

From

The Director,
Town & Country Planning,
Haryana, Chandigarh.

To

1. The Finance Minister, Haryana,
2. The Development Minister, Haryana,
3. Chief Secretary to Government Haryana,
4. Advocate General Haryana,
5. Financial Commissioner & Secretary to Government Haryana, Finance & Revenue Department,
6. Commissioner & Secretary to Government Haryana, Town & Country Planning Department
7. Legal Remembrancer & Secretary to Government Haryana,
8. Chief Town Planner, Haryana.

Memo No - 13771-78

Dated: 28-8-1991

Subject: **Minutes of the meeting held under the Chairmanship of Hon'ble Chief Minister on 7-8-1991 regarding finalization of strategy of urban development in Haryana.**

A copy of the minutes of the meeting held under the Chairmanship of Hon'ble Chief Minister in his Chamber on 7-8-1991 on the matter cited as subject is enclosed for information and necessary action.

Sd/-
Director,
Town & Country Planning,
Haryana, Chandigarh.

Endst No. 13779

Dated: 28-8-1991

A copy alongwith a copy of minutes is forwarded to PS/CM for kind information of the Hon'ble CM.

Sd/-
Director,
Town & Country Planning,
Haryana, Chandigarh.

Endst No. 13780

Dated: 28-8-1991

A copy alongwith a copy of minutes is forwarded to PS/FM for kind information of the Hon'ble FM.

Sd/-
Director,
Town & Country Planning,
Haryana, Chandigarh.

Endst No. 13781

Dated: 28-8-1991

A copy alongwith a copy of minutes is forwarded to PS/DM for kind information of the Hon'ble DM.

Sd/-
Director,
Town & Country Planning,
Haryana, Chandigarh.

Endst No. 13782

Dated: 28-8-1991

A copy alongwith a copy of minutes is forwarded to PS/Chief Secretary to Government Haryana for kind information of the CS.

Sd/-
Director,
Town & Country Planning,
Haryana, Chandigarh.

MINUTES OF THE MEETING REGARDING POLICY ISSUES CONCERNING URBAN DEVELOPMENT IN HARYANA HELD ON 7-8-1991 AT 11:00 AM UNDER CHAIRMANSHIP OF CHIEF MINISTER HARYANA

The following were present: -

- 1 Sh. Mange Ram Gupta,
Finance Minister, Haryana.
- 2 Sh. Rao Bansi Singh,
Development Minister, Haryana.
- 3 Sh. B.S. Ojha, IAS,
Chief Secretary, Haryana.
- 4 Sh. A. Banerjee, IAS,
Financial Commissioner, Revenue and Finance, Haryana.
- 5 Sh. Virendra Nath, IAS,
Commissioner & Secretary to Government, Haryana,
Local Government and Housing Department.
- 6 Sh. Dhanendra Kumar, IAS,
Principal Secretary to Chief Minister, Haryana.
- 7 Sh. Pradeep Kumar, IAS,
Commissioner & Secretary to Government, Haryana,
Town & Country Planning Department.
- 8 Sh. S.K. Jain,
Legal Remembrancer & Secretary To Government, Haryana,
Legislative Department.
- 9 Sh. Raj Kumar, IAS,
Director, Town & Country Planning.

The issues concerning urban development in Haryana were discussed in detail. The legal aspects were deliberated upon in the light of the advice rendered by L.R. (annexure with the agenda note). He explained that the advice rendered by his office covers most of the issues raised by the Department and action to be taken accordingly. Major issues covered by LR' s advice were deliberated upon and after detailed consideration, the following decision were taken:

1. GRANT OF LICENSES:

It was opined by the LR that ban on issue of license is not legally sustainable. If an applicant fulfills the conditions prescribed under the Haryana Development and Regulation of Urban Areas Act, 1975 and the Rules framed there under, then his application has to be considered and disposed off on merits. It was also felt that the strategy based on urban development exclusively through Haryana Urban Development Authority may not bring about the rapid development needed to cope up with the housing requirements. Private sector as well as co-operatives would also need to be involved in the process of urban development but this would have to be done as per provisions of the Act, and Rules framed there under. Parameter's regarding EWS, NPNL, profitability, minimum size of the colony, half

yearly returns and liability of plot holders to pay for services provided by HUDA may also be followed in addition to the provisions of the Act and Rules.

2. **COMPETENT AUTHORITY TO GRANT LICENSES:**

The opinion of LR was considered and it was accordingly decided that DTCP should be the competent authority to grant license under the Act. On a suggestion from DTCP. However, it was felt that the grant of license may have wider implications for state Government. It was therefore, decided that such licenses may be granted with prior internal concurrence of the State Government at Minister's level. The State Government will however, exercise appellate powers under the Act in accordance with the opinion of the LR.

3. **CONFORMITY OF THE SITE TO THE DEVELOPMENT PLAN/ SECTOR PLAN:**

The LR's opinion on the matter was discussed and it was clarified by the LR that legally the colony to be licensed has to conform to the Development Plan and not to sector demarcation. It was pointed out that the land under application may not always be in a regular shape or in one sector. No minimum limit on proportion of the total area to the area of the sector could, therefore, be stipulated.

4. **SIZE OF THE COLONY:**

It was decided that except for additional licenses for contiguous area/ pockets, the minimum area required for the grant of license shall be 100 acres for an applicant company/ group of companies as heretofore.

