

**HARYANA VIDHAN SABHA**

**REPORT**

**OF**

**THE COMMITTEE**

**ON**

**SUBORDINATE LEGISLATION**

**FORTY FIFTH REPORT**

**2016-2017**

(Presented to the Haryana Vidhan Sabha on 10<sup>TH</sup> March 2017)



**HARYANA VIDHAN SABHA SECRETARIAT,**

**CHANDIGARH**

**2017**

## CONTENTS

	Pages
<b>Composition of the Committee</b>	(iii)
I Introduction	(iv)
II Report	1
III Scope and Functions of the Committee	2 5
IV General observations/recommendations of the Committee	6 8
V Further observations/recommendations made by the Committee on Subordinate Legislation in respect of non implementation of its earlier recommendations in respect of	
<b>1 Thirty Fifth Report (2005 2006)</b>	9
<b>(Health Department)</b>	
The Punjab Ayurvedic and Unani Practitioner s (General) Rules 1964 framed under the Punjab Ayurvedic and Unani Practitioner s Act 1963	
<b>2 Thirty Ninth Report (2010-2011)</b>	10
<b>(Development &amp; Panchayats Department )</b>	
(i) The Punjab Village Common Lands (Regulation) Rules 1964 framed under the Punjab Village Common Lands (Regulation) Act 1961	
<b>(Revenue and Disaster Management Department)</b>	11
(ii) The Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act 2008	
<b>(Forests Department)</b>	12
(iii) The Wild Life (Protection) Haryana Rules 1974 framed under the Wild Life (Protection) Act 1972	
<b>3 Fortieth Report (2011 2012)</b>	13
<b>(Food &amp; Supplies Department )</b>	
(i) The Haryana Public Distribution System (Licensing and Control) Order 2009 framed under the Essential Commodities Act 1955	
<b>(Excise &amp; Taxation Department )</b>	14
(ii) The Haryana Tax on Luxunes Rules 2008 framed under the Haryana Tax on Luxunes Act 2007	
<b>4 Forty First Report (2012 2013)</b>	15
<b>(Environment Department)</b>	
The Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution) Act 1981	

<b>5</b>	<b>Forty Second Report (2013 2014)</b>	<b>16</b>
	<b>(i) (Town &amp; Country Planning Department)</b>	
	The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963	
	<b>(ii) (Revenue &amp; Disaster Management Department)</b>	<b>17</b>
	The Haryana Kisan Pass Book Rules 1996 framed under the Haryana Kisan Pass Book Act 1994	
	<b>(iii) (Irrigation Department)</b>	<b>18</b>
	The Haryana Canal and Drainage Rules 1976 framed under the Haryana Canal and Drainage Act 1974	
<b>6</b>	<b>Forty third Report (2014 2015)</b>	<b>19</b>
	<b>(Labour Department)</b>	
	(i) The Punjab Factory Rules 1952 framed under the Factories Act 1948	
	<b>(Mines and Minerals Department)</b>	<b>20</b>
	(ii) The Haryana Minor Mineral Concession Stocking Transportation of Minerals and Prevention of Illegal Mining Rules 2012 framed under the Mines and Minerals (Development and Regulation) Act 1957	
<b>7</b>	<b>Forty fourth Report (2015 16)</b>	<b>21</b>
	<b>(Agriculture Department)</b>	
	(i) The Punjab Sugarcane (Regulation of Purchase and Supply) Rules 1992 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act 1953	
	<b>(Urban Local Bodies Department)</b>	<b>22</b>
	(ii) The Punjab Slum Areas (Improvement and Clearance) Rules 1962 framed under the Punjab Slum Areas (Improvement and Clearance) Act 1961	
	<b>(Agriculture Department)</b>	<b>23</b>
	(iii) The Punjab Agricultural Produce Markets (General) Rules 1962 framed under the Punjab Agricultural Produce Markets Act 1961	
<b>8</b>	<b>Scrutiny of Rules and Observations/Recommendations thereon</b>	
<b>1</b>	The Haryana Apartment Ownership Rules 1987 framed under the Haryana Apartment Ownership Act 1983	<b>24 35</b>
<b>2</b>	The Haryana Development and Regulation of Urban Areas Rules 1976 framed under the Haryana Development and Regulation of Urban Areas Act 1975	<b>36 64</b>
<b>3</b>	The Haryana Cattle Fairs Rules 1970 framed under the Haryana Cattle Fairs Act 1970	<b>66 73</b>

**COMPOSITION OF THE COMMITTEE  
(2016 2017)  
COMMITTEE ON SUBORDINATE LEGISLATION**

**Chairperson**

- \*Shri Manish Kumar Grover M L A
- \*\*Shri Aseem Goel M L A

**Members**

- Shri Anand Singh Dangri M L A
- Smt Santosh Chauhan Sarwan M L A
- Shri Kuldeep Bishnoi M L A
- Shri Naseem Ahmed M L A
- Shri Ravinder Kumar M L A
- Shri Om Parkash Barwa M L A
- Advocate General Haryana

**SPECIAL INVITEES**

- \*\*\* Shri Sri Krishan Hooda M L A
- \*\*\*\* Prof Ravinder Baliwala M L A
- \*\*\*\*\* Shri Jagbir Singh Malik M L A

**Secretariat**

Shri Rajender Kumar Nandal Secretary

Shri Vishnu Dev Under Secretary

The Committee was constituted w e f 25<sup>th</sup> April 2016 vide Haryana Vidhan Sabha Secretariat Notification No HVS SLC 1/2016 17/25 dated 25<sup>th</sup> April 2016

