditions laid down in rule 26-D within a period of thirty days from the date of notice given to him under a registered cover.

(2) If the applicant fails to fulfill these conditions within the period specified in sub-rule (1), the permission shall be refused.

26D. Conditions required to be fulfilled by the applicant.-The applicant shall –

- (a) furnish to the Director a bank guarantee in the ⁷⁹[amount equal to twenty five percent] of proportionate estimated cost of the development works as certified by the Director and enter into an agreement in Form CLU-II for fulfilling the conditions contained herein in accordance with the permission finally granted.
- (b) undertake to pay proportionate development charges which shall be a first charge of the said land as and when required and as determined by the Director in respect of external development works which may be carried out in the area for the benefit of the said land.
- (c) undertake to be responsible for making arrangement for the disposal of affluent to the satisfaction of the Director.
- (d) undertake to get the plan approved from the Director before commencing any construction on the said land.
- (e) undertake not to sell the said land or portion thereof unless the said land has been put to use permitted by the Director and to use the said land only for the purposes permitted by the Director; and
- (f) undertake to start construction on the said land within a period of six months and complete the construction within a period of ⁸⁰[two years] from the date of issue of order permitting the change of land use:

⁸¹ [Provided that where the existing use of the land in a Controlled Area is to be changed for the purpose of developing the said land into buildings for industrial purposes, no bank guarantee referred to change (a) shall be required to be furnished and in such a case paragraph 3 of the agreement in Form CLU-II shall not apply.]

- ⁸²[(g) furnish to the Director a demand draft on account of conversion charges as per rates prescribed in the ⁸³“Schedule IV/IVB” to these rules.]

⁷⁹ Added by Haryana Govt. Notification No. GSR 65/PA-41/63/S.25/69 dated 24.4.1969

⁸⁰ Substituted by Haryana Govt. Gaz. (Extra.) dated 25.3.1997 published on 26.3.1997

⁸¹ Added by Notification No. GSR/59PA-41/63/S.25/70 dated 17.4.1970

⁸² Inserted by Haryana Govt. Gaz. Notification No. 10DP-99/14217 dated 1.10.1999 at page 2217

26E. Grant of permission and form of order of grant or refusal to grant permissions.-(1) if the applicant has fulfilled all the conditions laid down in rule 26-D to the satisfaction of the Director, the Director shall grant the permission.

(2) Every order passed under sub-section (2) of section 8 on an application submitted under rule 26-A shall be in form CLU-III.

⁸⁴[26F. Duration of sanction.— The permission granted under rule 26-E shall remain valid for a period of two years for land measuring upto twenty five acres for other than Multi-Story Buildings, three years for land measuring upto twenty five acres for Multi-Story Building and five years for land measuring twenty five acres and above from the date of orders during which period works for putting the said land to the permitted use shall be completed:

Provided that if the owner makes an application in writing for further renewal of the change of land use permissions and if, the Director is satisfied for the reasons mentioned by the applicant, such permission may be further renewed upto a period as follows:-

- | | | |
|-------|---|-------------|
| (i) | For land measuring upto twenty-five acres and permission granted for other than multi-storied buildings | Three years |
| (ii) | For land measuring upto twenty-five acres and building plans for multi-storied buildings (more than four storied or fifteen metres in height as the case may be) are approved | Four years |
| (iii) | For land measuring twenty-five acres and above: | Five years |

The renewal shall be subject to payment of ten percentum of conversion charges applicable as on date in form of demand draft/e-payment in favour of the Director:

Provided further that the Director with the approval of the Government may extend the permission by another one year, if he is satisfied that the delay in execution of works is beyond the control of applicant, inspite of granting renewal of permission as per the first proviso. The extension shall be granted on payment of fifteen percentum of conversion charges applicable

⁸³ Substituted vide Haryana Govt. Gaz. Notification No. 1644 dated 18.01.2023

⁸⁴ Substituted vide Haryana Govt. Gaz. Notification No. M-6/JE(S)/2012/17932 dated 11.9.2012 at page 3208 and further substituted by Haryana Govt. Gaz. Final Notification No. Misc-G1-Vol-II/Asstt(AK)/2020/7/11/2020-2TCP dated 17.08.2020.

as on the date and shall be deposited in the form of demand draft/e-payment in favour of the Director.]

PART V

LAYING OUT MEANS OF ACCESS TO A ROAD WITHIN CONTROLLED AREA

27. Application for permission under section 8 for laying out means of access to a road in a controlled area [Section 3,8, and 25(2)(e)].- (1) Every person requiring permission of the Director for laying out means of the access to a road within a controlled area shall submit an application in Form AC-I.

(2) The site plan mentioned in Form AC-1 shall be drawn to a scale of not less than 1" to 40' and indicate:-

(i) the name of the road to which access is desired indicating the number of milestone or furlong stone, and

(ii) the details of the proposed junction.

(3) The cross-section of the proposed access shall be drawn to a scale 1" to 1' and shall show all elements constituting the road e.g. the metalled portion, footpaths, position of electric poles, green verges, etc.

28. Restriction governing the grant of permission for laying out means of access in a controlled area [Sections 3,8(1) and 25(2)(f)].-No permission for application made under rule 27 shall be granted, unless-

(a) the proposed means of access are in conformity with the provisions of the development plan, and

(b) the applicant undertakes to construct the proposed access in the manner specified in the order granting permission.

29. Information necessary to validate application under rule 27 [Sections 3, 8 and 25 (2)(e)].- No application under rule 27 shall be considered to be valid unless it is made on the prescribed form and is accompanied by the requisite number of plan and documents required to be furnished along with the application. In case of failure of such compliance, the application together with the plans and documents shall be returned to the applicant for submission in accordance with the rules.

30. Form in which Order under Section 8 (2) is to be passed [Sections 8 (2) and 25(f)].- After an application of *the* prescribed form containing the requisite information and accompanied by necessary, documents as mentioned in rule 27 is received, the Director shall, after making such inquiry as he

considers necessary, pass an order under sub-section (2) of section 8 in Form AC-II.

31. Duration of permission [Sections 8(2) and 25(2)(e)].— Every permissions granted under rule 30 shall remain in force for a *period* of one year and if the means of access are not laid out within the aforesaid period according to the conditions attached with the order granting permission, the permission shall be deemed to have lapsed and in that case fresh permission will be necessary.

PART VI

LICENSING OF BRICK-KILNS WITHIN CONTROLLED AREAS

32. Application for licence under section 8 for setting up a brick kiln or brick field [sections 8 and 25 (2) (e)].— Any person intending to use land within a controlled area for purpose of a charcoal-kiln, pottery-kiln, lime-kiln, brick-kiln or brick-field or for quarrying stone, bajri, surkhi, kankar or for other similar extractive and ancillary operation shall make an application in writing to the Director in Form BK-I accompanied by the following plans and documents in triplicate:-

- (i) A guide map on scale of not less than 6” to a mile showing the location of the site in relation to the main geographical features to enable its identifications within the controlled area, and
- (ii) a site plan on a scale of not less than 1” to 40” showing thereon-
 - (a) the boundaries of the site proposed to be used for the aforesaid purpose;
 - (b) the portion of the site which is to be excavated;
 - (c) portion of the site in which kiln or machinery is to be installed; and
 - (d) cross section through the portion of the site proposed for excavation showing,-
 - (i) existing levels;
 - (ii) and the average levels to which it is to be excavated.

33. Information necessary to validate application under rule 32 [Section 8 and 25(2)(e)].—No application under rule 32 shall be considered to be valid unless it is made on the prescribed form and accompanied by the requisite number of plans and documents required to be furnished alongwith the application. In case of failure of such compliance, the application together with the plans and documents shall be returned to the applicant for resubmission in accordance with the rules.

34. Restriction governing the grant of licenses [Section 8 and 25(1)].— No licence under rule 32 shall be granted unless-

- (a) the land is situated within an area indicated for the purpose for which the licence is sought in the development plan;
- (b) The portion of the land earmarked for excavation does not exceed 50 per cent of the land sought to be licensed;
- (c) proposed excavation does not exceed the depth of five feet; and
- (d) no permanent buildings are proposed to be constructed on the land.

35. Form in which licence under Section 8 (2) is to be given [Section 8(1) and 25 (2)(f)].— After an application on the prescribed *form* containing the requisite information and accompanied by necessary documents as mentioned in rule 32 is received the Director shall, after making such inquiry as he considers necessary; grant a licence in Form BK-II or refuse to grant the same.

36. Duration of licence [Section 8 (1) and 25 (2)(f)].- Every licence issued under rule 35 shall remain valid for ⁸⁵[⁸⁶{three calendar years} or a part thereof] as the case may be, and will be renewable annually;

Provided that if at any time or at the time of the renewal, any extension of land for the required purpose is necessary, the applicant shall make a fresh application for the same as required under rule 32:

Provided further that no fresh licence shall be necessary in case of extension and necessary amendment shall be made in the license already issued.

37. Fees for licence [Section 7 and (2)(d)].— Fees for every issue or renewal of a licence under rule 35 shall be ²{one thousand five hundred rupees}.

⁸⁷[PART VII BUILDING RULES

38-125. The building activity in the controlled areas shall be governed by ‘The Haryana Building Code as hosted on the website of the Town & Country Planning Department on 30th June, 2016 and is amended from time to time.]

⁸⁵ Substituted by Haryana Govt. Gaz. Part I dated 23.3.1982 at page 749

⁸⁶ Substituted by Haryana Govt. Gaz. (Extra.) dated 9.10.1996

⁸⁷ Substituted by Haryana Govt. Gaz. (Extra) dated 8.3.2017 at page 598

PART VIII
MISCELLANEOUS

Demolition, Appeal and Maintenance of Record

126. Register of applications for permission and licences [Section 8 (2) and 25 (2) (f)].— The Director shall maintain the following registers in the form noted against each in respect of permissions or licences granted or refused by him under section 8 and in respect of orders of demolition issued under sub-section (2) of section 12 of the Act:-

- (a) A register in Form M-1 showing particulars of all cases in which permission to erect or re-erect a building in existence immediately before the commencement of the Act and involving structural alteration or addition, within 30 metres of a scheduled road or 100 meters of by-pass or for laying out of a means of access to a scheduled road under clauses (b) and (c) of the provision to section 3 respectively is granted or refused.
- (b) A register in Form M-II in which particulars of all cases in which permission to erect or re-erect a building or make or extend an excavation or to lay out means in a controlled area is granted or refused.
- (c) A register in Form M-III in which particulars of all cases in which permission for change of use of land within a controlled area for the purpose of setting up a private colony is granted or refused.
- (d) A register in Form M-IV in which particulars of all cases in which licence is a controlled area for charcoal-kiln, potter-kiln, lime-kiln, brick-kiln or brick field or for quarrying stone, bajri, surkhi, kankar or for some other similar extractive or ancillary operation is granted or refused.
- (e) A register in Form M-V showing particulars of all cases in which orders of demolition under sub-section (2) of section 12 are issued.

127. Copies and fees [Section 8 (2) and 25 (2) (f)].— Copies of survey record, field book, plans, orders and other documents prepared under the Act shall be available on payment of the fees mentioned below:-

- (1) For copies of entries in the register or linear map prepared under rule 3.-
 - (a) Entries in register Rs.1.00 per entry
 - (b) Linear map Rs.10.00 for every one mile of the road or part thereof indicated in the map
- (2) Copy of entries in the registers mentioned in rule 126 Rs. 1.00 per entry
- (3) Copy of orders of the Director granting or refusing permission under section 8 of the Act Rs. 2.00 per order
- (4) Copy of development plan drawing of a controlled area Rs.10.00 per order
- (5) Copy of development plan including all enclosures Rs.30.00
- (6) Duplicate licence Rs.2.00
- (7) Other records Rs.1.00 per page.

Note.- (1) Preparation of copies of documents shall not be undertaken unless the prescribed fees have been deposited by the applicant in advance in the office concerned.

(2) Copying fee once paid shall not be refunded.

128. Order of demolition under section 12 (2) [Sections 12(2) and 25(i)].—Where a person erects or re-erects any building or makes or extends any excavation or lays out any means of access to a road, in contravention of provision of section 3 or section 6 or in contravention of any conditions imposed by these rules or by an order under section 8 or section 10, or uses any land in contravention of these provisions of sub-section (1) of section 7 or section 10, the Director shall issue an order under sub-section (2) of section 12 of the said person in Form M-VII:

Provided that reasonable opportunity shall be given to the defaulter to show cause by notice in Form M-VI before issuing the said order of demolition.

129. Procedure for hearing appeals [Section 25(2)(h)].—(1) an appeal instituted before the Commissioner under section 10 shall bear a court fee stamp of ten rupees.

(2) The memorandum of appeal containing grounds of appeal shall be accompanied by a copy of order appealed against and a sketch/plan of the building/site in question.

(3) The Commissioner shall hear the appellant and call for the comments of the Director, Town and Country Planning, ⁸⁸[Haryana], Chandigarh as also of the Director who passed the order appealed against, in case he is a different officer, and shall consider these comments before final disposal of the appeal.

⁸⁹[130. Salary and other allowances and terms and conditions of Chairman, Member and staff of the Tribunal [Sections-12C and 25].—(1) Chairman of the Tribunal shall receive the salary and other allowances of the Judge of the High Court and the Member shall receive the salary from his own department to which he belongs.

(2) The Chairman and Member of the Tribunal shall be eligible for such traveling allowances and daily allowance on official tours as are admissible to them while working as Judge of the High Court and the Chief Engineer.

(3) The salary and other allowances to the Chairman and other staff of the Tribunal shall be defrayed out of Major Head—“2217-Urban Development”.

(4) Chairman of the Tribunal shall hold office for a term of ⁹⁰{three} year and shall be eligible for reappointment for another term and the Member shall hold office for a period of ⁹¹{three} year or upto the age of superannuation, whichever is earlier:

Provided that the Chairman and the member may-

(a) by writing under his hand and addressed to the Government resign his office at any time; and

(b) be removed from his office in accordance with the provisions of sub-rule (5).

(5) the government may remove from office, Chairman or a member of the Tribunal who-

(a) has been judged as an insolvent; or

(b) has been convicted of an offence which in the opinion of the Government, involves moral turpitude; or

(c) has become physically and mentally incapable of acting as such; or

⁸⁸ Substituted by Har. Govt. Gaz. (Extra.) notification No. 19996 dated 22.12.1997 at page 2825

⁸⁹ Rules 130 and 131 added by Haryana Govt. Gaz. (Extra.) Notification dated 26.8.2002 at page 1706-08

⁹⁰ The word “three” substituted by Haryana Govt. Gaz. (Extra.) Notification No. C-215/STP(E&V)/JE(PG)/2019/17/16/99-1TCP dated 8.11.2019.

⁹¹ The word “three” substituted by Haryana Govt. Gaz. (Extra.) Notification No. C-215/STP(E&V)/JE(PG)/2019/17/16/99-1TCP dated 8.11.2019

- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that the Chairman or Member shall not be removed from his office on the ground specified in clause (d) & (e) of sub-rule (5) except on enquiry held by the Govt. with such procedure as it may specify in this behalf and fund the chairman/member to be guilty on such ground.

(6) Before appointment, the Chairman or member of the Tribunal shall have to take an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such.

(7) The terms and conditions of service of Chairman, member of the Tribunal or staff shall not be varied to their disadvantage during their tenure of office.

(8) Every vacancy caused by resignation and removal of the Chairman or Member of the Tribunal under sub-rule (4) or otherwise shall be filled in by fresh appointment.

(9) The Chairman or Member ceasing to hold office as such shall not hold any appointment in or be connected with the management or administration of an organisation which have been the subject of any proceeding under the Act during his tenure for a period of five years from the date on which he ceases to hold such office.

(10) The staff for the Tribunal shall be provided by the Town and Country Planning Department, Haryana and shall draw the salary and allowances from the department and their services shall be governed by the departmental service rules and will be on cadre of the Department.

(11) The casual and other leaves of the Chairman of the Tribunal shall be sanctioned by the Governor of Haryana.

(12) All kind of leave shall be admissible to the Chairman of the Tribunal which is admissible to a sitting Judge of the High Court. The Governor of Haryana shall have full powers to sanction the leaves of the Chairman.

[Sr. No. 13 & 14- Amendmet- Draft Rules dt. 17.09.2018]

⁹²(13) The member of the Tribunal shall be entitled for earned leave of fifteen days in every six months of completed service. In addition, he shall be entitled for casual and other leaves as admissible to the Corresponding Grade Officers of the Indian Administrative Service posted in the State and the Chairman shall have powers to sanction the leave of the members.