5. **LAND ACQUISITION AND LICENCING:**

It was pointed out that in urbanisable areas of Development Plan, both HUDA and private sector take steps to acquire land for development. In a number of cases individuals may acquire land and before they are able to apply/ get a license, the area may be notified for acquisition of HUDA. It was, therefore, decided that in the interest of equity in cases where applicants have applied for license or have acquired land but could not apply for license before the issue of acquisition notification, release of land could be considered on individual merits of each case.

6. **DEVELOPMENT OF POCKETS:**

a) It was decided that approach should be based on sectoral development. Wherever small pockets are left out within a licensed area or on the fringes of a colony which the colonizer is not able to acquire through negotiation such pockets may be acquired by Haryana Urban Development Authority in the interest of planned and harmonious development. In case, HUDA is in a position and willing to undertake development on its own then these pockets should be developed by HUDA otherwise in the interest of compact development of the colony, the pockets should be allowed to be developed by the colonizer. However, such area will not be more than 10% of the licensed area.

b) It was felt that social obligations for development of strips/ pockets of Panchayat areas be imposed on the colonizers. The colonizer should be made liable to develop these pockets/ strips/ pathways in terms of ecological up-gradation, afforestation, building of roads, sanitation etc. Panchayats may be asked to allow

laying of services/ undertaking aforesaid activities in these pockets/ strips in the interest of overall development of the area/ villages. Transfer of such pockets may also be considered either at market price determined for such type of lands or through open auction as per provisions of law.

7. **CONSTRUCTION OF COMMUNITY BUILDINGS:**

The advice of the LR was deliberated upon. In accordance with the above advice it was decided that the third party rights which have already been created in licensed areas cannot be rescinded at this stage. However, in future agreements, condition should be incorporated that no third party rights will be created without obtaining the prior permission of the Director, Town & Country Planning. Further another condition should be incorporated that community buildings will be got constructed by colonizer within a stipulated time period.

8. **RESERVATION OF AREA FOR GROUP HOUSING:**

It was felt that Group Housing should be encouraged but there is no need to impose condition of reservation of a certain percentage of area for Group housing.

9. **ADDITIONAL CLAUSES INCLUDED IN FORM LC-IV:**

It was decided that the social obligations imposed on the colonizers be made enforceable by incorporating amendments in form LC-IV. Need for amendment of statute for this purpose may also be examined. However, till such time as the statute is amended these obligations may be enforced through bilateral agreement. Detailed modalities may be worked out in consultation with the LR.

10. **EXTERNAL DEVELOPMENT CHARGES:**

It was decided that the external development charges for new licenses for plotted development in Gurgaon may be increased in proportion to the escalation in prices or worked out afresh on a rational formula. Decision on this matter may be taken by HUDA. In respect of other towns where external development charges have not been finalized, these may be finalized early.

11. **TIME PERIOD FOR CONSTRUCTION OF PLOTS:**

It was felt that putting a time period for construction of plots is desirable but modalities/ legalities may be worked out.

12. **GRANT OF LICENSES FOR GROUP HOUSING TO PRIVATE COLONIZERS/ BUILDERS:**

It was decided that licenses may be allowed for group housing on self acquired land for a minimum of 10 acres of area. The opinion expressed by LR on group housing was discussed and it was felt that in view of the legal constraints existing LC-IV agreement may be recast in consultation with LR. External development charges for new licenses for group housing may be worked out afresh on a rational formula.

13. **ROLE OF CO-OPERATIVE HOUSING SOCIETIES:**

It was decided that co-operative societies should be allotted land by HUDA for group housing. HUDA should not allot land for plotted development to co-operative housing societies. No licenses would be required by the co-operative societies for developing group housing on land allotted by HUDA. Licenses for plotted development/ group housing on self acquired land may be encouraged as

a general rule. However, pending applications may be decided on merit as per past practice. HUDA should float group housing schemes for the benefit of industrial workers and for general public. In addition co-operative societies of the Government employees, employees of public sector undertakings, Boards, Corporations, Defense Service, Army Welfare Housing Organizations, Co-operatives of Industrial workers and general public should also be covered under the Group Housing Schemes. Public Sector/ Private Sector Companies should be allowed to construct Group Housing Projects for providing houses to their employees on rental basis. Such schemes catering to all sections of the society should be floated by HUDA at regular intervals.

14. POLICY RELATING TO FARM HOUSES:

In order to curb the unplanned and mushroom growth of farm house clusters in region near major towns, it was decided that suitable regulatory measures need to be taken. It was accordingly decided that the amendment of 15th March 1984 notification by way of draft notification of December 1989 may be withdrawn and 15th March, 1984 notification suitably amended to plug the loopholes. While enforcing regulatory measures care should be taken to ensure that no restrictions are imposed on genuine agricultural activities.

15. PERSPECTIVE PLANNING:

It was decided that development plan of Gurgaon may be revised/ finalized without delay. Further all the development plan of Haryana should be revised with a 25 years perspective and the optimum potential of urban development in Haryana around Delhi should be fully utilized. Development plans should ensure full/ intensive utilization of land and the norms for the same may be revised, if necessary.

16. COORDINATED APPROACH FOR URBAN DEVELOPMENT:

It was decided that agencies like Housing Board and Municipal Committees should follow the development plan prepared by the Town & Country Planning Department. There should be planned development of Municipal areas. A committee under the Chief Secretary, Haryana may look into it and issue necessary guidelines. The control on registration of co-operative societies by RCS Haryana for the purpose of colonization may also be looked into by this committee.