- 
- \* Shri Manish Kumar Grover M L A resigned from the Chairpersonship of the Committee dated 22<sup>nd</sup> July 2016 (A N ) on his being appointed as Minister of State Haryana vide Notification No HVS SLC 1/2016 17/63 w e f 27<sup>th</sup> July 2016
  - \*\* Shri Aseem Goel M L A nominated the Chairperson of the Committee dated 9<sup>th</sup> August 2016 vide Notification No HVS SLC 1/2016 17/75 w e f 9<sup>th</sup> August 2016
  - \*\*\* Shri Sri Krishan Hooda M L A nominated as Special Invitee of the Committee dated 11<sup>th</sup> May 2016 vide Notification No HVS SLC 1/2016 17/38 dated 12<sup>th</sup> May 2016
  - \*\*\*\* Prof Ravinder Baliwala M L A nominated as Special Invitee of the Committee dated 11<sup>th</sup> May 2016 vide Notification No HVS SLC 1/2016 17/39 dated 12<sup>th</sup> May 2016
  - \*\*\*\*\* Shri Jagbir Singh Malik M L A nominated as Special Invitee of the Committee dated 5<sup>th</sup> September 2016 vide Notification No HVS SLC 1/2016 17/105 dated 6<sup>th</sup> September 2016

## INTRODUCTION

1 I the Chairperson of the Committee on Subordinate Legislation having been authorized by the Committee to present the Report on their behalf present this Forty fifth Report to the House

2 The matters covered by this Report were finally considered by the Committee at their sitting held on 22 2 2017 and adopted this Report

3 A brief record of the proceedings of each meeting of the Committee has been kept on record of the Haryana Vidhan Sabha Secretariat

4 The Committee also places on record their high appreciation for whole hearted co operation and valuable assistance given by the Secretary Under Secretary and Staff of the Legislation Branch

Chandigarh  
The 22<sup>nd</sup> February 2017

ASEEM GOEL  
CHAIRPERSON  
Committee on Subordinate Legislation

## **REPORT**

1 The Committee on Subordinate Legislation for the year 2016 2017 was nominated by the Speaker Haryana Vidhan Sabha under rule 249 (1) of Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 25<sup>th</sup> April 2016 and was notified in the official Gazette vide notification No HVS SLC 1/2016 17/25 dated the 25<sup>th</sup> April 2016

2 Shri Manish Kumar Grover M L A was appointed as Chairperson of the Committee by the Speaker He has resigned from the Chairpersonship of the Committee dated 22<sup>nd</sup> July 2016 (A N ) as he has been appointed as Minister of State Haryana

Shri Aseem Goel M L A was appointed as the Chairperson of the Committee by the Speaker on dated 9<sup>th</sup> August 2016

3 The Committee held 59 sittings till the presentation of the Report

4 Besides watching the implementation work relating to earlier reports the Committee scrutinized the following Rules

- 1 The Haryana Apartment Ownership Rules 1987 framed under the Haryana Apartment Ownership Act 1983
- 2 The Haryana Development and Regulation of Urban Areas Rules 1976 framed under the Haryana Development and Regulation of Urban Areas Act 1975
- 3 The Haryana Cattle Fairs Rules 1970 framed under the Haryana Cattle Fairs Act 1970

The Committee also orally examined the concerned Departments of the State Government and made its observations/recommendations on the relevant Rules under scrutiny

### SCOPE AND FUNCTIONS OF THE COMMITTEE

The scope and functions of the Committee are set down in rules 248, 256 and 257 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly. Rule 248 enjoins upon the Committee to scrutinize and report to the House whether powers to make regulations, rules, sub-rules, bye-laws, etc. conferred by the Constitution or delegated by the legislature are being properly exercised within such delegation and consider such other matters as may be referred to it by the Speaker. Further, rule 256 of the said Rules lays down that while examining any such set of rules, bye-laws, etc. the Committee shall, in particular, consider

- (i) Whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made
  - (ii) Whether it contains matters which in the opinion of the Committee should more properly be dealt with in an Act of the Legislature
  - (iii) Whether it contains imposition of any tax
  - (iv) Whether it directly or indirectly bars the jurisdiction of the courts
  - (v) Whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power
  - (vi) Whether it involves expenditure from the consolidated fund of the state or the Public Revenues
  - (vii) Whether it appears to make some unusual or unexpected use of the powers conferred by the constitution or the Act pursuant to which it is made
  - (viii) Whether it appears to have been unjustifiable delay in the publication or laying it before the Legislature and
  - (ix) Whether for any reason its form or purport calls for any elucidation
- Rule 257 lays down as follows

257(1) If the Committee is of opinion that any Order/Rules/Bye-law, etc. should be annulled wholly or in part or should be amended in any respect, it shall report that opinion and the grounds thereof to the House.

(2) If the Committee is of the opinion that any other matter relating to any Order/Rules/Regulation should be brought to the notice of the House, it may report that opinion and matter to the House.

In short, the functions of the Committee are to see if the rules framed by the Executive are within the scope of the delegation made under the Act and do not go beyond the scope of such delegation. If the Committee finds that any rule is beyond the scope of the powers delegated under the Act by the Legislature, the Committee can recommend that the rule be suitably amended or omitted.