(14) The member may be paid cash equivalent to leave salary and dearness allowance in respect of the period of earned leave at his credit at the time of conclusion of his term with Tribunal subject to the following conditions, namely:—

- (a) The admissibility and such payment shall be limited to a maximum period of one hundred and fifty days earned leave;
- (b) the cash so admissible shall become payable on conclusion of his tenure with the Tribunal and be paid in one lump sum as a one time settlement;
- (c) The rate of leave salary and dearness allowance shall be the same as admissible to a member for earned leave on the date of retirement and no compensatory allowance and/or house rent allowance shall be payable;
- (d) The Chairman, shall have full powers to sanction such benefits to the members.]

131. Procedure for hearing appeal by Tribunal [Section 12-C and 25(2)(h)].—(1) Memorandum of appeal shall be presented by the appellant or his authorized agent to the Tribunal in person or by registered post addressed to the Tribunal.

⁹² Inserted by Har. Govt. Gaz. (Extra.) Draft Notification No. 17/16/99-1TCP dated 17.09.2018

(2) Every memorandum filed under sub-rule(1) shall be in legible hand writing preferably typed and shall set forth concisely under distinct heads, the grounds of appeal without any argument or narrative and such grounds shall be numbered consecutively and shall be accompanied by a copy of order appealed against, a sketch/plan of the building/site in question and other documents as may be required to support the grounds of appeal.

(3) The memorandum of appeal shall be accompanied by a fee of Rs.100 in the form of revenue stamp or treasury challan deposited in the Haryana Government Treasury under head "2217-Urban Development (i), 60, other Urban Development Schemes, 800-Other Receipts".

(4) When the appeal is presented after the expiry of period of limitation as specified in the Act, the memorandum shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant wants to satisfy the Tribunal that he has sufficient cause for not preferring the appeal within the period of limitation.

(5) The appellant shall submit minimum four copies of memorandum of appeal to the Tribunal for official purposes.

(6) The Tribunal shall call for the records and the comments of the District Town planner/Executive Engineer, Public Works Department (Building and Roads) concerned whose orders are appealed against and shall consider their comments before final disposal of the appeal.

(7) On the date of hearing or on any other day to which hearing may be adjourned, it shall be obligatory for the parties or their authorized agents to appear before the Tribunal. If appellant or his authorized agent fails to appear on such date, the Tribunal may, in its discretion, either dismiss the appeal in default or decide it on merits of the case. If respondent or his authorized agent fails to appear on such date the Tribunal may proceed ex-parte and may decide the appeal ex-parte on the merits of the case.

(8) The appellant shall not except by leave of the Tribunal urge or be heard in support of any ground of objection set forth in the memorandum of appeal but the Tribunal, in deciding the appeal, shall not continue to the grounds of objections set forth in the memorandum of appeal or taken by leave of the Tribunal under this sub-rule:

Provided that the Tribunal shall not rest its decision on any other grounds unless the party who may be affected thereby, has been given, at least one opportunity of being heard by the Tribunal.

(9) Tribunal may, on such terms as it may think fit and at any stage, adjourn the hearing of the appeal, but not more than one adjournment shall ordinarily be given and the appeal shall be decided preferably within ninety days from the first date of hearing.

(10) Order of the Tribunal on appeal shall be signed and dated by the Chairman and Member constituting the Tribunal and shall be communicated to the parties free of cost.

(11) That in case the Member of Tribunal is not present on any day and appeal for arguments are fixed then only Chairman shall hear the appeal and decide them and his decision shall be final.

(12) That if Chairman is on leave or on vacations then the urgent matters shall be heard by the member of the Tribunal.

(13) For the purpose of this rule, the Tribunal shall have the same powers as are vested in Civil Court under the Code of Civil Procedure, 1908 (Act 5 of 1908).

(14) Every proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 the Indian Penal Code, 1860 (Act 45 of 1860), and shall also be deemed to be a proceeding of Civil Court for the purposes of Section 195 and Chapter XXVI of the Code of Criminal procedure, 1973 (Act 2 of 1974).]

FORM SR-I

[See rule 3(2)]

Register of buildings, excavations and means of access to roads within 100 metres on either side of road reservation of bye-pass, or within 30 metres of the road reservation on either side of a scheduled road.

- (i) District _____
(ii) From mile/kilometer _____
to mile/kilometer _____
(iii) Name of scheduled road/bye-pass _____

| Sr. No. | Date of survey | Location of building, excavation of access of road | Right hand side or left hand side | Description of building excavation or access to road | Purpose for which the building mentioned in column | Reference no. to survey which entry in Column 5 relates |
|---------|----------------|--|-----------------------------------|--|--|---|
| 1. | 2. | 3. | 4. | 5. | 6. | 7. |
| | | | | | | |

Signature with designation
of Official conducting survey

Signature of Director

FORM SR II

[See Rule 4]

Form of application for permission under Clauses (b), (c) or (d) of the proviso to section 3 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act. 1963.

To

Sir,

As my/our request for permissions pertains to a site lying within 30 meters of a scheduled road or 100 meters of a bye-pass I/We beg to apply for permission as under:-

* (A) For erection or re-erection of a building which was in existence immediately before the commencement of the Act and which involves structural alterations or additions the details whereof have been given below:-

- (i) Exact location of the building indicating name of the road or bye-pass and milestone;
(ii) Since when existing;
(iii) Purpose for which the present building is used;
(iv) Reason why erection or re-erection with structural alterations or additions, necessary.

The following plans are enclosed:-

- (i) Site plan in triplicate indicating location of the building.
(ii) Building plan in triplicate.

(B) For laying out means of access to a scheduled road or bye-pass with particulars as under:-

- (i) Name of road/or bye-pass to which access desired.
(ii) Point at which access desired indicating number of mile stone or furlong stone etc.
(iii) Layout of the junction of the access with the road or bye-pass.
(iv) Reason for which access required.
(v) Applicant's title to land under the proposed access.

(vi) Revenue particulars of the land under the proposed access.

I/We enclose a site plan indicating the proposed access.

*(C) For erecting or re-erecting a motor-fuel-filling station or a bus queue-shelter.

The following plans are enclosed:-

- (i) site plan in triplicate indicating location of the proposed station or shelter with reference to the mile stone or furlong stone.
- (ii) building plan in triplicate.

Yours faithfully,
Name and Full Address.

* *Strike off whichever is inapplicable*

FORM SR-III

(See rule 7)

Form of order of grant or refusal to grant permission under section 3 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.

To

Sir,

Reference your application dated for permission to

- (a) erect or re-erect building;
 - (b) laying out means of access to a road;
 - (c) erection or re-erection of motor-fuel-filling stations or bus queue-shelter; in accordance with the plans submitted by you, permission is hereby _____
- *(a) granted for the aforesaid work;
- (b) refused for reasons given on the reverse;
 - (c) granted subject to the conditions given below:-

Yours faithfully
Director

* *Strike off whichever is inapplicable*

⁹³FORM SR-IV {see rule 3 A}

- A. Name of the Scheduled Road and/or National Highway on which property is situated alongwith details of nearest kilometre stone :-
- B. Name of the Controlled Area :—
- C. Name of the District :—
- D. Particulars of the applicant
 1. Name of applicant/s :—
 2. Contact address along-with

⁹³ Form SR-III inserted by Haryana Govt. Gaz. No. C-620(B)/STP (E&V)/2012/428 dated 21.3.2012 at page 912

- telephone number and e-mail ID :—
3. Name of the village/revenue estate (Hadbast No.) where site is situated :—
 4. The Khasra numbers of the site applied for exclusion:—
 5. Area of the site in square metres :—
 6. I/we want to get excluded the building as per rule 3 A and enclose the following documents in triplicate duly notarized by Oath Commissioner/Magistrate, First Class :—
 - (a) Revenue documents (authenticated copies) :—
 - (b) Registration deed
 - (c) Intkal duly verified by Halka Patwari
 - (d) Shijra Plan duly verified by Halka Patwari
 - (e) Jamabandi duly verified by Halka Patwari
 7. Site plan showing the covered area in hatches, detailed building plans for the covered area which are duly authenticated by an Architect/Engineer.
 8. Use of the building.
 9. Photographs of the building applied for, duly authenticated by owner.
 10. Videography of the building applied for, in the form of Compact Disk.

Signatures of the owner along-with
address & e-mail ID]

FORM CL-I

(See rule 11)

Form of application by a coloniser for permission under section 8 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.

To

The Director,
Town and Country Planning Department, Haryana
Chandigarh
Controlled Area. _____

Sir,

I/We beg to apply for permission to change the existing use of land for the purpose of setting up a colony by sub-dividing and developing into building plots for residential/Industrial /commercial/Other purpose.

2. I/We enclose the following documents in triplicate:-

- (i) Copy or copies of all title deeds and/or other documents showing the interest as coloniser in the land under the proposed colony, along with a list of such deeds and/or other documents.
- (ii) A copy of the Shajra Plan showing the location of the colony along with the name of the revenue estate, Khasra number of each field and area of each field.

- (iii) A guide map on a scale of not less than 1 Kilometre to 10 centimetre showing the location of the colony in relation to surrounding geographical features to enable the identification of the site.
- (iv) A survey plan of the land under the colony on a scale of 1" to one hundred feet showing the spot levels at a distance of 100 feet and, where necessary, contour plans. The survey will also show the boundaries and dimensions of the said land, the location of streets, buildings, and premises within a distance of at least 100 feet of the said land and existing means of access to it from existing roads.
- (v) Layout plan of the colony on a scale of 1" to one hundred feet, showing the existing and proposed means of access to the colony, the width of streets, sizes and types of plots, sites reserved for open spaces, community buildings and schools with area under each and proposed building lines on the front and sides of plots.
- (vi) An explanatory note explaining the salient feature of the proposed colony, in particular the sources of water supply arrangement for disposal and treatment of storm and sullage water and sites for disposal and treatment of storm and sullage water.
- (vii) Plans showing the cross-sections of the proposed roads showing in particular width of the proposed carriage ways, cycle tracks and footpaths, green verges, position of electric poles and of any other works connected with such roads.
- (viii) Plans referred to in clause (vii) above indicating, in addition the position of sewers, storm water channels, water supply and any other public health services.
- (ix) Detailed specifications and designs of road works shown in clause (vii) above and estimated costs thereof;
- (x) Detailed specifications and designs of sewerage, storm, water and water supply schemes with estimated cost of each;
- (xi) Detailed specification and design for disposal and treatment of storm and sullage water and estimated costs of works.

3. The names and qualification of the Engineers responsible for the execution of the development works of the colony are given below and the engineer has also signed below in token of his engagement:-

| Name of Engineer | Qualification of Engineer mentioned in column 1 | Signature of Engineer mentioned in column 1 |
|------------------|---|---|
| 1. | | |
| 2. | | |
| 3. | | |

Dated

Yours faithfully
(Name and full address)

FORM CL-II

(See Rule 19)

Agreement by a coloniser intending to set up a colony

This AGREEMENT made on the _____ day of _____ one thousand nine hundred and sixty _____ between Shri _____ son of Shri _____ resident of _____ (hereinafter called "the Coloniser") of the one part AND the Governor of Punjab acting through the DIRECTOR, TOWN AND COUNTRY PLANNING DEPARTMENT, Haryana, of the other part (hereinafter referred to as the "Government").

(i) WHEREAS the coloniser is seized of or otherwise well entitled to the land mentioned in Annexure hereto, which said land is within the controlled area of _____ and is affected by the provision of Punjab Scheduled roads and Controlled Areas Restrictions of Unregulated Development Act, 1963, and rules made thereunder, hereinafter, referred to as the Act and rules.

(ii) AND WHEREAS under rule 19 of the said rules one of the conditions for the grant for permission is that the coloniser shall enter into an agreement for carrying out and completion of development works in accordance with the permission finally granted.

NOW THIS DEED WITNESSTH AS FOLLOWS:-

1. In consideration of the Director agreeing to grant permission to the coloniser to set up the said colony on the land mentioned in Annexure here to on the fulfillment of all the conditions laid down in rule 19 by the coloniser, the coloniser hereby covenants as follows:-

- (a) That the coloniser shall be responsible for the maintenance and upkeep of all roads, open spaces, public parks and public health services for a period of five years from the date of issue of the completion certificate under rule 22, unless earlier relieved of this responsibility, by the Government or a local authority, as the case may be, when the coloniser shall transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be;
- (b) That the coloniser shall at his own cost construct or get constructed by any other institution or individual at its cost, schools, hospitals, community centers and other community buildings on the land set apart for this purpose, or if so desired by the Government, shall transfer to it at any time it may desired free of cost and thus set apart for schools, hospitals, community centers and other community buildings, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority on such terms and conditions as it may lay down.
- (c) That the coloniser shall permit the Director or other officer authorized by him in this behalf to inspect the execution of the layout and the development works in the colony and the coloniser shall carry out all directions issued by them for ensuring due compliance of the execution of the layout and development works in accordance with the permission granted.
- (d) That the coloniser shall pay proportionate development charges as and when, required and as determined by the Director in respect of laying out and construction of main lines of roads, sewerage, drainage, water supply and electricity if and when laid by the Government, or any other local authority.
- (e) That without prejudice to anything contained in this agreement all the mandatory provisions contained in the Act and the rules shall be binding on the coloniser.

2. Provided always and it is hereby agreed that if the coloniser shall commit any breach of the terms and conditions of this agreement or violate any mandatory provision of the Act or rules, then and in any such case, and notwithstanding the waiver of any previous cause of right, the Director, may revoke the permission granted to him.

3. Upon revocation of the permission under clause 2 above and Director may carry out and complete or cause to be carried out or completed the development works in the colony and recover such charges as may be incurred on the said development works from the Bank standing at guarantee for the carrying out of the works by the coloniser (to the extent of the guarantee).

4. That the coloniser shall be entitled to the refund of the earnest money deposited by him within six months of the grant of permission under rule 20 subject to deductions of such charges therefrom as may be determined by the Director for the security of the plans, estimates and works in respect of the colony.

5. The stamp and registration charges on this deed shall be borne by the coloniser.

6. The expression the "Coloniser" hereinafter used shall include his heirs, legal representatives, successors and permitted assigns.

7. After the layout and development works or part thereof in respect of the colony or part thereof have been completed and a completion certificate in respect thereof issued, the Director may, on an application in this behalf from the coloniser, release within a period of six months of the date of the application the Bank guarantee or part thereof as the case may be, after adjusting the expenditure, if any, incurred as provided under rule 24(5); provided that if the completion of the colony is taken in parts only the part of bank guarantee corresponding to the part of the colony completed shall be released and provided further that always 1/5th of the bank guarantee shall be kept unreleased to ensure upkeep and maintenance of the colony or the part thereof as the case may be for a period of five years from the date of issue of the completion certificate under rule 22, or earlier, till such time as the coloniser is earlier relieved of the responsibilities in this behalf by the Government or a local authority.

IN WITNESS WHEREOF THE COLONISER AND THE DIRECTOR have signed this deed on the day and year first above written.

Signed by
Witnesses

The Director

The coloniser

FORM CL-III

(See Rule 20 (2))

Form of refusal or grant of permission for setting up a colony

Reference your application dated for setting up a residential/ industrial/ commercial colony in the controlled area at

(1) Permission is hereby refused for reasons mentioned below:-

(2) Permission is hereby granted subject to the conditions:-

(a) that the colony is laid out to conform to the approved layout plans and development works are executed according to the designs and specifications shown in the approved plan accompanying this permission.

(b) that the conditions of the agreement already executed are duly fulfilled and the provisions of the Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Rules, 1965, duly complied with.

Director,

Town and Country Planning, Haryana

FORM CL-IV
[See Rule 22 (1)]

To,

The Director,
Town and Country Planning Department, Haryana,
Chandigarh.

Dear Sir,

Kindly refer to your order No.....dated granting permission to the setting up of a colony in the controlled area.....

I/We have to intimate that the said colony has been laid out and completed/part of the colony as shown on the enclosed plan has been completed in all respects as per permission accorded by you. I/We, therefore, request that a completion certificate in respect of the whole colony/ the said part of the colony may kindly be issued to us as required under rule 22(1).

As required I/We enclose the layout plan of the colony in triplicate showing the whole Area/part thereof over which the aforesaid works have been completed.

Dated:

Yours faithfully
(Name and address of Coloniser)

FORM CL-V
[See rule 22(2)]

To

Reference your application requesting for completion certificate in respect of your colony/part of colony for which permission was granted, vide this office No.dated.....

2. It is hereby certified that the required development works on the whole of the colony/part of the colony as indicated in the enclosed layout, duly signed by me.

(1) have been completed to my satisfaction.

or

(2) have not been completed as per details given below:-

- 1.
- 2.
- 3.

Director,
Town and Country Planning, Haryana

FORM CL-VI
[See Rule 24(1)]

To

Whereas it has come to my notice that:-

- (a) the execution of the layout plan and the development works have not been commenced within three months of the order granting permission to you.
- (b) layout of the colony has not been done as per approved layout plan and is deficient in following respects:-
 - 1.
 - 2.
 - 3.
- (c) Development works are not being executed as per permission granted in this behalf and are deficient in following respects:-
 - 1.
 - 2.
 - 3.

