

**HARYANA GOVERNMENT**

## LAW AND LEGISLATIVE DEPARTMENT

**Notification**

The 20th April, 2016

**No. Leg. 11/2016.**— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 11th April, 2016 and is hereby published for general information :—

**HARYANA ACT NO. 8 OF 2016**

THE HARYANA DEVELOPMENT AND REGULATION OF URBAN AREAS  
(AMENDMENT) ACT, 2016

AN

ACT

*further to amend the Haryana Development and Regulation of  
Urban Areas Act, 1975.*

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

Short title.

**1.** This Act may be called the Haryana Development and Regulation of Urban Areas (Amendment) Act, 2016.

Amendment of  
section 2 of  
Haryana Act 8 of  
1975.

**2.** In section 2 of the Haryana Development and Regulation of Urban Areas Act, 1975 (hereinafter called the principal Act),—

- (i) for clause (d), the following clause shall be substituted, namely:-
 

“(d) ‘colonizer’ means an individual, company or association or body of individuals, whether incorporated or not, owning land for converting it into a colony and to whom a licence has been granted under this Act and shall include a developer;”;
- (ii) after clause (ddd), the following clauses shall be inserted, namely:—
 

“(d1) ‘developer’ means an individual, company, association, firm or a limited liability partnership, designated through a collaboration/development agreement with the owner for making an application for grant of licence and for completion of formalities required on behalf of such owner to develop a colony;

(d2) ‘development rights’ means the rights given for development of land within the urbanisable limit of development plan either to an owner who surrenders such land to vest with the Government without claiming any compensation for the purpose of obtaining TDR Certificate or to a colonizer whom a PDR Certificate has been issued, after fulfilling such terms and conditions and on payment of such fee, as may be prescribed;”;
- (iii) after clause (jj), the following clause shall be inserted, namely:—
 

“(jjj) ‘notional land’ means the theoretical land of which TDR Certificate has been issued;”;
- (iv) after clause (nn), the following clauses shall be inserted, namely:—
 

“(n1) ‘Purchasable Development Rights Certificate (PDR Certificate)’ means the certificate of development rights given to a colonizer in a specified colony which shall not be resalable or transferable;

(n2) ‘Transferable Development Rights Certificate (TDR Certificate)’ means the certificate of development rights given to an owner who surrenders such land to vest with the Government without claiming any compensation and such certificate may be sold within urbanisable limit of a development plan by the owner;”.

3. In section 3 of the principal Act, —
- (i) in sub-section (1), —
- (A) in the existing proviso, for the sign “.” existing at the end, the sign “:” shall be substituted;
- (B) after the existing proviso, the following proviso shall be added, namely: —
- “Provided further that owner may enter into an agreement jointly or severally with a developer for pooling of land for grant of licence.”;
- (ii) in clause (a) of sub-section (3),—
- (a) in sub-clause (iv),—
- (A) in the third proviso, for the sign “.” existing at the end, the sign “:” shall be substituted;
- (B) after the third proviso, the following proviso shall be added, namely:-
- “Provided further that the applicant shall be exempted from the provisions of this clause where compliance of clause (iv-b) is sought by the Director.”;
- (b) after sub-clause (iv-a), the following sub-clause shall be inserted, namely:-
- “(iv-b) to hand-over the possession and transfer the ownership of such land, as demarcated and identified in the approved layout plan, in such form and manner, as may be specified by the Director and such land shall vest with the Government to achieve the objective of creation of community buildings, housing, commercial and other physical and social urban infrastructure, in such colonies where a condition to this effect is imposed by the Director, before grant of licence.”.
4. After section 6 of the principal Act, the following sections shall be inserted, namely: —
- “6A. Grant of Transferable Development Rights (TDR) Certificate.-**
- (1) If the owner whose land is eligible for issuance of TDR Certificate within the urbanisable limits of any development plan, subject to such terms and conditions, as may be prescribed, makes an application on the prescribed format, for handing over the possession of such land, to vest with the Government through the Director, for all intents and purposes, free from all encumbrances, shall, notwithstanding anything contained in this Act or rules framed thereunder, be entitled to be granted TDR Certificate upon payment of such fee and charges, as may be prescribed.
- (2) On receipt of the application under sub-section (1), the Director, shall undertake scrutiny of such application to—
- (a) verify the extent, situation and title of the land;
- (b) ascertain conformity of the application to the prescribed parameters; and
- (c) initiate and examine the claims and objections in such manner, as may be prescribed.
- (3) After the scrutiny under sub-section (2), the Director may issue a TDR Certificate specifying the notional land, to be calculated after factorizing with the prescribed index, on which development rights may be availed subject to such terms and conditions, as may be prescribed or may reject it, citing reasons thereof:
- Provided that no such application shall be rejected without giving an opportunity of hearing to the owner.
- (4) The entitlement of development rights shall be calculated on the basis of the area of the land and its location, which on account of issuance of TDR Certificate shall vest with the Government, free from all encumbrances and without claiming compensation under any law for the time being in force:

Amendment of section 3 of Haryana Act 8 of 1975.

Insertion of sections 6A and 6B in Haryana Act 8 of 1975.

Provided that the Government may either transfer such land that has vested with it to any person or institution including a local authority for such purpose, on such terms and conditions, as it may deem fit, or enter into an exchange of the land with any other person or institution to ensure better planning, before its transfer and utilization.

(5) The development rights shall only be utilizable after due approval from the Director at the time of approval of building plans and shall not be allowed to be utilized unless an entry to such effect is made in the TDR Certificate and the register/database maintained by the Director.

(6) The utilization of development rights shall be subject to such limitations, as may be prescribed.

(7) The Director shall maintain and periodically publish a register/database including entries of issue, transfer or utilization of development rights granted under this section in such manner, as may be prescribed.

**6B. Grant of Purchasable Development Rights Certificate (PDR Certificate)** — (1) A colonizer intending to obtain a PDR Certificate shall make an application on the prescribed format, alongwith an undertaking to deposit such fee, as may be prescribed, upon demand, shall be entitled to be granted PDR Certificate under this section upon fulfillment of such terms and conditions and on payment of such fee, as may be prescribed.

(2) On receipt of the application under sub-section (1) and upon scrutiny of the application, the Director, if satisfied, may issue PDR Certificate specifying its utilization or may reject it, citing reasons thereof:

Provided that no such application shall be rejected without giving an opportunity of hearing to the colonizer.

(3) The utilization of development rights against any PDR Certificate issued against a specific colony shall be non-transferable and fee deposited against it shall be non-refundable.”.

Insertion of section 8A in Haryana Act 8 of 1975.

5. After section 8 of the principal Act, the following section shall be inserted, namely:-

**“8A. Online receipt and approval.**— (1) All functions performed under this Act may also be performed through electronic 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 acknowledgement of applications and payments;
- (b) issue of approvals, orders or directions;
- (c) scrutiny, enquiry or correspondence for grant of license, its renewal, transfer or grant of occupation certificates, part or completion certificate etc.;
- (d) approval of plans, estimates, occupation certificates etc.;
- (e) filing of documents;
- (f) issue of notices for recoveries;
- (g) maintenance of registers and records;
- (h) any other function that the Director may deem fit in public interest.”.

Amendment of section 24 of Haryana Act 8 of 1975.

6.

In sub-section (2) of section 24 of the principal Act,-

- (i) in clause (i), for the sign “.” existing at the end, the sign “;” shall be substituted;
- (ii) after clause (i), the following clause shall be added at the end, namely:-  
“(j) any other matter which has to be or may be prescribed.”.

KULDIP JAIN,  
Secretary to Government Haryana,  
Law and Legislative Department.