There are certain rules which are required by the statute to be laid before the Legislature. But the Committee is competent to examine all the Rules Regulations/By laws etc framed under various Acts irrespective of the fact whether these have been laid on the Table of the House or not

The Committee is competent to send for persons papers or records if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 254 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly which reads as under

254 (1) The Committee on Subordinate Legislation shall have power to require the attendance of persons or the production of papers or records if such a course is considered necessary for the discharge of its duties

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee the question shall be referred to the Speaker whose decision shall be final

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State

(2) The witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential

(4) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee

The Committee has framed the internal working rules wherein the detailed procedure has been laid down. Generally the Committee from time to time select set of rules framed under the various Acts for their scrutiny and examine these at the first instance at their own level with the assistance of the law department and the Vidhan Sabha Secretariat. The Committee then invites the Administrative Secretary concerned for oral examination to explain the discrepancies found in the various rules/orders

However the Chairperson of the Committee may on a request being made to him permit in exceptional circumstances any other senior officer to represent the department before the Committee. After the rules/orders and the departmental representatives have been examined the Committee prepares the report and presents it to the House. Copies of the report after its presentation to the House are forwarded to the concerned departments for taking further action on the observations/recommendations of the Committee. The action taken by the Departments are watched by the Committee from time to time. In case where any Department is not in a position to implement or feels and difficulty in giving effect to a recommendations made by the Committee the



Department is required to place its views before the Committee which may if it thinks fit present further observations/recommendations to the House after considering the views of the Department in the matter

Some of the Parliamentary conventions established in connection with the scrutiny of Rules Regulations Bye laws etc are given below

- 1 The Committee would scrutinize only such rules which have been finally published in the Gazette and not the draft rules
- 2 The Department of the Govt would ensure that rules are framed under an Act as early as possible after the enactment of the Act and in no case this period should exceed six months. If the rules are not framed within six months the Committee may ask the Department about the reason for the delay in framing the rules. This is only by convention
- 3 Executive should ensure that no rule goes beyond the power delegated by legislature. If the rules go beyond the powers delegated by legislature the Committee may examine the same and report to the House
- 4 The Executive should be impressed upon that whenever rules are framed or amendments are made in the existing rules those should be serially and centrally numbered and should indicate in the margin of each rule the reference of the section under which the rules are framed

However some of the broad principles established by the Committee for the guidance of the Executive are given below

- (i) As far as possible guidelines/criteria to be followed by the authority concerned for the exercise or discretionary power vested in it should be laid down in the rules
- (ii) In case where the authority concerned deviates from a norm it should be required to record in writing the reasons for such deviation
- (iii) Before any adverse action is taken against a party it should be given a reasonable opportunity of being heard and after a decision adversely affecting a party has been taken it should have the right of appeal or representation as the case may be
- (iv) In order that the persons similarly placed are not treated differently the powers of exemption/relaxation should be exercisable in respect of categories or class of persons as contra distinguished from individuals
- (v) In cases where an authority concerned is vested with the power to suspend a license or supplies pending institution or regular proceedings a maximum time limit for suspension should be laid down in the rules

- (vi) The provisions of rules which may make a citizen liable to a penalty should be well defined and not worded vaguely
  - (vii) In case of seizures and searches suitable safeguards like the presence of witness preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided
  - (viii) In case of rules relating to disciplinary proceedings not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority be also laid down in the rules
  - (ix) Statutory rules should be amended by Statutory rules only and not by executive orders
  - (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic sketchy or skeleton or needing further interpretations It should be in simple language so that different people cannot put different interpretations For example expressions like unreasonable large quantity reasonable intervals etc should be avoided
  - (xi) Generally Rules should not be made applicable from retrospective effect adversely affecting the rights of any class or category unless specifically permitted by the Act
-

## **GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE**

### **1 Delay in framing the Rules**

The Committee reiterates the recommendations made in its previous Forty fourth Report and observes that ordinarily rules should be framed as early as possible after the enactment of an Act and in no case the period should exceed six months

The Committee further recommends that whenever an ordinance for amending the Act or bringing new legislation involving provisions for making the Rules if promulgated the rules should be prepared simultaneously so that there should not be wide gap between the Ordinance/Act and the Rules

The Committee further recommends that whenever any Act is amended it should be looked that the relevant rules and forms also amended so as to bring them in consonance with the change in the Act

### **2 Reference of Section under which Rules are framed**

The Committee is of the view that giving of reference of the section in the margin of each rule under which the rule has been framed is essential to know under what precise authority each rule has been framed

The Committee reiterates the recommendations made in its earlier Reports that whenever rules are supplied to it the authority or the relevant section under which a particular rule or set of rules has/have been framed should also be mentioned in the margin of each rule

The Committee further recommends that whenever several amendments are made in a set of rules the same may be republished after incorporating all the amendments made from time to time This recommendation of the Committee should be observed meticulously

### **3 (i) Supply of printed and up to date corrected copies of the Rules**

The Committee recommends that copies of the rules to be supplied to it by the Department should be in the printed form or in the form of Gazette in which they are published If however it is not possible for the Department to do so it should be ensured that the copies of the rules etc are up to date meticulously compared and duly corrected before supplying these to the Committee to save its valuable time in pointing out such mistakes

The Committee further recommends that it is the duty of the Department concerned to see that the rules supplied to the Committee are amended up to date and ensure that the suggestions/recommendations/observations made by the Committee from time to time and agreed to by the concerned Department are implemented by the department and incorporated in the rules expeditiously

#### **(ii) Footnote in the Act and Rules**

It came to notice of the Committee that sometimes it is laid down in the Act and Rules that such Act and Rules shall come into force on such date as

may be specified in the notification by the State Government. The Committee is of the view that in such circumstances that date of commencement of the Act and Rules should invariably be given in the footnote so that legislators in particular and the public in general may come to know as to from which date the Act and Rules had come into force.