2. You are hereby required to set the aforesaid deficiencies and deviations in order within a period of _____

Director,
Town and Country Planning, Haryana

FORM CL-VII
[See Rule 24(2)]

Whereas a notice under rule 24(1) was issued to you, vide No..... dated.....

And whereas despite this notice you have failed to comply with that notice.

You are hereby required to show cause within one month why the permission already granted to you under rule 20 in respect of the aforesaid colony should not be cancelled. If no reply is received within one month it will be presumed that you have no cause to show, and further action will be taken in accordance with the rules.

Director,
Town and Country Planning, Haryana

FORM CLU-I
(See Rule 26-A)

Form of application by a person other than coloniser for permission under section 8 of the Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Act, 1963,

To

The Director,
Town and Country Planning Department,
Haryana, Chandigarh.
Controlled Area.....

Sir,

I/We beg to apply for permission to change the existing use of land for the purpose of developing the land into buildings for *residential/ industrial/ commercial/ other purposes.

I/We enclose the following documents in triplicate.

- (1) A survey of the land on a scale of 1" to forty feet showing the existing means of access to the said land.
- (2) Copy of the deed showing the title of the applicant to the land.

Dated:-

Yours faithfully,
Name and full address

FORM CLU-II
(See Rule 26-D)

Agreement by a person other than coloniser intending to change the existing use of the land in a controlled area.

THIS AGREEMENT made on the day of.....one thousand, nine hundred and sixty between Shri, son of shri resident of(hereinafter called the 'Promisee') of the one part and the Governor of Haryana acting through the Director, Town and Country Planning Department, Haryana (hereinafter referred to as the "Government") of the other part.

(i) WHEREAS the promisee is seized of or otherwise shall entitled to the land mentioned in Annexure hereto, which said land is within the controlled area of and is affected by the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, and the rule made thereunder, hereinafter referred as the Act and Rule;

(ii) AND WHEREAS under rule 26-D of the said rules one of the conditions for the grant of permission is that the promisee shall enter into an agreement for fulfilling the conditions in accordance with the permission finally granted.

Now This Deed Witnessth As Follows:-

1. In consideration of the director agreeing to grant permission to the promisee to build..... on the land mentioned in Annexure, hereto on the fulfillment of all the condition of rule 26-D by the Promisee, the Promisee hereby covenance as follows:-

- a. That the promisee shall pay proportionate development charges which shall be a first change on the said land as and when required and as determined by the Director in respect of external development works which may be carried out in the area for, the benefit of the said land.
- b. That the promisee shall be responsible for making arrangement for the disposal of affluent to the satisfaction of the Director.
- c. That the promisee shall get the plan approved from the Director before commencing any construction on the said land.
- d. That the promisee shall not except with the previous permission of the Director sell the said land or portion thereof unless the said land has been put to use permitted by the Director and to use the said land only for the purpose permitted by the Director.
- e. That the Promisee shall start the construction on the said land within a period of six months from the date of issue of orders permitting the change of land use.

2. Provided always and it is hereby agreed that if the Promisee shall commit any breach of the terms and conditions of this agreement then, notwithstanding the waiver of any previous cause or rights, the Director may revoke the permission granted to him.

3. Upon revocation of the permission under clause 2 above the Director may recover the proportionate development charges incurred on the said development works pertaining to the said land, as may be determined by the Director from the Bank Standing as Guarantee.

4. The stamp and registration charges on this deed shall be borne by the Promisee.

5. The expression the "Promisee" herein before used shall include his heirs legal representatives, successors and permitted assigns.

Signed by witnesses

The Director

The Promisee

FORM CLU-III

(See Rule 26-E)

Form of refusal or grant of permission to change the existing use of the land.

Reference your application dated for constructing residential/
industrial/ commercial building in the controlled are at

(1) Permission is hereby refused for reasons mentioned below:-

(2) Permission is hereby granted subject to the following conditions:-

- (a) that the building is constructed to confirm to the approved plans accompanying this permission: and
- (b) that the conditions of the agreement already executed are dully fulfilled and the provisions of the Punjab Scheduled roads and Controlled Area Restrictions of Unregulated Development Rules, 1965, are duly complied with.

Director,
Town and Country Planning, Haryana.

FORM AC-I

(See Rule 27)

To

Sir,

I/We beg to apply for permission for laying out means of access in the controlled area of which details are given below:-

- (i) Name of the road to which access desired
- (ii) Points at which access desired indicating the number of milestone/furlong stone.
- (iii) Reasons for access.
- (iv) Applicant's title to land under the proposed access.
- (v) Revenue particulars of the land under the proposed access.

2. As required, I/We enclose a site plan in triplicate indicating the proposed access and details of the proposed junctions.

3. I/We also enclose a plan showing the cross-section in triplicate of the proposed access road indicating thereon the width proposed to be metalled and the specifications thereof and hereby undertake to construct the same accordingly.

Dated

Yours faithfully,
Name and Address

FORM AC-II

(See Rule 30)

Form of grant/refusal to grant permission for laying out means of access to a road within a controlled area.

To

Sir,

Reference your application, dated _____ for permission to layout means of access to road.

In accordance with the plan submitted with it, permission is hereby:-

(a) refused for reasons given below:-

(b) granted subject to the conditions given below:-

Note.- This sanction will remain valid for a period of the one year during which the access should be laid and completed in all respects.

(In case of (b) above).

Yours faithfully,
Director

FORM BK-I

(See Rule-32)

Application for a licence for setting up charcoal kiln/ pottery kiln, lime/kiln, brick-kiln or brick field or for quarrying stone, bajri, surkhi, kankar in a controlled area under Section 8 of the Act.

To

Sir,

I/We beg to apply for grant/renewal of licence for the setting up of charcoal-kiln/ pottery kiln, lime/kiln, brick-kiln or brick field or for quarrying stone, bajri, surkhi, kankar in a Controlled Area.....

2. As required, I/We submit the following in triplicate:-

- (i) a guide map on a scale of not less than 6" to a mile showing the location of the site within the controlled area.
- (ii) a site plan on a scale of not less than 1" to 40" showing the boundaries of the land, the portion of the land which is to be excavated and portion in which kiln or machinery is to be installed.
- (iii) a cross-section through the portion of the land proposed for excavation showing:-
 - (a) existing levels, and
 - (b) the average levels to which it is to be excavated.

3. I/We enclose a demand draft for [Rs.1500] in lieu of the prescribed fees.

⁹⁴[4. Copy of the deed showing the title of the applicant to land.]

Dated:

Yours faithfully,
Address

⁹⁴ Substituted by Notification dated 15.3.1982 See Haryana Govt. Gaz. (Extra) dated 23.3.1983

FORM BK-II

(See Rule-35)

Form of licence under Section 8 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, for setting up a charcoal-kiln/ pottery kiln, lime/kiln, brick-kiln or brick field or for quarrying stone, bajri, surkhi, kankar in a controlled Areas.

Name and address of licence.....

Purpose of licence.....

Description of land covered by licence.....

1. Licence is hereby granted under Section 8 of the Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Act, 1963 with particulars given below:-

2. This licence is applicable only to the land indicated in the attached site plan bearing my signature and seal of office.

3. This licence is valid upto31st December, 19

Renewed up to.....31st December, 19

Renewed up to.....31st December, 19

Renewed up to.....31st December, 19

4. This licence is subject to the following conditions:-

(i) The position of the land earmarked for excavation as shown in the site plan shall alone be excavated.

(ii) The excavation shall not exceed a depth on 5 feet.

(iii) No permanent building shall be constructed on the site.

Dated.....

Director

⁹⁵[SCHEDULE IV-A

[See rule 26-D (g)]

Rate of conversion charges in the Controlled Areas in the States

(Rates Rupees per square meter)

| Potential Zone | Hyper Potential | High Potential | Medium Potential | Low Potential |
|-------------------------|--|--|--|---|
| 1 | 2 | 3 | 4 | 5 |
| Name of Controlled Area | Controlled areas forming part of the Development Plan Gurgaon-Manesar Urban Complex. | Controlled areas declared in Gurgaon District excluding the controlled areas forming part of the Development Plan Gurgaon-Manesar Urban Complex and controlled area forming part of Development Plan of Pataudi and Farukhnagar but including part of Sohna Development Plan, controlled areas of Faridabad- | Controlled areas around towns i.e. Karnal, Kurukshetra, Ambala City, Ambala Cantt., Yamuna Nagar, Jagadhri, Bahadurgarh, Hisar, Rohtak, Rewari, Bawal-Dharuhera Complex, Gannaur, Palwal, Hodel, controlled areas declared in Faridabad District (excluding the controlled areas of Faridabad-Ballabgarh | All other controlled areas declared in the State. |

⁹⁵ Schedule IV substituted by Haryana Govt. Final Notification No. Misc-1A/JE(VA)/2015/14650 dated 10.8.2015

| | | | | | | | | | | | | |
|--|-------------|-----------------------|---------------|--|-----------------------|---------------|---|-----------------------|---------------|-------------|-----------------------|---------------|
| | | | | Ballabgarh Complex, controlled areas of Sonipat-Kundli Multifunctional Urban Complex, Panipat. | | | Complex), Oil refinery Panipat (Beholi) and Controlled Areas forming part of the Development Plan, Prithla. | | | | | |
| | Abutting on | | | Abutting on | | | Abutting on | | | Abutting on | | |
| Use | NH | SR/ Sector Road | Other Road | NH | SR/ Sector Road | Other Road | NH | SR/ Sector Road | Other Road | NH | SR/ Sector Road | Other Road |
| Residential | 210 | 158 | 105 | 158 | 125 | 105 | 100 | 80 | 60 | 30 | 20 | 15 |
| Low density Eco friendly colonies | 420 | 316 | 210 | 316 | 250 | 210 | 200 | 160 | 120 | 60 | 40 | 30 |
| Commercial | | | | | | | | | | | | |
| (i) Commercial Projects like Motel with Banquet facility, 5- Star Hotel, Resort for 150% Floor Area Ratio(FAR) permission granted under provisions of Act No.41 of 1963 | 4700 | 4500 | 4300 | 2600 | 2400 | 2200 | 1200 | 1100 | 800 | 350 | 300 | 250 |
| (ii) Other Commercial Projects, which are not mentioned above. | | | | | | | | | | | | |
| (a)upto 150% FAR | 1470 | 1260 | 1050 | 1260 | 1050 | 840 | 700 | 600 | 350 | 200 | 150 | 100 |
| (b)above 150% FAR | 1715 | 1470 | 1225 | 1470 | 1225 | 980 | 816 | 700 | 408 | 235 | 175 | 116 |
| Industrial | 100 | 100 | 100 | 80 | 80 | 80 | 50 | 50 | 50 | 30 | 30 | 30 |
| Integrated Inland Container Depots/ | 200 | 200 | 200 | 160 | 160 | 160 | 100 | 100 | 100 | 60 | 60 | 60 |

| | | | | | | | | | | | | |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|----|
| Custom Bounded Areas | | | | | | | | | | | | |
| Warehouses for agro produces | 100 | 100 | 100 | 80 | 80 | 80 | 50 | 50 | 50 | 30 | 30 | 30 |
| Warehouses other than agricultural produces | 150 | 150 | 150 | 120 | 120 | 120 | 75 | 75 | 75 | 45 | 45 | 45 |
| Institutional | 158 | 126 | 105 | 105 | 84 | 63 | 60 | 40 | 30 | 20 | 15 | 10 |
| Recreational | 200 | 200 | 200 | 160 | 160 | 160 | 100 | 100 | 100 | 60 | 60 | 60 |

Notes:

1. Abbreviations used indicate NH: National Highway; SR: Scheduled Road.
2. Sector Road is the Sector dividing road as indicated on the Development Plan.
3. Where a piece of land falls in more than one category, the Higher/Highest rate shall apply.
4. 50 percent conversion charges shall be charged for food processing unit located in industrially backward area declared by the Industries Department, Haryana.
5. No conversion charges and scrutiny fee shall be charged for renewable energy power projects in the State of Haryana.
6. The commercial components like hotels, exhibition centers, restaurants, convention centers etc. shall be charged at applicable commercial rates within the recreational projects.]
- ⁹⁶[7. 50% conversion charges shall be levied in B,C & D category blocks as notified by the Government, for Micro, Small, and Medium Enterprise as defined in the Enterprises Promotion Policy-2015.
8. In case of Institutions/Organisations imparting religious/spiritual preaching/moral education, the conversion charges be levied as per covered area/FAR approved.]
- ⁹⁷[9. In case of Transit Oriented Development, the conversion charges shall be levied on pro-rata basis i.e. for every increased slab of 0.25 FAR, the additional charges equivalent to the charges applicable for FAR of 25% as per the rates prescribed for respective use in Schedule – IV shall be applicable. However, full payment of conversion charges shall be payable for fresh licences under Transit Oriented Development Policy.
10. The conversion charges shall be levied proportionate to the uses in case of mixed land use projects.
11. For New Integrated Licencing Policy, the conversion charges shall be levied 1.5 times of the rate prescribed for residential plotted colony in case of 1.0 FAR and 2.0 times in case of 1.25 FAR.
12. For Affordable Plotted Residential Colonies permitted under Deen Dayal Jan Awas Yojana, the conversion charges are exempted.]

⁹⁶ Sr. No. 7 and 8 added by Haryana Govt. Final Notification No. Misc-1A/JE(VA)/2016/4446 dated 03.03.2016

⁹⁷ Sr. Nos. 9 to 12 added by Haryana Govt. Final Notification No. MISC-1A/JE(BR)/2017/3203 dated 22.02.2017

⁹⁸[SCHEDULE IV-B

[See rule 26-D (g)]

Rate of conversion charges in the Controlled Areas in Panchkula District

(Rates Rupees per square meter)

| Potential Zone | High Potential | | | Low Potential | | |
|--|--|----------------|------------|--|----------------|------------|
| 1 | 2 | | | 3 | | |
| Name of the Controlled Area | Periphery Controlled Area of Panchkula | | | All other controlled Area declared in Panchkula district | | |
| | Abutting on | | | Abutting on | | |
| Use | NH | SR/Sector Road | Other Road | NH | SR/Sector Road | Other Road |
| Residential | 204 | 163 | 122 | 30 | 20 | 15 |
| Residential Plotted Colony | 204 | 163 | 122 | | | |
| Residential Group Housing Colony | 285 | 245 | 204 | | | |
| Low density Eco Friendly Colony | 316 | 250 | 210 | 60 | 40 | 30 |
| Commercial Colony | 815 | 713 | 612 | - | - | - |
| Commercial Colony above 150 Floor Area Ratio (FAR) | - | - | - | 235 | 175 | 116 |
| Commercial Colony upto 150 FAR | - | - | - | 200 | 150 | 100 |
| Industrial Colony/ Industrial/ Warehouse for Agro Produces/ Warehouses other than agriculture produces/ Godown/ Cold Store | 17 | 17 | 17 | 17 | 17 | 17 |
| Integrated in land container depots/ Custom bounded areas | 160 | 160 | 160 | 60 | 60 | 60 |
| Banquet Hall | 790 | 790 | 564 | 175 | 150 | 125 |
| Petrol Pump/ CNG/ PNG | 336 | 269 | 202 | 200 | 150 | 100 |
| Hospital | 61 | 61 | 61 | 20 | 15 | 10 |
| Hotels | 61 | 61 | 61 | 61 | 61 | 61 |
| Institutional | 31 | 31 | 31 | 20 | 15 | 10 |
| Recreational | 92 | 61 | 31 | 60 | 60 | 31 |
| Commercial projects in urbanizable zone and Motel with banquet facility, resort for 150% FAR in agriculture zone | 2115 | 1851 | 1586 | - | - | - |
| Other commercial projects in agriculture zone which are not mentioned above | | | | | | |
| (a) Upto 150% FAR | 1260 | 1050 | 840 | - | | - |
| (b) Above 150 FAR | 1470 | 1225 | 980 | - | | - |
| Commercial projects like Motel with banquet facility, resort for 150% FAR in agriculture zone | - | - | - | 350 | 300 | 250 |

⁹⁸ Schedule IV-B inserted by Haryana Govt. Final Notification No. Misc-1026/2021/10920 dated 03.05.2021.

| | | | | | | |
|---|---|---|---|-----|-----|-----|
| Other commercial projects which are not mentioned above | | | | | | |
| (c) Upto 150% FAR | - | - | - | 200 | 150 | 100 |
| (d) Above 150 FAR | - | - | - | 235 | 175 | 116 |

Notes:

1. Abbreviations used indicate NH: National Highway; SR: Scheduled Road.
2. Sector Road is the Sector dividing road as indicated on the Development Plan.
3. Where a piece of land falls in more than one category, the Higher/Highest rate shall apply.
4. 50 percent conversion charges shall be charged for food processing unit located in industrially backward area declared by the Industries Department, Haryana.
5. No conversion charges and scrutiny fee shall be charged for renewable energy power projects in the State of Haryana.
6. The commercial components like hotels, exhibition centers, restaurants, convention centers etc. shall be charged at applicable commercial rates within the recreational projects.
7. 50% conversion charges shall be levied in B, C&D category blocks as notified by the Government, for Micro, Small and Medium Enterprise as defined in the Enterprises Promotion Policy-2015.
8. In case of Institutions/Organizations imparting religious/spiritual preaching/moral education, the conversion charges be levied as per covered area/FAR approved.
9. In case of Transit Oriented Development, the conversion charges shall be levied on pro-rata basis i.e. for every increased slab of 0.25 FAR, the additional charges equivalent to the charges applicable for FAR of 25% as per the rates prescribed for respective use in Schedule-IV shall be applicable. However, full payment of conversion charges shall be payable for fresh licences under Transit Oriented Development Policy.
10. The conversion charges shall be levied proportionate to the uses in case of mixed land use project.
11. For New Integrated Licencing Policy, the conversion charges on the residential component shall be recovered in proportion to the proposed FAR i.e. at 5/7th of the corresponding rates notified for group housing colonies.
12. For Affordable Plotted Residential Colonies permitted under Deen Dayal Jan Awas Yojana, the conversion charges are exempted.