The Committee further recommends that whenever any amendment is made in an Act or Rules framed there under it should also invariably be stated in the footnote the reference of the Act or Rules by which amendment has been made.

#### **4 Publishing the Act and Rules in Hindi**

The Committee recommends that sincere efforts be made to publish the Acts and Rules in Hindi also so that the copies of the Acts and Rules may be available in Hindi easily at reasonable price.

#### **5 Delay in laying on the Table of the House**

The Committee recommends that where the rules, orders, etc. are required to be laid on the Table of the House before the State Legislature under any statute, the same should be laid on the Table of the House as early as possible immediately following such publication in the Gazette so that the House may statutorily modify or annul such rules.

#### **6 Implementation of recommendations of the Committee**

As per prevailing practice and convention, the Departments are required to furnish from time to time statements of action taken or proposed to be taken by them on the recommendations/observations of the Committee made in its Reports. But no time limit is fixed now. With a view to ensuring speedy implementation of their recommendations, the Departments should implement the recommendations expeditiously and not later than a period of six months. If in any particular case it had not been possible to adhere to this time limit, they should ask for extension of time from the Committee after explaining the difficulties in implementing the recommendations. Still, the cases of delay continue to occur. The Committee can not but stress again that the Department should evolve suitable measures to streamline their procedure in order that the recommendations made by the Committee are implemented on top priority basis within a maximum period of six months.

The Committee recommends that the action on the outstanding recommendations and observations contained in its earlier reports should be given top priority and expedited. The Committee also recommends that when a recommendation is implemented by the Government, the Department concerned should supply a copy of the notification containing the amendment in the rules along with the statement showing the action taken by the Government in the implementation of the recommendations/observations.

## **7 Availability of Copies of Acts and Rules to Public**

The Committee is of the view that copies of all the Acts and Rules framed there under as amended up to date are generally not available in the Government Press for the use of the Public. The Committee therefore recommends that copies of all the Acts and Rules made thereunder should be kept up to date by the Department and should get the Acts and the Rules printed/reprinted from the Government Press from time to time so that these may be made available for sale to the General Public also at reasonable price.

At present the old edition of 1975 of Haryana Code(s) available for the use of the Committee are not much useful as several amendments have taken place in the State Acts contained therein.

The Committee is of the view that as and when the copies of the Haryana Code are reprinted the same may be supplied to the Committee by the Controller Printing and Stationery Haryana at the earliest. The Law and Legislative Department Haryana is expected to ensure supply of up to date 25 copies of the Haryana Code(s) to the Committee from time to time as per above observations/recommendations.

---

## **Further observations/recommendations made by the Committee**

**35TH REPORT 2005-2006**

### **(HEALTH DEPARTMENT)**

**The Punjab Ayurvedic and Unani Practitioner's (General) Rules 1964 framed under the Punjab Ayurvedic and Unani Practitioner's Act, 1963**

The Committee watched the implementation work regarding observations/recommendations made by the previous Committee in respect of the Punjab Ayurvedic and Unani Practitioner's (General) Rules 1964 framed under the Punjab Ayurvedic and Unani Practitioner's Act 1963 as contained in its 35<sup>th</sup> to 44<sup>th</sup> Reports

The Committee observed that 44<sup>th</sup> Report was sent to the Department concerned vide letter dated 11 4 2016 to implement the recommendations/observations made by the Committee in its earlier Reports. A reminder was also sent to the Department vide letter dated 24 10 2016 to expedite the action in the matter at an early date. In respect of the aforesaid communication the department sent a letter addressed to Director General AYUSH Haryana Panchkula and copy of the same was endorsed to the Haryana Vidhan Sabha Secretariat vide Endst No CIM/HRA/2016/1854 dated 27 10 2016. The same was placed before the Committee in its meeting held on 19 11 2016.

A reminder was sent to the Department vide letter dated 9 01 2017 to expedite the action in the matter at an early date. In respect of the aforesaid communication the department sent a letter addressed to Director General AYUSH Haryana Panchkula and copy of the same was endorsed to the Haryana Vidhan Sabha Secretariat vide Endst No CIM/HRA/2017/269 dated 6 2 2017. The same was placed before the Committee in its meeting held on 13 2 2017 in which it was intimated that the proposal to amend the section 30 of the Act is being sent to the Government.

In view of the above facts and circumstances the Committee is of the view that the amendment of the Act is not in preview of the Committee therefore no further action is required to be taken in the matter.

---

## **Further observations/recommendations made by the Committee**

### **39TH REPORT 2010 2011**

#### **(DEVELOPMENT & PANCHAYATS DEPARTMENT)**

- (i) The Punjab Village Common Lands (Regulation) Rules, 1964 framed under the Punjab Village Common Lands (Regulation) Act 1961**

The Committee watched the implementation of work regarding observations/recommendations made by the previous Committee in respect of the Punjab Village Common Lands (Regulation) Rules 1964 framed under the Punjab Village Common Lands (Regulation) Act 1961 as contained in its 39<sup>th</sup> to 44<sup>th</sup> Reports

The Committee observed that 44<sup>th</sup> Report was sent to the Department concerned vide letter dated 11<sup>th</sup> April 2016 to implement the recommendations/ observations made by the Committee at the earliest. In respect to the aforesaid communication the department supplied the reply of recommendations/ observations of the Committee vide their memo No SBA 4 2016/29760 dated 3 5 2016 and the same was placed before the Committee in its meeting held on 7 5 2016 in which intimated that the recommended criteria or yardstick and guidelines for allotment of land need to be framed only in case the lands are allowed to be transferred to the private persons for industrial use on the recommendation of sponsoring department. But keeping in view the judgment dated 28 01 2011 passed by Hon ble Supreme Court in Civil Appeal No 1132 of 2011 the Gram Panchayats are not being allowed to transfer their lands to the private persons. Hence in view of judgment dated 28 01 2011 further action on the recommendation of the Committee cannot be taken at stage.