⁹⁹[**SCHEDULE IV-A**
[See Rule 49 Sixth proviso]

Rates of conversion of residential premises into non-nuisance professional services for 25% of the covered area of the covered area of the premises or 50 square meter whichever is less

| Potential | Hyper Potential | High Potential | Medium Potential | Low |
|-------------------------|--|---|---|---|
| Name of Controlled Area | Controlled Areas forming part of the Development Plan Gurgaon Manesar Urban Complex-2021 | Controlled areas declared under Section 4(1)(b) in Gurgaon District (excluding the controlled areas) forming part of the Development Plan Gurgaon-Manesar Urban Complex-2021) including controlled areas around Sohna town, controlled areas of Faridabad-Ballabgarh Complex, Controlled areas of Sonipat-Kundli Multifunctional Urban Complex, Panipat ¹⁰⁰ [xxx]. | Controlled areas around towns i.e. Karnal, Kurukshetra, Ambala Cantt., Yamuna Nagar, Jagadhri, Bahadurgarh, Hissar, Rohtak, Rewari, Bawal-Dharuhera Complex, Gannaru, Palwal, Hodel, Controlled areas declared under section 4(1)(b) in Faridabad Distt. Oil Refinery Panipat (Beholi). | All other controlled areas declared in the state. |
| | Rs. 0.60 Lac | Rs. 0.50 Lac | Rs. 0.30 Lac | Rs. 0.20 Lac] |

FORM M-I
[See Rule 126 (a)]

Register showing particulars of all cases in which permission to erect of re-erect a building in existence before the commencement of the act and involving structural alteration or addition within 30 meters of a scheduled road or within 100 meters of a bye-pass, or laying out means of access to a Scheduled road under Section 3 is granted or refused along scheduled roads in District. _____

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---------|----------|---------------------|---------------------|--|--|---------|
| Sr. No. | File No. | Name & full address | Date of Application | Particulars of applications, e.g., whether the application is for permission for erection or re-erection an existing building involving structural alterations or additions; or for laying out a means of access to a scheduled road | Date and brief particulars of the final orders passed by the Director, granting or refusing the permission | Remarks |

⁹⁹ Added by Haryana Govt. Gaz. Notification No. PA-2008/2977 dated 6.2.2008 at page 420

¹⁰⁰ Omitted vide Haryana Govt. Gaz. Notification No. 1644 dated 18.01.2023

FORM M-II

[See Rule 126 (b)]

Register showing particulars of all cases in which permission to erect or re-erect a building or make or extend an excavation or lay out means of access in a controlled area is granted or refused relating to the controlled area at _____

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---------|----------|---------------------|---------------------|--|--|---|---------|
| Sr. No. | File No. | Name & full address | Date of Application | Particulars of applications, e.g., whether the request is to erect or re-erect a building or make or extend an excavation or layout a means of access to a road within a Controlled area in accordance with plan | Brief specification of the erection or re-erect a building or make or of means of access mentioned in column 5 | Date and brief particulars of the final orders passed by the Director granting or refusing the permission | Remarks |

FORM M-III

[See Rule 126 (c)]

Register showing particulars of all cases in which permission for change of use of land within a controlled area for the purposes of setting up a private colony is granted or refused relating to the controlled area at

| 1 | 2 | 3 | 4 | 5 | 6 |
|------------|----------|--|---------------------|---|---|
| Serial No. | File No. | Name of the person or society or firm applying for permission with full address. | Date of Application | Particulars of applicant's experience in the line, if any | Area of land proposed to be covered by the colony & name of village with the nearest number of mile-stones/ furlong stones. |

| 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---------|
| Date or dates of acquisition i.e purchase or agreements to purchase the land under the colony wholly or partly. | Date on which the applicant is informed of the likelihood of consideration of his request, if any | Date on which the land under the colony was notified under section 4 of the land Acquisition Act. | Date and brief particulars of the final orders passed by the Director granting or refusing Permission | Remarks |

FORM M-IV

[See Rule 126 (d)]

Register showing particulars of all cases in which licence in a controlled area for charcoal-kiln, pottery kiln, lime-kiln, brick-kiln, or brick field or for quarrying stone, bajri, surkhi, kankar or for some similar extractive or ancillary operation if granted or refused.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|------------|----------|--|---------------------|---|---|---|--|----------------------------|-----------------------------------|-----------------|---------|
| Serial No. | File No. | Name and address of the person or Society or firm applying for licence | Date of application | Purpose of licence e.g for charcoal kiln, pottery kiln, lime-kiln, brick kiln, or brick-field or for quarrying stone, bajri, surkhi, kankar or for some other similar extractive or ancillary operation | Particulars of past experience of the applicant in the line | Brief description of land, its location & area on which operation is to be carried out. | Date & brief particulars of the final orders passed by Director granting or refusing permission. | Amount of licence fee paid | Date on which the licence expires | Date of renewal | Remarks |

FORM M-V

[See Rule 126 (e)]

Register showing particulars of all cases in which order of demolition under section 12 (2) of the Act are issued in the controlled area at _____ outside controlled area in District _____

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|------------|----------|---|---|--|---|-----------------------------------|---------------------------------|--|---|---|---------|
| Serial No. | File No. | Particular of reporting or detecting officer of or Agency | Name and address of unauthorised builder or defaulter | Location and particulars of site where construction has taken place. | Description of unauthorized construction in detail given measurements | Date of Issue of Demolition order | Date of compliance by defaulter | Date of demolition departmentally in case of non-compliance by defaulter | Labour charges incurred & realised with number and date of receipt. | Whether prosecution launched and if so, results | Remarks |

FORM M-VI

(See Rule 128)

Show cause notice in respect of alleged erection or re-erection/ extension of excavation/laying out of means of access/ change of use of land.

No.....

Dated.....

To

Whereas it has been reported to me that an order of demolition under Section 12(2) should be issued against you on account of your having-

- (i) erected/re-erected a building at
- (ii) made or extended excavation at
- (iii) laid out a means of access to road in contravention of section 3 or section 6 or in contravention of the conditions imposed by an order under Section 8/Section 10 of the Act by you.¹⁰¹
- (iv) Used land situated at in contravention of provisions of sub-section (1) of section 7 by¹⁰²

2. You are, therefore, required to show cause within a period of days why the said order be not issued.

Director

FORM M-VI

(See Rule 128)

Order under Section 12(2) of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.

No.....

Dated.....

To

Whereas you have-

- (i) erected/re-erected a building at.....
- (ii) made or extended excavation at.....
- (iii) laid out a means of access to Road in contravention of section 3 or section 6 or in contravention of the conditions imposed by an order under section 8/section 10 of the Act by you .
- (iv) used land situated atin contravention of the provision of sub-section (1) of section 7 by.....

2. You are hereby required to restore the said land to its original state including the demolition of any building/means of access wherever constructed and you fail to do so within a period of 3 months of the date of this order, I may take such measures including demolition of any building/means of access as may appear to me to be necessary, to give effect to this order, and to recover the cost of such measures from you as arrears of land revenue.

Director.

¹⁰¹ Herein mention the use to which put

¹⁰² Herein mention the condition violated

103[FORM N-1

(See Rule 49 sixth proviso)

Application form to be made for rendering non-nuisance professional consultancy.

To

.....
.....

1. Name of the applicant.....
2. Premises Number and size.....
3. Name of colony/change of land use site.....
4. Sector.....
5. Detail of built up area.....
6. Copy of approved building plan showing duly marked area upon which mixed land use is applicable
7. Whether occupation certificate has been issued, if so, attested copy thereof to be attached.....
8. Details of profession.....
9. Details of anticipated visitors.....
10. Working hours of consultancy.....
11. Detail of fee Demand Draft Number Name of Bank
12. Affidavit to the effect that he shall abide by all the terms and conditions, which shall be imposed by Director from time to time.

Place:

Date:

Signature of applicant.

FORM N-II

(See Rule 49 sixth proviso)

From

.....

To

.....

Memo Number

dated

Subject:-Permission to provide non-nuisance consultancy services in the residential premises.

This is with reference to you application dated

2. Permission is hereby granted to provide _____ service, within the premises of you land/house bearing number _____sector _____ control area_____.

The above permission shall be subject to the following terms and conditions:-

- (1) You can use the premises of your house upto 25% of the covered area of the premises or 50 square meters, whichever is less for the purpose.
- (2) Total charges paid i.e. Rupees is for a period of five years.
- (3) Water, sewerage and electricity charges for such premises to the extent that is being used for non-residential use would be charged at commercial rates by the service providing agency.
- (4) The permission given by Director shall be valid for a period of five years which may be renewed thereafter for a period of five years and further in block of five years on payment of renewal fee @ 10% of updated commercial charges.

103 Form N-I and N-II added by Haryana Govt. Gaz. Notification No. PA-2008/2977 dated 6.2.2008 at page 420

- (5) The owners of a premises where mixed land is used is permitted should accept any other condition such as restriction with respect of provision of parking advertisement etc.
- (6) Director can withdraw the permission given for mixed land use at any point of time, if the percentage area permitted under mixed land use is found to exceed the stipulated limit or for any other reason in the public interest.
- (7) That the permission shall also be governed by the r provision of the Punjab Scheduled Roads and Controlled areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) and the rules framed thereunder and the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975) and the rules framed thereunder.
- (8) That the owners of building shall not further sublet/lease out the premises for which permission is being granted.

Signature of Permission, Issuing Authority.].

NOTIFICATIONS

1. Powers of Director delegated to Administrator under Pb. Schedule Roads Act.- The Governor of Haryana by virtue of the powers vested in him under section 2(6) of the Punjab Schedule Roads and Controlled Area Restriction of Unregulated Development Act, 1963, is pleased to appoint the Administrator Haryana Urban Development Authority at Faridabad, Gurgaon, Hisar and Panchkula as Director, Town and Country Planning Department to exercise and perform the powers and functions of the Director under Section 9,12 and 16 of the said Act, for their respective jurisdictions. *(Noti. No. 5 DP- 91/2001- dated 14.2.91)*

2. Powers of Director delegated to Administrators under Haryana Development and Regulation or Urban Area Act.- The Governor of Haryana, by virtue of the powers vested in him under Section 2(f) of the Haryana Development and Regulation of Urban Areas Act, 1975, is pleased to appoint the Administrator, Haryana Urban Development Authority, at Faridabad, Gurgaon, Hisar and Panchkula as Director, town and Country Planning Department to exercise and perform the powers and functions of the Director under Sections 10 and 12 of the said Act. *(Notification No. 5 DP-91) 2008-dated 14.2.1991)*

3. Powers of Director delegated to Chief Administrator, Faridabad Complex, Faridabad under the Punjab. Scheduled Roads Act, 1963.- In exercise of the power conferred by clause (6) of section 2 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) the Governor of Haryana hereby appoint the Chief Administrator, Faridabad Complex, to exercise and perform all the powers and functions of Director in respect of Scheduled

Roads within his jurisdiction for the purpose of sections 3,8,9,12 and 16 of the said Act. (No. 3413/21 CP-78/11062 dated 11.9.78)

4. Powers and functions of Director.- In exercise of the powers conferred by clause (f) of section 2 of the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975) and all other powers enabling him in this behalf, the Governor of Haryana hereby appoints the Director, Urban Development, Haryana, as the Director, Town and Country Planning, Haryana, to exercise and perform all the powers and functions of the Director under sections 3,4,5,6,7,7A,8,9,10,11,11A,13,17 and 21 of the said Act within the existing Municipal limits of the State of Haryana (No. 5DP-2001/7615 dated 4-6-2001)

5. Powers and functions of Director General.- In exercise of the powers conferred by clause (f) of Section 2 of the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Governor of Haryana hereby appoints the Director General, Town and Country Planning Department to exercise and perform all the powers and functions of the Director under the Act and Rules framed thereunder. (Notification No. Misc-105/5DP(R)/2010/17757. dated 22.12.2010)

6. Powers and functions of Director General.- In exercise of the powers conferred by Clause (6) of Section 2 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act 41 of 1963), the Governor of Haryana hereby appoints the Director General, Town and Country Planning Department to exercise and perform all the powers and functions of the Director under the Act and Rules framed thereunder. (Notification No. Misc-502/5DP(R)/2010/17759. dated 22.12.2010)

THE PUNJAB SCHEDULED ROADS AND CONTROLLED AREAS RESTRICTION OF UNREGULATED DEVELOPMENT (HARYANA VALIDATION) ACT, 2014

No. Leg-I/2015.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on 8th August, 2014 and is hereby published for general information:—

AN ACT

To validate the declaration of the controlled area of Hisar and all the acts, proceedings, things done and action taken in connection therewith in the said controlled area under the Punjab Scheduled Roads, and Controlled Areas Restriction of Unregulated Development Act, 1963, in its application to the State of Haryana.

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

1. This Act may be called the Punjab Scheduled Roads, and Controlled Areas Restriction of Unregulated Development (Haryana Validation) Act, 2014.

2. Notwithstanding any judgment, decree or order of any court or tribunal or authority to the contrary and notwithstanding that the notification for declaration of the controlled area of Hisar published in the Haryana Government Gazette, Extraordinary, dated the 28th August, 1971, which was published late in newspapers in accordance with the provisions of sub-section (2) of section 4 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) *i.e.* was published in the newspapers in accordance with the said provision in the Patriot on the 17th March, 1991, in Jan Sandesh on the 18th March, 1991 and in Nab Chhor on the 13th April, 1991 and the notification for declaration of the controlled area of Hisar published in the Haryana Government Gazette, Extraordinary, dated the 9th March, 1982 which was held to be not published in accordance with the provisions of sub-section (2) of section 4 of the Act *ibid* by the Additional District Judge, Hisar and was thereafter published in newspapers in accordance with the said provisions in The Tribune and Dainik Bhaskar on the 15th July, 2013 and in the Dainik Tribune on the 20th October, 2013, the said notifications though published late in the newspaper shall be deemed to be valid and effective from the date of their publication in the Official Gazette and any executive instructions or notices issued or bilateral agreement executed or demolition done or permission granted for change of land use or undertaking obtained or recovery made in connection thereto in the said

controlled areas in view of the said notifications shall be deemed to be valid and effective as if such executive instructions or notices were issued, bilateral agreements were executed or demolition done or permission for change of land use granted or undertakings obtained or recoveries made in accordance with the provisions as validated by this Act and shall not be called in question before any court, tribunal or authority and accordingly—

- (i) all acts, proceedings or things done or action taken by the Government or any official of the Government or by any authority, after the publication of notification of controlled area of Hisar in the Haryana Government Gazette, Extraordinary, dated the 28th August, 1971 and the 9th March, 1982 for all purposes be deemed to be, and to have always been done or taken in accordance with law;
- (ii) no suit or other proceeding shall be maintained or continued in any court or tribunal or authority for the refund of any amount already deposited or any executive instructions or notices issued or for any bilateral agreements executed, demolitions done or permission granted for change of land use, any undertakings obtained or any recovery made; and
- (iii) no court or tribunal or authority shall enforce a decree or order directing the refund of any amount so charged or for nullification of bilateral agreement executed or any executive instructions or notices issued or any undertaking obtained in this regard.

Bill No. 27—HLA of 1996 dated 18.11.1996 (Act No. 17 of 1996 dated 13.12.1996)ⁱ

STATEMENT OF OBJECTS AND REASONS

Section 2 of the Haryana Development and Regulation of Urban Areas Act, 1975 provides for various definitions. As per provisions of Sub-Section (c) of the said Section definition of “Colony” means an area of land divided or proposed to be divided into plots for residential, commercial or industrial purposes. The Deptt. of Town and Country Planning has been granting licences to develop group housing schemes and therefore it is necessary to include an enabling provisions for licencing flatted colonies also. Accordingly a suitable amendment is proposed.

In Sub-section (j) of the Section 2, the definition of “Local Authority” is proposed to be limited to “Municipal Corporation” in order to streamline the existing definition.

Under the provisions of Section 3A of the abovesaid Act, a coloniser is required to deposit as service charges a sum at Re. 1 per square metre of the plotted area proposed to be developed by him as Residential, Commercial or Industrial (excluding the areas used by the Public for general purposes) into a colony, in two equal instalments. These rates were prescribed in the year 1984, *vide* notification No. LEG/18/84, dated 24th April, 1984 and with the escalation in the price index it is proposed to revise these service charges. Hence it has been felt necessary to amend the provisions of Section 3A of the Act to the effect that the coloniser shall deposit the service charges “at such rate as may be prescribed by the Government from time to time, per square metre of the gross area and of the covered area of all floors in case of flats proposed to be developed by him into a colony. This amendment proposes to levy the service charges on the gross area of the colony instead of plotted area alone as per the existing provision, and in case of flatted development, the covered area of all the floors is taken into consideration.”

Sub-section (2) of section 3A provides that Haryana Urban Development Authority shall also be liable to deposit the service charges and shall be deemed to be a coloniser for this purpose only. It is proposed that the equality in treatment local authorities, firms, under-takings of Government connected with land development should also be deemed colonisers for this purpose only. Hence an amendment to bring all these agencies, authorities of the Government involved in land development under the provisions of Section 3-A is necessary.

Sub-section (9) of section 3-A of the said Act provides that the Haryana Urban Development Fund shall be utilised by the State Government

for the benefit of the coloniser and the plot holders. This Sub-section restricts the scope of the fund. It has been observed that a fund of this kind should be used for Urban Development and creation and improvement of Urban Infrastructure in the entire State of Haryana without confining its operation only to the colonisers and the plot-holders. Accordingly an amendment in this sub-section has been proposed.

Existing provision of Section 18 of the said Act provides that “nothing in this Act shall effect the power of the Government, Improvement Trusts, Housing Board (any local authority or other authorities) to develop land impose restrictions upon the use and development of any area under any other law for the time being inforce”. As these above organisations involved in land development are not contributing to the state exchequer while undertaking operations similar to that of colonisers, it is felt that they should also be charged some amount on the lines of licence fee charges from the colonisers. To give effect to such a provision even while exempting these organisations from formally supplying for licence under the act no. 8 of 1975, an enabling amendment has been proposed. This amendment however does not envisage limiting the powers of the Government.

Hence this Bill.

SIRI KISHAN DASS,
Minister for Town and Country Planning,
Haryana.

CHANDIGARH:
The 18th November, 1996

SUMIT KUMAR,
Secretary.

Bill No. 15—HLA of 2003 dated 10.03.2003 (Act No. 11 of 2003 dated 03.04.2003)ⁱⁱ

STATEMENT OF OBJECTS AND REASONS

The Haryana Development and Regulation of Urban Areas Act, 1975 was enacted in the year 1975 to regulate the use of land in order to prevent ill-planned and haphazard urbanisation in or around towns in the State of Haryana.

In the course of enforcement of this Act, the various provisions have been challenged in the Hon’ble Courts. Though the decisions of the Hon’ble Courts have gone in favour of the department however in the light of the order of Hon’ble High Court, it has been felt necessary to bring amendments in the

different provisions of this Act to make it more comprehensive. The provisions wherein amendments have been proposed include Sections 2,3,5,7 10(2)(3), 19 and 24.

In Section 2, the definition of the colony has been proposed to be amended by including the provision of cyber city, cyber park and construction of flats in the form of group housing or construction of integrated commercial complexes, keeping in view the fact that licences are being granted for setting up of these projects. In the definition of term Director, it has been proposed to include Director, Urban Development as Director under this Act for the portion of urban area inside the municipal limit keeping in view the decision of the Govt. to delegate the powers of Director, Town and Country Planning under this Act for the portion of urban area falling inside the municipal limit, to Director, Urban Development. Director, Town and Country Planning has been proposed to be Director for the portion of urban area falling out side the municipal limit and areas developed by HUDA under section 3 of Haryana Urban Development Authority Act, 1977. In sub section 2(c)(v), a flexibility has been proposed to be provided for reducing the area of the colony in the urban areas to be notified by the Govt. In the definition of coloniser, it has been proposed to make mandatory about the ownership of land for which licence will be given by removing the existing provision relating to agreeing to own or acquire. The definition of external development works has been proposed to make more comprehensive by adding the development works like provision of treatment and disposal of sewage and storm water, electrical works, solid waste management and disposal, slaughter houses, colleges, hospitals, stadium/sports complexes, fire station, grid sub station. The definition of new terms like group housing, flats and integrated commercial complex, cyber city, cyber park and property dealer have been proposed to be added as these terms have been reflected in the definition of the colony and in proposed amendments of section 7.

In Section 3, the provision of conversion charges has been proposed because in the existing Act there is no such provision for charging the conversion charges. As generally controlled area and urban areas overlap, therefore, a proviso has been proposed that if these charges have already been paid under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, then no such charges shall be payable under the proposed amendment. The section 3(3) (a) (ii) has been proposed to be amended by making a reference of external development works as defined in the definition under Section 2.

The Govt. treating some of the colonies as special projects have allowed a initial validity period of license for five years instead two years as

provided in section 3(4). Therefore, a provision in section 3(4) has been proposed by incorporating the above decision.

A new Section 3 B has been proposed to be added for prescribing the erection, re-erection of the buildings because in the existing Act there is no such provision, which prescribe the erection or re-erection of the buildings under this Act.

In Section 5, the provision of deposition of thirty percent of the amount realised from the plot holder has been proposed in place of existing provision of fifty percent. Because it has been felt that depositing of the fifty percent amount is comparatively on higher side as these funds are required by the coloniser for undertaking development works of the colony. Keeping in view the stated policy of the Govt. to encourage the development of information technology in a big way, it has been proposed to exempt cyber city and cyber park from the provision with regard to deposit of amount realised from the allottees in a separate bank account. Accordingly, an amendment in section 5 has been proposed by adding a proviso that wherein license is granted, under section 3 for setting up of cyber city or cyber park, the provisions of this section shall not be applicable. Corresponding amendments have also been proposed in section 2(c) and 3(3)(a).

In the present provision of section 7, the property dealer has not been specifically mentioned. Therefore, a specific provision of “property dealer” has been proposed to be added in section 7 of the Act.

The Section 10 (2) and (3) have been proposed to be amended by reducing the period from the existing provision of forty five days to fourteen days for taking action against the unauthorised construction. This provision is being proposed to bring the penal action to be taken against unauthorised construction at par with similar provision in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.

In Section 19 it has been proposed to specify the appellate authority for filing an appeal against the order of Director. As it has been proposed to make Director, Urban Development as Director, under this Act for the area inside the municipal limits and Director, Town and Country Planning is proposed to be Director under this Act for the urban area outside the municipal limit and the areas developed by HUDA under section 3 of HUDA Act, 1977, therefore, it has been proposed that for the area inside the municipal limit the appellate authority will be Commissioner & Secretary to Govt. Haryana, Urban Development Department and for the urban area outside the municipal limit and the areas developed by HUDA under HUDA Act, 1977 the appellate authority will be Commissioner & Secretary to Govt. Haryana Town and Country planning Department.

Keeping in view the proposed provision of new section 3(b) pertaining to erection or re-erection of the building, a corresponding provision in section 24 which relate to power to make rules has been made for any other matter in connection with preparation, submission and approval of plans.

Hence this Bill.

DHIR PAL SINGH,
Town and Country Planning
Minister

Chandigarh:
The 10th March, 2003

SUMIT KUMAR,
Secretary.

Bill No. 7—HLA of 2004 dated 09.02.2004 (Act No. 5 of 2004 dated 08.03.2004)ⁱⁱⁱ

STATEMENT OF OBJECTS AND REASONS

The Haryana Development and Regulation of Urban Areas Act, 1975 was enacted in the year 1975 to regulate the use of land in order to prevent ill-planned and haphazard urbanisation in or around towns in the State of Haryana.

This Act is applicable to all the urban areas in the State of Haryana. In the year 2001, the Govt. has taken a decision to delegate the powers and functions of the Director, Town and Country Planning under this Act, to Director, Urban Development for the Urban Areas falling inside the Municipal Limits. Accordingly an amendment in section 2 (f) of the said Act was carried out. Similarly an amendment in section 19 was also carried out *vide* which in addition to Commissioner & Secretary to Government Haryana, Town and Country Planning Department, Commissioner and Secretary to Government, Haryana, Urban Development Department was designated as appellate authority for the urban areas falling inside the Municipal Limits.

In the process of implementation of the Haryana Development and Regulation of Urban Areas Act, 1975 as per above amendments, it has been experienced that due to different administrative controls, lot of anomalies have been created with regard to formulation of policy parameters and there implementation. It has therefore been considered necessary to restore original

position of exercising all powers by the Government in the Town and Country Planning Department.

Hence this Bill.

DHIR PAL SINGH,
Town and Country Planning,
Revenue and Housing Minister, Haryana.

Chandigarh:
The 9th February, 2004

SUMIT KUMAR,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 9th February, 2004, under proviso to rule 128 of the Rules of Procedure and Conduct Business in the Haryana Legislative Assembly.

Bill No. 17—HLA of 2005 dated 13.12.2005 (Act No. 15 of 2006 dated 20.03.2006)^{iv}

STATEMENT OF OBJECTS AND REASONS

The Haryana Development and Regulation of Urban Areas Act, 1975 was enacted in the year 1975 to regulate the use of land in order to prevent ill-planned and haphazard urbanization in or around towns in the State of Haryana.

During the course of implementation of the provisions of Act, the Department has evolved bilateral agreement and also obtained undertakings from the colonizers. These are related to payment of fee and charges at revised rates (in case these are under revision), free of cost transfer of areas falling under roads and green belts to the Government time schedule to complete the community buildings, to fix the limit of profit. However, these instruments are being challenged in the Courts and the Courts have taken adverse view in the absence of any provisions in law. The orders of the Courts will result in nullification of undertakings already obtained by the Department.

Similarly section 3 of the Act provides for payment of licence fee as prescribed. In accordance with section 24 of the Act, the schedule for the licence fee is made part of rules framed under this Act. Between the year April, 2003 and May 2004, the licence fee was revised from time to time through decisions taken by the State Cabinet. However, this revised licence fee was not made part of the schedule in accordance with provision of section 24 of the Act. The licence fee was although charges as per undertakings

obtained, but this process has been assailed in the courts inviting adverse judgement. An ordinance dated 15-07-05 was published to amend sub-section (1) and (3) of section 24 of the Act *ibid* to give the rules framed under the Act retrospective and prospective effect and also to validate the actions of the Department.

In view of the above situation, it is necessary to add section 3(3)(a)(vi) and amend section 24 of the Act so as to validate the decision taken by the Government from time to time and also to avoid any loss to state exchequer.

Hence, this Bill.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 13th December, 2005.

SUMIT KUMAR,
Secretary.

Bill No. 4—HLA of 2007 dated 09.03.2007 (Act No. 5 of 2007 dated 03.04.2007)^y

STATEMENT OF OBJECTS AND REASONS

The Haryana Development and Regulation of Urban Areas Act, 1975 was enacted in the year 1975 to regulate the use of land in order to prevent ill-planned and haphazard urbanization in or around towns in the State of Haryana.

Section 3-A of the Act *ibid* provides for levy of ‘Service Charges’ on the colonizers, HUDA, local authorities, firms, undertakings of the Government and other authorities involved in the land development. The Act also provides for constitution of a ‘Fund’ in the name of ‘Haryana Urban Development Fund’ as per section 3-A (6).

It has been decided to enlarge the scope of the ‘Fund’ and utilize the amount being collected in the form of ‘Service Charges’ as well as proportionate cost of development for major infrastructure (named as Infrastructure Development Charges) being received from private colonizers/HUDA to finance the major infrastructure projects like National Highways, State Highways, Transportation Network, Irrigation facilities, power facilities etc. The proposed ‘Fund’ is to be named as ‘Fund’ for creation of Major Infrastructure in Haryana. To enlarge the scope of the ‘Fund’ available in section 3-A of Act *ibid* an amendment in section 3-A is required.

Presently, the ‘Service Charges’ and Infrastructure Development Charges are being deposited in the State treasury. To enable the utilization of these resources as per scope and objectives of the proposed ‘Fund’, an amendment is required in the Act No. 8 of 1975 to enable creation of such a ‘Fund’.

Hence, this BILL.

RANDEEP SINGH SURJEWALA,
Parliamentary Affairs Minister.

Chandigarh:
The 9th March, 2007.

SUMIT KUMAR,
Secretary.

Bill No. 8—HLA of 2009 dated 12.02.2009 (Act No. 5 of 2009 dated 18.03.2009)^{vi}

STATEMENT OF OBJECTS AND REASONS

The sub-clause(v) of clause (c) of Section 2 of the Haryana Development and Regulation of Urban Areas Act, 1975, stipulates for inclusion of any area which is equal to or less than one thousand square metres in the definition of colony, subject to its notification by the Government for the said purpose. The requirement to make such notification before the grant of a licence for such smaller areas is a cumbersome process and acts as a disincentive for grant of licence for areas less than 1000 square meters. It creates an anomalous situation where larger areas can be licenced without any such notification and the same becomes mandatory for areas less than 1000 square meters, which is sought to be corrected by the proposed amendments in sub-clause (v) of clause (c) of Section 2 of the Act, *ibid*.

The sub-section (5) of Section 3 of the Act, *ibid*, stipulates for a separate licence for each colony. In the interest of integrated and planned development, it is imperative to allow a colony to expand on acquisition of pockets adjoining the earlier licenced area which may be subsequently applied for grant of licence. The grant of licences for such adjoining pockets has been a prudent practice for the last several decades. The sub-section (5) of Section 3, however, is not in congruence with such principle, and is accordingly sought to be amended.

In view of the fact that development of residential (plotted/group housing commercial or industrial colonies are long-gestation projects which most often achieve final completion only in few decades time and in no case is less than four years period. Accordingly, the Government has taken a decision

to revise the validity-period of licence to four years and the licence renewal period to two years, for which Section 3 of the Act is sought to be amended.

The fund created under Section 3-A of the Act by virtue of the amount received against Infrastructure Development Charges is aimed at benefiting the State of Haryana through the development of major infrastructure projects. At times such projects pertaining to Aviation, Power or Irrigation may not be located in the State of Haryana on account of certain geographical factors, but still be of immense benefit for the State, and for which the State should be enabled to utilise the said fund created under the Section 3-A of the Act No. 8 of 1975. In addition, the Fund can also be utilised as a vehicle to channelise budgetary funds dedicated by the State Government for implementation of vital projects as identified by the Government for stimulating overall socio-economic development of the State. To incorporate the amended mandate for the Fund, as indicated above, an amendment of sub-section (6) and (9) of Section 3-A is proposed.

Hence, this Bill.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 12th February, 2009.

SUMIT KUMAR,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 12th February, 2009, under proviso to rule 128 of the Rules of Procedure and Conduct Business in the Haryana Legislative Assembly.

Act No. 18 of 2009 dated 14.09.2009^{vii}

STATEMENT OF OBJECTS AND REASONS

It has been decided by the Government to allow registration of independent floors in the plotted residential colonies that are granted licence under the Haryana Development and Regulation of Urban Areas Act 1975, and recovery of an additional stamp duty against such registration. Since such registration of floors was banned in the state of Haryana since last several years, the public at large has not been able to execute such transfer, and there is a huge backlog waiting to be cleared. A huge amount of revenue against stamp duty that could have accrued to the Government against such transfers also remains blocked for the time being.

Thus in order to allow the registration of floors in such licenced residential plotted colonies, and enable the recovery of stamp duty along with additional duty by the Government on account of registration of independent floors, an enabling provision needs to be made in the said Act. Accordingly a new Section 3-C is proposed to be inserted in the said Act.

Bill No. 26—HLA of 2010 dated 04-09-2010 (Act No. 16 of 2010 dated 30.09.2010)^{viii}

STATEMENT OF OBJECTS AND REASONS

It is proposed to make an enabling provision in the Haryana Development and Regulation of Urban Areas Act, 1975 for grant of completion and part-completion certificate and for levy of 'Infrastructure Augmentation Charges'. As per the present policy framework, while granting a licence for residential/commercial/industrial projects, a restriction on achieving maximum profit margin up to fifteen percent is imposed in the agreement entered into with the coloniser. However, keeping in view the long gestation period of such residential/ commercial/industrial projects which may run into 20-25 years at times it is virtually impossible to track the entire book of accounts of any project to ascertain whether the coloniser has derived a profit more than 15% of the total project cost. A need has accordingly been felt to bring in more transparency in the entire system, by devising a practical procedure based on the principle of equity. The insertion of sub-section (6) and (7) in Section 3 of the said Act is accordingly proposed to make an enabling provision for grant of completion certificate and for levy of Infrastructure Augmentation Charges in lieu of the waiver of fifteen percent restriction on profit margin.