In view of above the Committee observed that no further action is required to be taken in the matter

---

**Further observations/recommendations made by the  
Committee in respect of Non implementation of its earlier  
recommendations in respect of —**

**39TH REPORT 2010-2011**

**(REVENUE AND DISASTER MANAGEMENT DEPARTMENT)**

- (ii) **The Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act, 2008**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Regulation of Property Dealers and Consultants Rules 2009 framed under the Haryana Regulation of Property Dealers and Consultants Act 2008 as contained in its 39<sup>th</sup> to 44<sup>th</sup> Reports

The Committee observed that 44<sup>th</sup> Report was sent to the Department concerned vide letter dated 11 4 2016 to implement the observations/recommendations at the earliest. In respect to the aforesaid communication the Department supply the reply of recommendations/observations of the Committee vide letter No 1103 STR 1 2016/4287 dated 12 5 2016 and the same was placed before the Committee in its meeting held on 18 5 2016 vide which stated that the observations of the Committee have been received. On the observations of the Committee have been consolidated. Now the consolidated views of the Committee are to be finalized in near future that is consolidated report is to be hold in this month for finalization of the draft of the said Act & Rules

Subsequent reminders were also sent to the Department vide letters dated 24 10 2016 and 9 01 2017 to expedite the action in the matter at an early date. In respect to the aforesaid communication the Department supply the reply of recommendations/observations of the Committee vide letter No 148 STR 1 2017/865 dated 3 2 2017 and the same was placed before the Committee in its meeting held on 13 2 2017 vide which stated that in Compliance of the order of the Honble High Court in CWP No 3687/2010 dated 19 9 2013 a Committee was constituted by the Department under the Chairmanship of Additional Chief Secretary and Financial Commissioner. As per decision of the Committee regarding amendments in its meeting held on 9 2 2017 at 10 30 A M. As and when the matter decided the same will be informed accordingly.

In view of the above facts and circumstances the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest.

---



**Further observations/recommendations made by the  
Committee in respect of Non implementation of its earlier  
recommendations in respect of —**

**39TH REPORT 2010-2011**

**(THE FORESTS AND WILD LIFE DEPARTMENT)**

**(iii) The Wild Life (Protection) Haryana Rules, 1974 framed under the Wild Life (Protection) Act, 1972**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Wild Life (Protection) Haryana Rules 1974 framed under the Wild Life (Protection) Act 1972 as contained in its 39<sup>th</sup> to 44<sup>th</sup> Reports

The 44<sup>th</sup> Report was sent to the Department concerned vide letter dated 11 4 2016 to implement the observations/recommendations at the earliest. Subsequent reminders were also sent to the Department vide letters dated 24 10 2016 and 9 01 2017 to expedite the action in the matter at an early date. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of the above facts and circumstances the rules have not been amended so far and the Committee expects that the Department would take up the matter on top priority basis and supply the copy of the final notification while amending the relevant Rules to the Committee at the earliest as considerable period has been lapsed in implementing the recommendations/observations of the Committee.

---

**Further observations/recommendations made by the  
Committee in respect of Non implementation of its earlier  
recommendations in respect of —**

**40TH REPORT 2010 2011**

**(FOOD AND SUPPLIES DEPARTMENT)**

**(i) The Haryana Public Distribution System (Licensing and Control) Order, 2009 framed under the Essential Commodities Act 1955**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Public Distribution System (Licensing and Control) Order 2009 framed under the Essential Commodities Act 1955 as contained in its 40<sup>th</sup> to 44<sup>th</sup> Reports

The Committee observed that 44<sup>th</sup> Report was sent to the Department concerned vide letter dated 11 4 2016 to implement the recommendations/observations of the Committee at the earliest. A reminder was sent to the Department vide letter dated 24 10 2016. In respect to the aforesaid communication the Department supply the reply of recommendations/observations vide memo No FG 1 2016/24158 dated 18 11 2016 and the same was placed before the Committee in its meeting held on 29 11 2016 vide which stated that the Department has constituted a Committee regarding the necessary amendments to be incorporated in the existing PDS Control Order 2009. The constituted Committee has gone through the entire Control Order 2009 and identified the necessary amendments but due to the ongoing process of Fair Price Shop Automation under End to End Computerization the Committee has observed that it becomes imperative to incorporate the requisite amendments. Few members of the Committee constituted have been deputed to study the PDS patterns in Andhra Pradesh and Madhya Pradesh.

Therefore a final meeting is required to finalize draft the new PDS Control Order. As and when the new Haryana Public Distribution System (Licensing and Control) Order is finalized your good self will be informed accordingly.

In view of the above facts and circumstances the Committee expects that the Department would take up the matter on top priority basis and supply the copy of notification incorporating the observations/recommendations of the Committee expeditiously.

---

**Further observations/recommendations made by the Committee****40TH REPORT 2010 2011****(EXCISE AND TAXATION DEPARTMENT)****(ii) The Haryana Tax on Luxuries Rules 2008 framed under the Haryana Tax on Luxuries Act, 2007**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Tax on Luxuries Rules 2008 framed under the Haryana Tax on Luxuries Act 2007 as contained in its 40<sup>th</sup> to 44<sup>th</sup> Reports

The Committee observed that 44<sup>th</sup> Report was sent to the Department vide letter dated 12 4 2016 to implement the recommendations/observations made by the Committee at the earliest. Subsequent reminders were also sent to the Department vide letters dated 24 10 2016 and 10 1 2017 to expedite the action in the matter at an early date.

In respect of the aforesaid communication the department supply the reply of recommendations/observations of the Committee vide their letter No 225/ST-2 dated 31 1 2017. The same reply was placed before the Committee in its meeting held on 13 2 2017 and informed that the necessary amendments have been made in the Haryana Tax on Luxuries Rules 2008 vide Notification No 2/ST 2/H A 23/2007/S 40/2017 dated 27<sup>th</sup> January 2017.

After perusing the said Notification dated 27<sup>th</sup> January 2017 the Committee is of the view that the observations/recommendations made by the Committee have been implemented by the concerned Department therefore no further action is required to be taken in the matter.

---

**Further observations/recommendations made by the  
Committee in respect of Non implementation of its earlier  
recommendations in respect of —**

**41<sup>ST</sup> REPORT 2012 2013**

**(ENVIRONMENT DEPARTMENT)**

**The Haryana Air (Prevention and Control of Pollution) Rules, 1983  
framed under the Air (Prevention and Control of Pollution) Act, 1981**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Air (Prevention and Control of Pollution) Rules 1983 framed under the Air (Prevention and Control of Pollution) Act 1981 as contained in its 41<sup>st</sup> to 44<sup>th</sup> Reports

The Committee observed that 44<sup>th</sup> Report was sent to the Department vide letter dated 12 4 2016 to implement the observations/recommendations at the earliest. Subsequent reminders were also sent to the Department vide letter dated 25 10 2016, 10 1 2017 and 7 2 2017 to expedite the action in the matter at an early date.

The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of above facts and circumstances the Committee expects that Department would take up the matter on priority basis and supply a copy of the notification after amending the rules as per observations/recommendations of the Committee expeditiously.

---

**Further observations/recommendations made by the  
Committee in respect of Non implementation of its earlier  
recommendations in respect of —**

**42<sup>ND</sup> REPORT 2013 2014**

**(TOWN & COUNTRY PLANNING DEPARTMENT)**

- (i) The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 framed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 as contained in its 42<sup>nd</sup> to 44<sup>th</sup> Reports

The Committee observed that 44<sup>th</sup> Report was sent to the Department concerned vide letter dated 12-4-2016 to implement the recommendations/observations made by the Committee at the earliest. In response to the aforesaid communication the department sent a letter addressed to Director General Town & Country Planning Department Haryana Chandigarh and copy of the same was endorsed to the Haryana Vidhan Sabha Secretariat vide Endst No 8/6/2016 2TCP dated 13-5-2016. The same was placed before the Committee in its meeting held on 25-5-2016 and again the department supplied the reply of the recommendations/observations of the Committee vide their Memo No Misc 387 (Loose) JE (VA) 2016/15102 dated 26-7-2016 and the same was placed before the Committee in its meeting held on 10-8-2016 informed that Department has already prepared draft notification in compliance to the suggestion given by Committee on Subordinate Legislation and draft notification has already been sent to LR Haryana for vetting.

A reminder was sent to the Department vide letter dated 10-1-2017 to expedite the action in the matter at an early date. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of above facts and circumstances the Committee expects that Department would take up the matter on priority basis and supply a copy of the notification after amending the rules as per observations/recommendations of the Committee expeditiously.

---

**Further observations/recommendations made by the  
Committee in respect of Non implementation of its earlier  
recommendations in respect of —**

**42<sup>nd</sup> REPORT 2013-2014**

**(REVENUE AND DISASTER MANAGEMENT DEPARTMENT)**

**(iii) The Haryana Kisan Pass Book Rules, 1996 framed under the  
Haryana Kisan Pass Book Act 1994**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Kisan Pass Book Rules 1996 framed under the Haryana Kisan Pass Book Act 1994 as contained in its 41<sup>st</sup> to 44<sup>th</sup> Reports

The Committee observed that 44<sup>th</sup> Report was sent to the Department vide letter dated 12 4 2016 to implement the recommendations/ observations made by the Committee at the earliest In response to the aforesaid communication the department sent a letter addressed to the Director Land Record Haryana Panchkula and copy of the same was endorse to the Haryana Vidhan Sabha Secretariat vide Memo No 780 ARS 4 2016/4909 dated 5 5 2016 The same place before the Committee in its meeting held on 11 5 2016

A reminder was sent to the Department vide letter dated 25 10 2016 to expedite the action in the matter at an early date In response to the aforesaid communication the department supply the reply of recommendations/ observations of the Committee vide their memo no 2632-ARS 4 2016/13118 dated 22 11 2016 and the same was placed before the Committee in its meeting held on 29 11 2016 informed that reference letter of the Secretariat it is intimated that the matter is under consideration After taking the final decision the report will be sent in this regard

In view of above facts and circumstances the Committee expects that Department would take up the matter on priority basis and supply a copy of the notification after amending the rules as per observations/recommendations of the Committee expeditiously

---

**Further observations/recommendations made by the  
Committee in respect of Non implementation of its earlier  
recommendations in respect of —**

**42ND REPORT 2013-2014**

**(IRRIGATION DEPARTMENT)**

**(iv) The Haryana Canal and Drainage Rules 1976 framed under the Haryana Canal and Drainage Act, 1974**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Canal and Drainage Rules 1976 framed under the Haryana Canal and Drainage Act 1974 as contained in its 42<sup>nd</sup> to 44<sup>th</sup> Reports

The Committee observed that 44<sup>th</sup> Report was sent to the Department vide letter dated 12 4 2016 to implement the recommendations/observations made by the Committee at the earliest. Subsequent reminders were also sent to the Department vide letter dated 25 10 2016 & 11 1 2017 to expedite the action in the matter at an early date.