In addition, in order to deposit such Infrastructure augmentation charges with the Fund created under Section 3A of the said Act, necessary amendments in sub-section (6) and (8) of Section 3A is also proposed.

Apart from above, it is also proposed to insert Section 9A in the Act to enable the Government to issue instructions pertaining to policy and procedural matters pertaining to the Haryana Development and Regulation of Urban Areas Act, 1975.

Hence this BILL.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 4th September, 2010.

SUMIT KUMAR,
Secretary.

Bill No. 16—HLA of 2012 dated 06-03-2012 (Act No. 4 of 2012 dated 06.03.2012)^{ix}

STATEMENT OF OBJECTS AND REASONS

In the year 1987, the Department communicated the EDC rate for residential plotted colony as Rs 3.72 lakhs per acre and also conveyed that the said rate included an amount of Rs. 61,000/- per acre on account of the construction cost of internal community buildings that were to be transferred to Haryana Urban Development Authority for construction. The said component against construction of internal community buildings has since then increased at a rate of 10% per annum and is levied/recovered from all the licencees as part of EDC and has also got revised/enhanced with the revision/enhancement of EDC rates. During the eighties when for the first time large scale licences were granted by the Department and development of colonies was underway specially in Gurgaon, it was felt that the level of increase in habitation of these colonies was not commensurate with the pace of grant of licence. The ostensible reason behind the policy decision for making such recovery against internal community buildings was to get part of the internal community buildings constructed by a Government agency expeditiously and thereby provide basic social infrastructure in the licenced colonies to encourage the habitation of such licenced colonies at a faster pace. The subject matter, however, remained under legal scrutiny in several litigations on account of which the progress in taking over of community sites as well as their construction by HUDA could not be achieved as envisaged.

The Hon'ble Supreme Court has *vide* orders dated 23.1.2009 in CA 8186 of 2001 held that there is no statutory basis requiring the licencee to make payment for the cost of construction of part of the internal community buildings. Accordingly, the appellants, i.e. Ansals API Ltd. have been allowed a refund of payment received at a rate proportionate to Rs. 61,000/gross acre of licenced area, for the licences granted prior to 1988 and the amount has been adjusted against its EDC dues in other licences.

Based on the above mentioned orders of the Hon'ble Supreme Court, DLF Ltd. has subsequently sought refund of the said component of cost deposited by them against all licences granted to them till date along with interest and has claimed refund of Rs. 594.6 crores, by filing Civil Writ Petition in the Hon'ble Punjab and Haryana High Court, which is being contested by the Department.

The matter would involve huge financial implications running into thousands of crores in case other licencees also stake their claim for such

refund. In order to put such claims to rest, it is desirable to validate the said policy decision regarding demand of said component against construction of internal community buildings through a clear provision in the Act and also validate all actions taken in this regard earlier through a Validation Act and also mandate utilisation of the amount recovered for such purpose in a time bound matter.

Further, since such enabling provision would imply that a transparent mechanism needs to be adopted for take-over and construction of such community sites in case the coloniser is not able to construct the same in a reasonable period of time, an enabling provision regarding prescribing a reasonable time, by amending Section 3(a)(a)(iv) of the Act and making enabling provision regarding taking over of such sites even if the coloniser creates further rights on the same needs to be made by amending Section 3(3)(a)(iv) of the Act. In addition, a Section 10A is also proposed to be inserted which would enable the recovery of all dues payable under this Act, which is not deposited in the specified time period, as arrears of land revenue. Finally, Section 23A is also proposed to be inserted for empowering the Director to issue directions to the colonisers from time to time for carrying out the purpose of the Act.

Hence this BILL.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 6th March, 2012.

SUMIT KUMAR,
Secretary.

Bill No. 8—HLA of 2013 dated 01.03.2013 (Act No. 5 of 2013 dated 05.04.2013)^x

STATEMENT OF OBJECTS AND REASONS

The Section 3A of the Act 8 of 1975 provides for creation of a Fund from the receipts on account of Infrastructure Development Charges (IDC) and Infrastructure Augmentation Charges (IAC). The said Fund vests with the Director General, Town and Country Planning Haryana, and is presently administered by a High Powered Committee constituted for the purpose for investment on major infrastructure projects and for the purpose of stimulating socio-economic growth for the benefit of State of Haryana. Owing to the increasing complexities involved in such infrastructure projects and in order to leverage the Fund available for structuring and implementation of larger

infrastructure projects in Public-Private-Partnership, the Government has decided for setting up of Haryana Infrastructure Development Board (hereinafter referred as the Board) as a dedicated agency for encouraging private sector investment in infrastructure projects across all sectors through innovative development and financial structuring of infrastructure projects for implementation in Public-Private-Partnership mode, viz., Build-Operate-Transfer, Build-Own-Operate-Transfer, Joint Venture Agreement, concessionaire agreement, equity participation by State, subsidy support, incentivisation in form of tax exemptions, Viability Gap funding, Grant of Government guarantee, etc. The Section 3AA is accordingly proposed to be introduced for the constitution of Board. The sub-section 7 of section 3A is also proposed for amendment to enable transfer of amount collected under the Fund by the Director to the Board. The Preamble of the Act is also proposed for appropriate amendment to reflect the said intent and purpose.

The Board is likely to evolve as a ‘multi-disciplinary Techno-Legal-Financial Institution for Promotion of Infrastructure Development in the State’ under the Haryana Development and Regulation of Urban Areas Act, 1975, with professionals drawn from Administration, Engineering, Town Planning, Legal and Finance cadres. Enabling provision for appointment of officers and employees for the Board has accordingly been made in Section 3AB. The Powers and Functions of the Board has been detailed under Section 3AC. Provision enabling the formulation of bye-laws by the Board for efficient administration of the Board has been provided under Section 3AD and the Government has been empowered under Section 3AE to issue directions to the Board for carrying out provisions of the Act. The Section 24 is also proposed for amendment to add enabling provisions for notification of Rules for prescribing various procedures to be adopted for efficient administration of the Board.

Hence this BILL.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh :
The 1st March, 2013.

SUMIT KUMAR,
Secretary.

STATEMENT OF OBJECTS AND REASONS

A policy for planned development of Low-Density-Eco-Friendly (LDEF) colonies in the agriculture zone of development plans through grant of licence under the Haryana Development and Regulation of Urban Areas Act, 1975 is pending consideration of the Government. Being a new category of colony, enabling provisions in the Haryana Development and Regulation of Urban Areas Act, 1975 need to be made to the following effect:-

- (i) Amendment of definition of the term ‘colony’ as defined in clause (c) of section 2 of the Act, *ibid*, to include Low Density Eco Friendly’ colony in its purview.
- (ii) Define ‘Low Density Eco Friendly’ colony in the Act, *ibid*, by inserting a clause (ja) in section 2 of the Act.

Hence the proposal at section 2 of the proposed Bill.

2. Secondly, the Income Tax Department has done away with the practice of issuance of Income Tax Clearance Certificate (ITCC) to the corporate entities since 01 January, 2003. However, the existing provision of the Haryana Development and Regulation of Urban Areas Act, 1975 still mandate the submission of ITCC along with the licence application, which deserves to be deleted. Hence the proposal at section 3 of the proposed Bill.

3. Finally, it has been felt that based on the intended results required to be achieved, certain category of colonies need to be completed within a defined period of time, beyond which renewal of licence needs to be discouraged. Thus, there needs to be an enabling provision in the Act to pave the way for the Government to prescribe a time limit for execution of specific category of projects to encourage early completion of such projects and also enable penal action against the colonizer in case of his failure to adhere to such time limit. Hence the proposal at section 5 of the proposed Bill.

Hence this Bill.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 6th September, 2013.

SUMIT KUMAR,
Secretary.

STATEMENT OF OBJECTS AND REASONS

The urbanization projects, *viz.*, residential (plotted or group housing) commercial or industrial colonies are long-gestation projects. Depending upon the type of a colony, the colonizer is required to obtain several other approvals after grant of licence *viz.*, zoning plans, building plans, environmental clearance *etc.* before initiating development works or construction activities at site. Going by the past experience the development of a colony invariably takes much more than the prevailing initial validity period of four years to complete. Since there have been no instances of any completion of colony in less than five years period till date, a five-year period for initial validity of licence may be considered as appropriate after which further renewal of licence may be considered as per the provisions of the Act on individual merits. It is accordingly proposed to increase the initial validity-period of licence to five years from prevailing four years period, for which Section-3 of the Act is proposed to be amended. In order to eliminate any loss of revenue to the State on account of licence renewal fees for this extended validity of one year, a corresponding increase to the extent of not less than twenty-five percent of the prevailing rates of licence fees shall be subsequently made through appropriate amendment in the Haryana Development and Regulation of Urban Areas Rules, 1976.

Hence this Bill.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 26th February, 2014.

SUMIT KUMAR,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 26th February, 2014, under proviso to rule 128 of the Rules of Procedure and Conduct Business in the Haryana Legislative Assembly.

Bill No. 18—HLA of 2016 dated 07.04.2016 (Act No. 8 of 2016 dated 20.04.2016)^{xiii}

STATEMENT OF OBJECTS AND REASONS

Several policy decisions have recently been taken at the level of the Government, which would have a significant positive impact in improving transparency in dealing with licence cases as well as in providing a major fillip to the urban development sector. The implementation of the New Integrated Licencing Policy and issuance of Transferable Development Rights (TDR) certificate would make available land to the Government for development of community facilities, infrastructural facilities, EWS/affordable housing, physical/ social/commercial urban infrastructure in various towns without resorting to land acquisition. Further, the Government has taken an in-principle decision to allow issuance of PDR Certificate, to enable grant of higher FAR against payment of prescribed fee. The Government also envisages to initiate on-line receipt and issuance of statutory approvals to further increase the transparency and efficiency in the functioning of the Department, for which an enabling provision in the Act is required.

For the implementation of the policy decisions as indicted above, an enabling provision in the Haryana Development and Regulation of Urban Areas Act, 1975 is required.

Hence this Bill.

MANOHAR LAL,
Chief Minister, Haryana.

Chandigarh:
The 7th April, 2016.

R. K. NANDAL,
Secretary.

Bill No. 30—HLA of 2016 dated 28.08.2016 (Act No. 26 of 2016 dated 20.09.2016)^{xiv}

STATEMENT OF OBJECTS AND REASONS

Several policy decisions have recently been taken at the level of the Government, which would have a significant positive impact in boosting the development of real estate sector in the State. Due to economic slowdown, many of the colonizers have been unable to implement the projects. This has hampered the urban development in the State.

The Government, therefore, formulated a policy dated 18.02.2016 for migration of licence which provides conversion of any licenced land, partly or fully, to any other category of licence.

Presently, the colonizer has to submit bank guarantee equivalent to 25% of the cost of internal development works (IDW) and external development charges (EDC) at the time of grant of licence, in order to ensure the execution of IDW and payment of EDC. However, there have been huge defaults on EDC payments and as a result, the department has not been able to grant permissions regarding renewal of licences, approval of building plans/zoning plans, etc. which is ultimately affecting the interests of the allottees also. Further, no new licences are being issued to the defaulting colonizers. As a result, not only the urban development in the State has been adversely affected but the cashflow has been hampered. In order to give financial flexibility to the colonizers for implementation of the projects, the Government has allowed an option of mortgaging of licenced land in lieu of submission of bank guarantees against internal development works and external development charges. Hence, EDC relief policy has been introduced by the Government on 12.04.2016 and further amended on 21.07.2016.

By introducing the indexation mechanism for calculation of EDC vide policy dated 11.02.2016, an effort has been made to rationalize the EDC rates on the basis of the potentiality of the area. This is expected to boost the urban development especially in the low and medium potential towns of the State. However, with the introduction of this new mechanism of EDC, the State shall have limited financial resources to execute the external development works. Therefore, it has become imperative to modify the Act to the extent to provide flexibility to the State to identify and prioritize the external development works in view of the available financial resources.

For the implementation of these policy decisions, enabling provisions in the Haryana Development and Regulation of Urban Areas Act, 1975 are required.

Hence this Bill.

MANOHAR LAL,
Chief Minister, Haryana.

Chandigarh:
The 28th August,2016.

R. K. NANDAL,
Secretary.

Bill No. 8—HLA of 2017 dated 06.03.2017 (Act No. 11 of 2017 dated 03.04.2017)^{xv}

STATEMENT OF OBJECTS AND REASONS

Due to slowdown in real estate sector many of the colonizers have been unable to implement the projects. This has hampered the urban development in the State. Therefore, the Government formulated a policy dated 18.02.2015 for allowing change in beneficial interest, viz., change in developer; assignment of joint development rights and/or marketing rights etc. in a licence granted under Act No. 8 of 1975. This policy has enabled the colonizers to enter into agreement with the other developers for implementation of the projects. The Department has granted certain permissions under this policy and the requests are being received which are under consideration. However, there has been no enabling provision in the Act *ibid* for recovery of administrative charges being recovered by the Department under this policy. Therefore, it is proposed to make enabling provision for the permissions under this policy with retrospective effect from 18.02.2015.

2. Further, it has been noticed that public is facing hardship in registration of land due to mandatory requirement for obtaining no objection certificate for registration of the land within urban areas notified under section 7A of the Haryana Development and Regulation of Urban Areas Act, 1975. Therefore, it has been decided to ease out the procedure for registration of land. Accordingly, the said Section 7A of Act *ibid* is proposed to be substituted.

3. For the implementation of abovesaid decisions, enabling provisions in the Haryana Development and Regulation of Urban Areas Act, 1975 are required.

Hence this Bill.

MANOHAR LAL,
Chief Minister, Haryana.

Chandigarh:
The 6th March, 2017.

R. K. NANDAL,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 6th March, 2017, under proviso to rule 128 of the Rules of Procedure and Conduct Business in the Haryana Legislative Assembly.

Bill No. 2 —HLA of 2018 dated 05.03.2018 (Act No. 14 of 2018 dated 05.03.2018)^{xvi}

STATEMENT OF OBJECTS AND REASONS

The Hon'ble High Court in CWP No. 21942 of 2013 titled as Pawan Bhatia and others Vs. State of Haryana and others, in its order dated 26.08.2015 did not favour the first-come-first-served policy and ordered that a transparent method needs to be followed. Hon'ble Apex Court in SLP No. 11082 of 2016 has also granted liberty to the State to formulate transparent policy guidelines in this regard. Hence, an alternate to the said first-come-first-served policy stands formulated and notified vide notification dated 10.11.2017. The said policy envisages grant of specified category of licences through bidding/auction process, after following a prescribed procedure in this regard.

However, the prevailing statutory provisions do not envisage grant of licence through auction/bidding process. Thus the implementation of the said policy dated 10.11.2017 requires incorporating enabling provisions in the Haryana Development and Regulation of Urban Areas Act, 1975, so as to allow grant of specified category of licences after following the bidding/auction process.

Hence this Bill.

MANOHAR LAL,
CHIEF MINISTER,
HARYANA.

Chandigarh:
The 5th March, 2018.

R. K. NANDAL,
Secretary.

Bill No. 38—HLA of 2018 dated 26.12.2018 (Act No. 7 of 2019 dated 31.01.2019)^{xvii}

STATEMENT OF OBJECTS AND REASONS

Keeping in view the huge number of community sites that remain to be put-to-use, it has been decided to enable further extension of validity period for undertaking such construction, albeit, upon payment of extension fees to be prescribed. The extension fees shall accordingly act as financial

penalty for delay in undertaking construction of community sites. The sub-clause (iv) of clause (a) of sub-section 3 of Section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975 (Act No. 8 of 1975) is proposed for amendment accordingly.

Further, keeping in view the fact that real estate projects are long gestation period which normally take more than ten years period for completion, and in addition, since RERA has been constituted specifically for the purpose of monitoring of such real estate projects as well as to resolve the disputes arising between allottees and the colonizer, a need has arisen to relax the stringent monitoring provisions in terms of more frequent renewal of licence under the Act of 1975. Hence, the proposed amendment of sub-section (4) of section 3 of Act No. 8 of 1975 to increase the period of renewal of licence to five years.

In addition, it has been observed during implementation of the provisions of the Act No. 8 of 1975, that upon cancellation of licence the Director is required to take over the colony and is also required to carry out or cause to be carried out the development works in the colony and recover such charges as the Director may have to incur on the said development works from the colonizer and the plot/flat owners. However, there is no provision in the Act/Rules to engage any third party for the said purpose owing to which it has been extremely difficult for the Director to engage itself in execution of development works in a colony, for which it is extremely ill-equipped in terms of human/ financial / technical resources. Accordingly, the Section-8 of the Act No. 8 of 1975 is proposed to be amended to enable the Director to engage any third party to enable completion of the project.