In respect to the aforesaid communication the Department supply the reply of recommendations/observations vide No. 8 87/2R&CR dated 19 1 2017 and the same was placed before the Committee in its meeting held on 23 1 2017 that the case for amendment of Haryana Canal & Drainage Rules 1976 has been submitted to the office of Principal Secretary to Government Haryana Irrigation & Water Resources Department Haryana Chandigarh vide this office letter No. 1616/E I C dated 19 12 2016 as per recommendation of the Committee on Subordinate Legislation. The requisite amendment are likely to be finalized by the Government shortly.

In view of above facts and circumstances the Committee expects that Department would take up the matter on priority basis and supply a copy of the notification after amending the rules as per observations/recommendations of the Committee expeditiously.

---

## **Further observations/recommendations made by the Committee**

**43RD REPORT 2014 2015**

**(LABOUR DEPARTMENT)**

### **(i) The Punjab Factory Rules, 1952 framed under the Factories Act, 1948**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Factory Rules 1952 framed under the Factories Act 1948 as contained in its 43<sup>rd</sup> & 44<sup>th</sup> Reports

The Committee observed that 44<sup>th</sup> Report was sent to the Department vide letter dated 12 4 2016 to implement the recommendations/observations made by the Committee at the earliest

In respect of the aforesaid communication the department supply the reply of recommendations/observations of the Committee vide their letter No 3807 dated 4 7 2016. The same reply was placed before the Committee in its meeting held on 13 7 2016 informed that the necessary amendments have been incorporated in the latest amendments made in Punjab Factory Rules 1952 and these amendments have been notified by the Government & published in extra ordinary Gazette of Haryana. The same has been substituted and notified vide notification No 11/16/2016 4Lab dated 16<sup>th</sup> March 2016

After perusing the said Notification dated 16<sup>th</sup> March 2016 the Committee is of the view that the observations/recommendations made by the Committee have been implemented by the concerned Department therefore no further action is required to be taken in the matter



**Further observations/recommendations made by the  
Committee in respect of Non implementation of its  
earlier recommendations in respect of —**

**43<sup>RD</sup> REPORT 2014-2015  
(MINES & GEOLOGY DEPARTMENT)**

- (ii) The Haryana Minor Mineral Concession, Stocking, Transportation Minerals and Prevention of Illegal Mining Rules 2012 framed under the Mines and Minerals (Development and Regulation) Act, 1957**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Haryana Minor Mineral Concession Stocking Transportation Minerals and Prevention of Illegal Mining Rules 2012 framed under the Mines and Minerals (Development and Regulation) Act 1957 as contained in its 43<sup>rd</sup> & 44<sup>th</sup> Reports

The Committee observed that 44<sup>th</sup> Report was sent to the Department vide letter dated 12-4-2016 to implement the recommendations/observations made by the Committee at the earliest. Subsequent reminders were also sent to the Department vide letter dated 31-10-2016 & 11-1-2017 to expedite the action in the matter at an early date. In respect of the aforesaid communication the Department supply the reply of recommendations/observations vide No DMG/Hy/HVS SLC/509 dated 2-2-2017 and the same was placed before the Committee in its meeting held on 8-2-2017. It has informed as an Interim Report in response to the recommendations of the Hon'ble Committee on Subordinate Legislation as made in its 44<sup>th</sup> Report for the year 2015-16 on the Haryana Minor Mineral Concession Stocking Transportation of Minerals and Prevention of Illegal Mining Rules 2012 that amendments to be made in the said Rules 2012 as per recommendations of the Committee has been accepted by the State Government and to notify the same further action is being taken.

It is further informed that some other changes in the Haryana Minor Mineral Concession Stocking Transportation of Minerals and Prevention of Illegal Mining Rules 2012 are also under consideration accordingly all related notifications would be issued simultaneously. Notwithstanding the same the department on the suggested changes/amendments of the Committee is already following the directions/suggestions.

In the light of above it is most humbly submitted that after making all amendments of the Rules including recommended/observed by the Hon'ble Committee a consolidated report will be sent to the Haryana Vidhan Sabha Secretariat in due course please.

In view of above position the Committee expects that necessary action in the matter will be taken by the department on priority basis and final notification after amendment of the relevant rules implementing the observations/recommendations of the Committee may be sent to the Committee at an early date.