Finally, the existing provisions of Section 10A are required to be made more stringent in tune with the existing provisions of Gurugram Metropolitan Development Authority Act, 2017.

Hence the Bill.

MANOHAR LAL,
Chief Minister, Haryana.

Chandigarh:
The 26th December, 2018.

R. K. NANDAL,
Secretary.

Bill No. 7 —HLA of 1995 dated 10.03.1995 (Act No. 11 of 1995 dated 07.07.1995)^{xviii}

STATEMENT OF OBJECTS AND REASONS

As per provision of Section 7(2) of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, the licence for Brick Kiln etc. in the Controlled Areas, is renewed from year to year basis. To mitigate the hardship being faced by the brick kiln owners in getting the licence renewed on yearly basis, the period for renewal of licence is proposed to be increased from one year to three years by amending the above section of the said Act. The Bill enacted into an Act will enable to increase the period of renewal of the licence from one year to three years.

BHAJAN LAL,
Chief Minister, Haryana.

Chandigarh:
The 10th March, 1995.

SUMIT KUMAR,
Secretary.

N.B.— The above Bill was published in the *Haryana Government Gazette (Extraordinary)*, dated the 10th March, 1995, under proviso to rule 128 of the Rules of Procedure and Conduct Business in the Haryana Legislative Assembly.

Bill No. 28—HLA of 1996 dated 18-11-1996 (Act No. 16 of 1996 dated 13.12.1996)^{xix}

STATEMENT OF OBJECTS AND REASONS

1. Hon'ble High Court of Punjab and Haryana in C.W.P. No. 6058 of 1994 issued directions to the State Government for removing all constructions falling within 30 meters restricted belt along the scheduled roads which include large number of public/community buildings also. In these buildings lot of public investment has been made by various Government departments/agencies for discharging welfare functions of the State and it will result in a huge economic loss if these buildings are demolished. Therefore, Government has decided to save these community assets and public utility buildings from demolition in the larger public interest by amending section 3

to exclude the existing public utility buildings and community assets which did not have any profit motive attached thereto.

2. Under Section 7(1) of the Act, the Director grants permission for change of land use to individuals and companies. Apart from these various statutory organisations like HUDA, HSIDC, Housing Board, Corporate Bodies, Local Authorities involved in development of land, colonisers and such others who are exempted from obtaining licence under Act No. 8 of 1975 also develop and dispose off land within the Controlled Area without making any contribution in the form of conversion charges to the State exchequer. The value of land where Change of land use is granted or land development activities are taken, up, increases manifold because of the intensive use of the converted site. Since there is no enabling provision in the Act to levy conversion charges for converting the land use within the controlled area, a suitable provision to levy conversion charges in the first part of the Section is required.

3. In order to avoid procedural delays, the local authorities, corporate bodies, licences and others who are exempted from obtaining licence under Act No. 8 of 1975, are proposed to be exempted from formally applying for change of land use by inserting new sub-section (1A).

4. The Director is empowered to grant the permission or licence only if the proposal is in conformity with the Development Plan approved and published by the Government. Several proposals are received by Government in the Industries Department and in the department of Town and Country Planning for establishing large industries in core sector and infrastructural projects which envisage huge investment and promise large scale employment opportunities, benefiting the economy as a whole. Difficulty is being experienced in Town and Country Planning Department in respect of cases when such proposals are scrutinised for conformity of location of the project with reference to the restrictions imposed in the Development plan of the Controlled Area. Director, Town and Country Planning is not competent to grant permission for change of land use in respect of proposals which do not conform to the land use restrictions. It has been the experience that such applicants usually send their representations to the Government. The Government in the past after seeking the recommendations of Investment Promotion Centre/Investment Promotion Board or on the recommendations of the Department of Industries had been permitting change of land use in such cases. Then as per the directions of the Government, Director Town and Country Planning has been issuing formal permission to the concerned applicant for change of land use. This practice has created an anomalous position vis-a-vis the law governing the issue of change of land use.

Any action taken by the Department of Town and Country Planning on the instructions of the Government relating to grant of change of land use, becomes legally untenable. At the same time, there are economic compulsions before the Government while considering such cases. In the modern times of inter-state competitive pressures with regard to bagging modern and prestigious industries, Government cannot afford to loose such investment opportunities merely due to legal or procedural complications. Therefore, there is a case for providing powers to the Government in the above said Act to relax controls or restrictions in the controlled areas in the interest of industrialisation and economic development of the State. For this purpose new Section 7(A) is proposed to be inserted to empower the Government to relax restrictions or conditions in the Controlled Area.

5. The persons aggrieved by the decision of the Director as per the existing provisions may prefer an appeal to the Commissioner of the concerned Division under Section 10 of the Act. However, it has been experienced that in absence of expert advice the Commissioners of different Divisions do not take uniform view in similar cases and some-times such views are even contrary to the provisions of the Acts/Rules and Zoning Regulations, forcing the Government to file petitions in the Hon'ble High Court and this is leading to unnecessary litigation. The Commissioner and Secretary to Government Haryana, Town and Country Planning Department is well versed with the departmental Acts/rules, Regulations and policies. Technical expert advice of highest level is also available to him from the department. Hence, there is a case to make the Commissioner and Secretary to Government Haryana, Town and Country Planning Department, the appellate authority instead of Divisional Commissioners by amending Section 10 of the Act for taking a balanced view of the matter.

Hence this Bill.

SIRI KISHAN DASS,
Minister for Town and Country Planning,
Haryana.

CHANDIGARH:
The 18th November, 1996.
Secretary.

SUMIT KUMAR,

Bill No. 8—HLA of 1999 dated 02.02.1999 (Act No. 11 of 1999 dated 12.03.1999)^{xx}

STATEMENT OF OBJECTS AND REASONS

To prevent haphazard and sub-standard development along scheduled roads and in controlled areas, the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Act No. 41 of 1963) was enacted in the year 1963. The persons violating the provisions of this Act are served with notices under section 12(2) by the competent authority.

2. As per the procedure being followed at present, a show cause notice of 15 days under section 12(2) is sent through registered post. The past experience has shown that the service of notice does not take place for a long period as a result of which the offender continues with the unauthorised construction and invariably completes it. It has also been felt by the Department that the time period prescribed in the notices i.e. 15 days and 30 days issued under section 12(2) of Act No. 41 of 1963 is very much on the higher side.

3. Besides above, there is no provision for appeal against the orders passed under section 12 by the Competent Authority and the offenders approach the High Court for remedial measures. The Punjab and Haryana High Court in its judgement dated 19th November, 1997 passed in CWP No. 8855 of 1996—M/s Unitech Rice Land Ltd., *versus* State of Haryana has also observed that provisions of appeal contained in Section 10 does not take within its ambit orders passed under section 12 of the Act. The Hon'ble Court has therefore directed to make suitable amendments in above said Act to provide for the constitution of a Tribunal consisting of a retired Judge of the High Court and include among others an officer of the rank of Chief Engineer (serving or retired) having special knowledge of roads and highways to deal with and examine the cases involving construction made upto 28th April, 1995 in violation of 1963 Act along scheduled roads and otherwise. Such Tribunal shall also be empowered to hear appeals against the orders which may be passed hereafter for demolition of the constructions made in violation of 1963 Act and the rules framed thereunder. Besides this, the Hon'ble High Court has also given other directions to make appropriate amendment for imposition of deterrent fine on the violators of the 1963 Act and the rules.

4. Hence keeping in view the above back ground it is proposed to make a provision that in section 12(1) the fine may be raised to a maximum limit of Rs. 50,000 and minimum of Rs. 10,000. It has also been felt that in case of continue contravention the amount of 500 rupees for every day is much less.

Therefore it is proposed to increase the fine from 500 rupees for every day to 1,000 rupees every day.

5. It is also proposed that if a person avoids service or is not available for service of notice, or refuses to accept service then notice shall be deemed to be served if it is affixed on the outer door or some other conspicuous part of such premises. To curb the un-authorised constructions right at the initial stage, it is also proposed to dispense with these notices and make provision for a single notice of 7 days before taking action against the offenders/violators of the law. Thereafter if the Competent Authority is satisfied that the construction has been raised in an unauthorised manner the Competent Authority may straightway pass an order requiring the offender to remove the unauthorised construction within 7 days, if the offender still continues with the construction the unauthorised construction can be demolished even before the expiry of 7 days.

6. It is also proposed to add Section 12(c) for constituting a Tribunal consisting of a retired Judge of the Hon'ble High Court and officer of the rank of Chief Engineer (serving or retired) having special knowledge about roads and highways to hear appeals against the orders passed under section 12(2) of the Act.

Hence this Bill.

SIRI KISHAN DASS,
Minister for Town & Country Planning,
Haryana.

CHANDIGARH:
The 2nd February, 1999.

SUMIT KUMAR,
Secretary.

Bill No. 4—HLA of 2001 dated 07.03.2001 (Act No. 8 of 2001 dated 07.06.2001)^{xxi}

STATEMENT OF OBJECTS AND REASONS

The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, was enacted in the year 1963. The Act was adopted by the State of Haryana and certain amendments have been made in the Act from time to time. The proposed amendments in the Act will help effective enforcement of the Act.

Section 2(4) :

In Section 2(4) of the Principal Act definition of “Commissioner” has been given as “Commissioner of the Division”. This section is to be read with

Section 10. Section 10 of the Act has been amended by the Amendment Act notified on 13th December, 1996, whereby the Commissioner and Secretary to Government, Haryana, Town and Country Planning Department has been made appellate authority in place of the Divisional Commissioner in the original Act. Thus there is an anomaly in section 2(4) of the Act which is required to be removed.

Section 10 :

Since the definition of the Commissioner under Section 2(4) is to be amended as “Commissioner and Secretary to Government, Haryana, Town and Country Planning Department” therefore, there is no need to define the word in Section 10. So the proposed amendment is required.

Section 10A :

With a view to give powers to the Government to call for record of any case pending before or disposed of by any subordinate authority for the purpose of satisfying itself as to the legality or propriety of any orders made therein and to enable it to pass any order as it may think fit, the new Section-10A is required to be inserted.

Section 10B :

At present there is no power to the Director to review his orders or orders passed by his predecessors and the applicants have to either file an appeal under Section 10 before the Commissioner and Secretary to Government, Haryana, Town and Country Planning Department or to make a fresh application after removing the grounds of rejection. The Director in the form of representation cannot consider such request. Due to the lack of this power the entrepreneurs have to follow lengthy procedure a fresh resulting into delays.

Section 25 :

Pursuant to the decision of the Hon’ble High Court of Punjab and Haryana in CWP No. 8855 a Tribunal has been constituted by inserting section 12C in the principal Act. For the smooth and efficient functioning of the Tribunal, the rules are required to be framed. For this purpose the proposed amendment is required to be made.

Hence, the Bill.

DHIRPAL SINGH,
Town and Country Planning Minister,
Haryana.

CHANDIGARH:
The 7th March, 2001.

SUMIT KUMAR,
Secretary.

Bill No. 22—HLA of 2003 dated 08.09.2003 (Act No. 25 of 2003 dated 20.10.2003)^{xxii}

STATEMENT OF OBJECTS AND REASONS

The abadi-deh as defined in the revenue record are very old and presently with increase in the population and households in the rural settlements these village abadi-deh are expanding beyond this defined limits. The Department of Town & Country planning has declared controlled areas around towns in the State as well as around institutions and these controlled areas include large number of rural settlements. Any building constructed outside this abadi-deh area within the controlled area becomes illegal and unauthorised building and is liable for action under the provisions of the Act. This leads to harassment of the people who genuinely intend to construct the buildings for residential purposes for their own use. Under Section 22 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, only the areas comprised in the abadi-deh of a village are exempted from the provisions of the said Acts.

The proposed legislation will allow the State Government to identify areas through the District Administration/field offices, which are adjacent to the abadi deh and are restricted to 60% of the existing abadi deh area which may be required for genuine village expansion and accordingly can be exempted from the provisions of the Act through notification.

DHIRPAL SINGH,
Town and Country Planning Minister,
Haryana.

Chandigarh:
The 8th September, 2003.

SUMIT KUMAR,
Secretary.

Bill No. 11—HLA of 2004 dated 12.02.2004 (Act No. 7 of 2004 dated 11.03.2004)^{xxiii}

STATEMENT OF OBJECTS AND REASONS

The matter regarding construction of an expressway linking Kundli-Bahadurgarh-Manesar-Palwal with assistant of the Malaysian Govt. has been under deliberation with the State Govt. In future several other proposals regarding expressways are also likely to be considered/approved by the Govt.

It has been observed that the Act in its present form does not have any express provisions prohibiting erections/re-erection of buildings along such expressways. In view of the ensuing provision of expressways in the State, there is a need to provide enabling provisions for prohibiting constructions along expressways, similar to that of “bye-pass” in the Act No. 41 of 1963. Hence this Bill for amendment in Section 2 and 3 of the Act No. 41 of 1963.

The department has been issuing demand notices to several parties for payment of arrears of External Development Charges and Conversion Charges as per the approved policies of the Govt. and in accordance with the undertaking provided by such parties at the time of grant of permission for CLU. However, in many cases since the concerned parties would have already obtained occupation/completion certificates for their projects, it becomes difficult to recover such payments from the defaulters in the absence of any express provisions available in the Act/ Rules. Hence, an enabling provision in the Act No. 41 of 1963 is required for making such recoveries as arrears of land revenue. Hence this Bill for amendment in Section 7 and 25 of the Act No. 41 of 1963.

Hence this Bill.

DHIRPAL SINGH,
Town and Country Planning Minister,
Haryana.

Chandigarh:
The 12th February, 2004.

SUMIT KUMAR,
Secretary.

Bill No. 15—HLA of 2004 dated 18.06.2004 (Act No. 17 of 2004 dated 20.07.2004)^{xxiv}

STATEMENT OF OBJECTS AND REASONS

The department grants various permissions under Section 3, Section 6 and Section 7 of the Act No. 41 of 1963. As per Section 8 of the said Act, a time limit of three months has been prescribed for conveying a decision to the applicant, and in case no such order is passed by the Director in writing during the stipulated three months the permission shall without prejudice to the restrictions and conditions prescribed in the plans published in the official gazette under sub-section 7 of Section 5 be deemed to have been given without imposition of any condition.

It is a constant endeavour of the department to process the cases together with all relevant documents and communicate a decision within the

stipulated period. However, where directions have been issued by the Government under Section 11 of the Act, for obtaining the concurrence or approval of the Government, adhering to the stipulated period is a constraint. In such cases several levels are involved in decision making and a considerable time is required in assisting the Government and seeking final concurrence. Therefore, in public interest to enable judicious application of mind, it is desirable to relax this time limit of three months for grant of permission in cases where prior concurrence/ approval at the level of the Government is necessary.

Hence this BILL.

DHIRPAL SINGH,
Town and Country Planning Minister,
Haryana.

Chandigarh:
The 18th June, 2004.

SUMIT KUMAR,
Secretary.

Bill No. 5—HLA of 2007 dated 09.03.2007 (Act No. 6 of 2007 dated 03.04.2007)^{xxv}

STATEMENT OF OBJECTS AND REASONS

Section 4 (1) of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act No. 41 of 1963) provides for declaration of Controlled Area adjacent to and within a distance of :—

- (a) Eight kilometres on the other outer side of the boundary of any town; or
- (b) Two kilometres on the outer side of the boundary of any industrial or housing estate, public institution or an ancient and historical monument.

These provisions were made more than four decades ago when Towns were growing at natural growth rate and migration from rural to urban areas was negligible.

With the increase in the pace of urbanization particularly after globalization of economy, almost all the areas in the State particularly falling in NCR sub region, adjoining Chandigarh-Panchkula and along National Highways have become highly potential for development. The department is finding it difficult to cover all the potential areas under Controlled Area due to the limitation of distances of eight and two kilometres prescribed under

section 4(1) (a) and (b) of Act No. 41 of 1963 up to which the Control Area may be notified. Even after adopting time consuming process of declaration of Controlled Area under Section 4(1) (b) around various institutions etc. some intervening areas remain uncontrolled.

In order to cope with the fast pace of urbanization and to regulate the same by way of notifying all the potential areas including areas along the highways as Controlled Areas, it has become necessary to amend section 4(1) of the said Act. The proposed amendment would enable the Government to declare all the potential areas as Controlled Area and to prepare the Development plans for the same.

Hence the amendment.

RANDEEP SINGH SURJEWALA,
Parliamentary Affairs Minister, Haryana.

Chandigarh:
The 9th March, 2007.

SUMIT KUMAR,
Secretary.

Bill No. 1—HLA of 2009 dated 29-01-2009 (Act No. 13 of 2009 dated 19.03.2009/24.03.2009) ^{xxvi}

STATEMENT OF OBJECTS AND REASONS

Erection or re-erection of buildings within 100 meters on either side of the road reservation of a bye-pass and 30 meters on either side of the road reservation of a scheduled road is prohibited under section 3 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963. The scheduled road is defined under section 2(10) of the Act *ibid* ceases as a scheduled road within the limits of a local authority. Over the years, the municipal limits have been extended to include parts of the erstwhile scheduled roads also. Strictly going by the definition provided under the Act, the restrictions along a scheduled road normally does not apply on the stretch of such road falling within the municipal limits. However, Hon'ble Supreme Court of India have dealt with this issue and have held that any building raised in violation of the Act even though falling within the extended municipal limits cannot be regularized by way of composition.

It has also been observed that over the years some of the larger rural settlements have developed into the agricultural market centers. Large number of constructions in the form of shops, houses, eating places, sweet shops, small

scale industrial units like saw mills, auto repair shops have been constructed along the roads and some of these roads are scheduled roads. Similarly some of the important junctions, where the National Highways and other Scheduled Roads cross each other have developed into the market centers because of their convenient locations. Large number of constructions have also come up along the roads emanating from these junctions.

In a recent case being heard by the Hon'ble Punjab and Haryana High Court in CWP N. 1559 of 2007 i.e. Court on Its Own Motion Vs. States of Punjab and Haryana, the process for identification, initiation of action in the form of legal notices and further action for removal of these violations have been initiated throughout the State of Haryana. It has caused panic amongst the affected people and representations have been received in this regard. The Government therefore wants to take remedial measures for removing undue hardship to the people.

The Government has therefore decided to amend section 3 and 6 of Act *ibid* to make provision of the regularization of the constructions raised in 30 meters/100 meters restricted belt along the scheduled roads/ bye passes.

Hence this BILL.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 29th January, 2009.

SUMIT KUMAR,
Secretary.

Bill No. 2 —HLA of 2010 dated 05.03.2010 (Act No. 4 of 2010 dated 05.04.2010)^{xxvii}

STATEMENT OF OBJECTS AND REASONS

The provision of existing time limit of three months available to Director, under Sub-section 4 of Section 8 of Act *ibid* to decide the application for change of land use permission *vis-à-vis* the need to expedite the permissions for industrial uses has been re-examined. It has been decided to reduce the time limit to decide the application of change of land use permission for industrial uses from existing three months to 'sixty days'. Therefore, the amendment in Sub-section 4 of Section 8 is proposed.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:

SUMIT KUMAR,

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 5th March, 2010, under proviso to rule 128 of the Rules of Procedure and Conduct Business in the Haryana Legislative Assembly.

Bill No. 25—HLA of 2010 dated 04-09-2010 (Act No. 15 of 2010 dated 29.09.2010)^{xxviii}

STATEMENT OF OBJECTS AND REASONS

1. The sub section (1) of section 5 of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, provides three months from the declaration of controlled area under section 1 of section 4 for publication of Development Plan. The provision of three months in this section is not adequate for preparation of Development Plan. After declaration of controlled area under section 4 of the Act *ibid* the preparation of field book is lengthy exercise. For this exercise, a minimum period of one year is required. It was decided that the Development Plans must be finalized and published within one year of the declaration of the controlled area. Therefore, the amendment in sub section (1) of section 5 is proposed.

Hence, this BILL.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 4th September, 2010.

SUMIT KUMAR,
Secretary.

Bill No.27 —HLA of 2012 dated 24.08.2012 (Act No. 28 of 2012 dated 30.10.2012)^{xxix}

STATEMENT OF OBJECTS AND REASONS

In year 2003, section 22 (aa) of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 was inserted wherein area adjacent to the abadi deh of any village which Government identifies for village expansion through a notification to such effect was taken out from purview of the Act *ibid*. A limit of 60% was imposed on such expansion of village abadi. While implementing the above referred provision, some practical difficulties came to the notice of the Government such as absence of rational criteria to fix boundary of extended village abadi (in view of aforesaid limit of 60%) as most of the villages have expending beyond 60% of their original abadi deh. In fact, even unauthorised colonies in the vicinity of Lal Dora of the village abadi carved out in violation

of provisions of Haryana Development and Regulation of Urban Areas Act, 1975, would also get *de-facto* regularised under the disguise of exemption under section 22 (aa) of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963. In view of above facts and ground realities, purpose for which section 22 (aa) was inserted in Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 is neither being served nor likely to be served in future. Even Revenue & Disaster Management Department, Haryana mentioned that the exemption from the Act *ibid* could have server adverse implications resulting in unregulated structures coming up in the area. Moreover, implementation of this provision would create legal complications, resentment and likely to be misused, hence, this bill to repeal/omit this bill to repeal/omit section 22 (aa) of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.

As far as amendment in Section 25 is concerned, the Department is levying conversion charges for commercial use for 150 FAR and also for 175 FAR. The practice in the Department is that notified conversion charges are taken in case of 150 FAR and for levying of conversion charges for 175 FAR additional 1/6th of notified conversion charges are taken. The Amendment is proposed in Section 25 (1) of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 so as to give it a statutory backing. The amendment would authorized Department to charges differential rates for FAR of 150 and 175 retrospectively.

Hence this Bill.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 24th August, 2012.

SUMIT KUMAR,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 24th August, 2012, under proviso to rule 128 of the Rules of Procedure and Conduct Business in the Haryana Legislative Assembly.

Bill No.3 —HLA of 2014 dated 20.02.2014 (Act No. 16 of 2014 dated 04.04.2014)^{xxx}

STATEMENT OF OBJECTS AND REASONS

Section 22 (a) of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (hereinafter referred to as Act of 1963) saves abadi deh of any village from the operating of Act *ibid*. However, term ‘abadi deh’ of village has not been defined under the Act of

1963. In fact, abadi deh has not been defined even in Punjab Land Revenue Act, 1887 or Punjab Village Common Land (Regulation) Act, 1961 or the East Punjab Holding (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as Act of 1948). In absence of definition of word 'abadi deh', Department of Town & Country Planning was treating the area falling within 'lal dora' to be co-terminus with the area falling within the abadi deh. As a result, construction raised by rural inhabitants beyond lal dora but within phirni fixed at the time of consolidation under Act of 1948, was constructed as unauthorised construction, thus causing undue hardship to rural population.

2. As already stated above, general view in the Department of Town & Country planning is that abadi deh is confined to lal dora only. However, Tribunal constituted under section 12 (C) of Act of 1963, in Appeal No. 24/2000 titled as Pritam Singh *versus* Director, Town and Country Planning, Haryana, *vide* its orders dated 21/09/2000 has laid that abadi deh is the area comprised within phirni of the village.

3. The aforesaid orders of Hon'ble Tribunal were upheld by Hon'ble High Court in CWP No. 7560 of 2001 titled as State of Haryana *versus* Pritam Singh.

4. The SLP No. 18561 of 2001 filed against the orders of Hon'ble High Court was dismissed as withdrawn. Thus, the aforesaid orders of Hon'ble Tribunal have attained finality.

In view of above decision of Hon'ble Tribunal/Courts and also to remove ambiguity in respect of construction raised by rural inhabitants beyond lal dora but within phirni fixed at the time of consolidation proceedings under Act of 1948, it is necessary to define word 'abadi deh' in the Act of 1963, in consonance with the judicial pronouncements discussed above and the provisions of Act of 1948.

Hence this Bill.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 20th February, 2014.

SUMIT KUMAR,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 20th February, 2014, under proviso to rule 128 of the Rules of Procedure and Conduct Business in the Haryana Legislative Assembly.

Bill No. 23—HLA of 2014 dated 11.07.2014 (Act No. 1 of 2015 dated 04.03.2015)^{xxx}

STATEMENT OF OBJECTS AND REASONS

It is informed that the Final Development Plan of Hisar-2021AD includes the area falling in the controlled areas notified in the year 1971, 1982 and 2002. The first Controlled Area notified in the Official Gazette on 25.08.1971 under section 4(1) of The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 was not published in the newspapers in accordance with section 4(2) of act *ibid*. On this issue, a Civil Suit No. 159 of 1991 was filed in the District Court Hisar in which the 1st controlled area of Hisar town notified in the year 1971 was challenged. However, Additional District Judge Hisar gives the clear-cut finding in his decision dated 31.03.1997 that even the publication of the 2nd controlled area in a local weekly “Navnad” was making a mockery of a mandatory provision of Law and clearly held that the 2nd controlled area notified in the year 1982 was also not duly published as per provisions of section 4(2) of act *ibid*. Against the said orders, an appeal was filed in the Hon’ble Punjab and Haryana High Court and Hon’ble Supreme Court, however the same was dismissed.

Further, the first controlled area notified in the year 1971 was got published in the newspapers on 17.03.1991, 18.03.1991 and 13.04.1991 respectively in one English and two Hindi newspapers and the 2nd controlled area notified in the year 1982 was published in one English and two Hindi newspapers on 15th July 2013 and 20th October 2013 in accordance to the section 4(2) of the act *ibid*. Hence, the legal process for notification of 1st and 2nd controlled areas has been completed.

There is no controversy with regard to 3rd controlled area notified on 09.07.2002.

Based on these controlled areas, Final Development Plan of Hisar 2021 AD has been notified and sectors have been developed by HUDA and private colonizers after obtaining the license from the Government. Permissions for change of land use have been granted by the Government in which lot of revenue has been received. Illegal structures have been demolished after issuance of prior notices. Hence, 1st and 2nd controlled areas of Hisar need to be validated from the date of notification in the official Gazette.

Hence, this bill.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 11th July, 2014.

SUMIT KUMAR,
Secretary.

Bill No. 4 —HLA of 2017 dated 25.02.2017 xxxii

STATEMENT OF OBJECTS AND REASONS

In the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 under Section 12 C(1) of the Act, 1963, The Tribunal consists of a Chairman who is a retired judge of High Court and a member of the rank of Chief Engineer having special knowledge about roads and highways. On this constitution of Tribunal, it was observed that the Tribunal deals with multifarious subjects like law, urban development, infrastructure, housing, real estate, but the qualification to become member is restricted to engineering background only with the specialization in road and highways. Therefore it has been felt that member from other fields like Law, Town Planning, Industry and Management may also be included in the composition of the Tribunal.

In order to make above referred changes, amendment in the Section 12C(1) of the Punjab Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 will be required by substituting the existing provision with the following proposed provisions:-

“With effect from such date as the Government may, by notification, constitute a Tribunal consisting of (a Chairman who is a retired judge of the High Court) and two members. One of the member will be of the rank of Chief Engineer having special knowledge about roads and highways and the other member will be a professional from the fields like Law, Town Planning, Industry and Management, as may be decided by the Government. If the members of the Tribunal are divided over some matter, the decision of the Chairman of the Tribunal shall prevail”.

MANOHAR LAL
Chief Minister, Haryana

Chandigarh:
The 25th February, 2017.

R.K. NANDAL,
Secretary.

Bill No. 11 —HLA of 2018 dated 10.03.2018 (Act No. 19 of 2018 dated 04.05.2018)^{xxxiii}

STATEMENT OF OBJECTS AND REASONS

The Hon'ble High Court in CWP No. 21942 of 2013 titled as Pawan Bhatia and others Vs. State of Haryana and others, in its order dated 26.08.2015 did not favour the first-come-first-served policy and ordered that a transparent method needs to be followed. Hon'ble Apex Court in SLP No. 11082 of 2016 has also granted liberty to the State to formulate transparent policy guidelines in this regard. Hence, an alternate to the said first-come-first-served policy stands formulated and notified vide notification dated 10.11.2017. The said policy envisages grant of specified category of change of land use permissions through bidding/auction process, after following a prescribed procedure in this regard.

However, the prevailing statutory provisions do not envisage grant of change of land use permissions through auction/bidding process. Thus the implementation of the said policy dated 10.11.2017 requires incorporating enabling provisions in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, so as to allow grant of specified category of change of land use permission after following the bidding/auction process.

The Government also envisages to initiate on-line receipt and issuance of statutory approvals to further increase the transparency and efficiency in the functioning of the Department, for which an enabling provision in the Act is required.

Hence this Bill.

MANOHAR LAL,
Chief Minister, Haryana.

Chandigarh:
The 10th March, 2018.

R. K. NANDAL,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 10th March, 2018, under proviso to rule 128 of the Rules of Procedure and Conduct Business in the Haryana Legislative Assembly.

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- i Bill No. 27—HLA of 1996 dated 18.11.1996 (Act No. 17 of 1996 dated 13.12.1996)
 - ii Bill No. 15—HLA of 2003 dated 10.03.2003 (Act No. 11 of 2003 dated 03.04.2003)
 - iii Bill No. 7—HLA of 2004 dated 09.02.2004 (Act No. 5 of 2004 dated 08.03.2004)
 - iv Bill No. 17—HLA of 2005 dated 13.12.2005 (Act No. 15 of 2006 dated 20.03.2006)
 - v Bill No. 4—HLA of 2007 dated 09.03.2007 (Act No. 5 of 2007 dated 03.04.2007)
 - vi Bill No. 8—HLA of 2009 dated 12.02.2009 (Act No. 5 of 2009 dated 18.03.2009)
 - vii Act No. 18 of 2009 dated 14.09.2009
 - viii Bill No. 26—HLA of 2010 dated 04-09-2010 (Act No. 16 of 2010 dated 30.09.2010)
 - ix Bill No. 16—HLA of 2012 dated 06-03-2012 (Act No. 4 of 2012 dated 06.03.2012)
 - x Bill No. 8—HLA of 2013 dated 01.03.2013 (Act No. 5 of 2013 dated 05.04.2013)
 - xi Bill No. 20—HLA of 2013 dated 06.09.2013 (Act No. 27 of 2013 dated 15.10.2013)
 - xii Bill No. 12—HLA of 2014 dated 26.02.2014 (Act No. 15 of 2014 dated 04.04.2014)
 - xiii Bill No. 18—HLA of 2016 dated 07.04.2016 (Act No. 8 of 2016 dated 20.04.2016)
 - xiv Bill No. 30—HLA of 2016 dated 28.08.2016 (Act No. 26 of 2016 dated 20.09.2016)
 - xv Bill No. 8—HLA of 2017 dated 06.03.2017 (Act No. 11 of 2017 dated 03.04.2017)
 - xvi Bill No. 2 —HLA of 2018 dated 05.03.2018 (Act No. 14 of 2018 dated 05.03.2018)
 - xvii Bill No. 38—HLA of 2018 dated 26.12.2018 (Act No. 7 of 2019 dated 31.01.2019)
 - xviii Bill No. 7 —HLA of 1995 dated 10.03.1995 (Act No. 11 of 1995 dated 07.07.1995)
 - xix Bill No. 28—HLA of 1996 dated 18-11-1996 (Act No. 16 of 1996 dated 13.12.1996)
 - xx Bill No. 8—HLA of 1999 dated 02.02.1999 (Act No. 11 of 1999 dated 12.03.1999)
 - xxi Bill No. 4—HLA of 2001 dated 07.03.2001 (Act No. 8 of 2001 dated 07.06.2001)
 - xxii Bill No. 22—HLA of 2003 dated 08.09.2003 (Act No. 25 of 2003 dated 20.10.2003)
 - xxiii Bill No. 11—HLA of 2004 dated 12.02.2004 (Act No. 7 of 2004 dated 11.03.2004)
 - xxiv Bill No. 15—HLA of 2004 dated 18.06.2004 (Act No. 17 of 2004 dated 20.07.2004)
 - xxv Bill No. 5—HLA of 2007 dated 09.03.2007 (Act No. 6 of 2007 dated 03.04.2007)
 - xxvi Bill No. 1—HLA of 2009 dated 29-01-2009 (Act No. 13 of 2009 dated 19.03.2009/24.03.2009)
 - xxvii Bill No. 2 —HLA of 2010 dated 05.03.2010 (Act No. 4 of 2010 dated 05.04.2010)
 - xxviii Bill No. 25—HLA of 2010 dated 04-09-2010 (Act No. 15 of 2010 dated 29.09.2010)
 - xxix Bill No.27 —HLA of 2012 dated 24.08.2012 (Act No. 28 of 2012 dated 30.10.2012)
 - xxx Bill No.3 —HLA of 2014 dated 20.02.2014 (Act No. 16 of 2014 dated 04.04.2014)
 - xxxi Bill No. 23—HLA of 2014 dated 11.07.2014 (Act No. 1 of 2015 dated 04.03.2015)
 - xxxii Bill No. 4 —HLA of 2017 dated 25.02.2017
 - xxxiii Bill No. 11 —HLA of 2018 dated 10.03.2018 (Act No. 19 of 2018 dated 04.05.2018)