**Further observations/recommendations made by the  
Committee in respect of Non implementation of its  
earlier recommendations in respect of —**

**44<sup>TH</sup> REPORT 2015 2016**

**(AGRICULTURE DEPARTMENT)**

- (i) The Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1992 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Sugarcane (Regulation of Purchase and Supply) Rules 1992 framed under the Punjab Sugarcane (Regulation of Purchase and Supply) Act 1953 as contained in its 44<sup>th</sup> Report

The Committee observed that 44<sup>th</sup> Report was sent to the Department vide letter dated 18 4 2016 to implement the recommendations/observations made by the Committee at the earliest. In response to the aforesaid communication the department sent a letter addressed to the Director Agriculture Haryana Panchkula and copy of the same was endorse to the Haryana Vidhan Sabha Secretariat vide U O 2194 Agri II (4) 2016/1159 dated 12 5 2016. The same place before the Committee in its meeting held on 18 5 2016.

Subsequent reminders were also sent to the Department vide letter dated 1 11-2016 & 11 1 2017 to expedite the action in the matter at an early date. The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of above position the Committee expects that necessary action in the matter will be taken by the department on priority basis and final notification after amendment of the relevant rules implementing the observations/recommendations of the Committee may be sent to the Committee at an early date.

---

**Further observations/recommendations made by the  
Committee in respect of Non implementation of its  
earlier recommendations in respect of —**

**44<sup>TH</sup> REPORT 2015 2016**

**(URBAN LOCAL BODIES DEPARTMENT)**

- (ii) The Punjab Slum Areas (Improvement and Clearance) Rules 1962 framed under the Punjab Slum Areas (Improvement and Clearance) Act, 1961**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Slum Areas (Improvement and Clearance) Rules 1962 framed under the Punjab Slum Areas (Improvement and Clearance) Act 1961 as contained in its 44<sup>th</sup> Report

The Committee observed that 44<sup>th</sup> Report was sent to the Department vide letter dated 18 4 2016 to implement the recommendations/ observations made by the Committee at the earliest Subsequent reminders were also sent to the Department vide letter dated 1 11 2016 & 11 1 2017 to expedite the action in the matter at an early date The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far

In view of above position the Committee expects that necessary action in the matter will be taken by the department on priority basis and final notification after amendment of the relevant rules implementing the observations/recommendations of the Committee may be sent to the Committee at an early date

---

**Further observations/recommendations made by the  
Committee in respect of Non implementation of its  
earlier recommendations in respect of —**

**44<sup>TH</sup> REPORT 2015 2016**

**(AGRICULTURE AND FARMERS WELFARE DEPARTMENT)**

**(iii) The Punjab Agriculture Produce Markets (General) Rules, 1962  
framed under the Punjab Agriculture Produce Markets Act 1961**

The Committee watched the implementation of observations/recommendations made by the Committee in respect of the Punjab Agriculture Produce Markets (General) Rules 1962 framed under the Punjab Agriculture Produce Act 1961 as contained in its 44<sup>th</sup> Report

The Committee observed that 44<sup>th</sup> Report was sent to the Department vide letter dated 18 4 2016 to implement the recommendations/observations made by the Committee at the earliest. In response to the aforesaid communication the department sent a letter addressed to the Director Agriculture Haryana Panchkula and copy of the same was endorse to the Haryana Vidhan Sabha Secretariat vide U O 2193 Agri II (4) 2016/1160 dated 12 5 2016. The same place before the Committee in its meeting held on 18 5 2016.

A reminder was sent to the Department vide letter dated 1 11 2016 to expedite the action in the matter at an early date. In response to the aforesaid communication the department sent a letter addressed to the Director Agriculture and Farmers Welfare Haryana Panchkula and copy of the same was endorse to the Haryana Vidhan Sabha Secretariat vide U O 2193 Agri II (4) 2016/3026 dated 15 12-2016. The same place before the Committee in its meeting held on 21 12 2016 in which the Director of Agriculture and Farmers Welfare Haryana Panchkula is directed to supply the requisite information direct to the Haryana Vidhan Sabha Secretariat under intimation to the Government within two days positively.

The Committee waited for the final reply of the Department till drafting and finalization of the present report but no reply received from the Department concerned so far.

In view of above position the Committee expects that necessary action in the matter will be taken by the department on priority basis and final notification after amendment of the relevant rules implementing the observations/recommendations of the Committee may be sent to the Committee at an early date.

---

## **SCRUTINY OF THE HARYANA APARTMENT OWNERSHIP RULES 1987 FRAMED UNDER THE HARYANA APARTMENT OWNERSHIP ACT, 1983**

The Committee scrutinized the Haryana Apartment Ownership Rules 1987 framed under the Haryana Apartment Ownership Act 1983 and made the following observations/recommendations thereon

### **Rule 3 Form A**

Marginal notes instructions for filling certain block spaces

(See rule 3)

### **FORM OF DECLARATION**

In the (enter the name of city and District on this day (enter the day month and year of declaration) I/We (enter the name of sole owner or owners) hereafter referred to as "Grantor" who is fully empowered and qualified to execute this Deed do hereby state -

- I that the Grantor owns the following land situated in the (insert meters and bound description of land on which the building scheme is located and add (a) the city survey number if any (b) revenue particulars of the land) (Also state the date and registration details of the last document of title under which the Grantor claims the land) which is described as follows namely
- II that the Grantor has constructed on this parcel of land described in above an Apartment Building 1 [xxx] known as (enter the name of building 1[xxxx]) according to plans attached hereto as Exhibit A which were approved by the (insert name of authority sanctioning the plans and date of sanction on the day of 198 and which are made a part thereof as
  - (a) Municipal index of property number and ward as
  - (b) Postal address of the building/scheme as
- III That the said property consists of the following (insert here the details of scheme as the areas under common buildings and services of roads public health electrification and recreational facilities Numbers and types of blocks details of apartments and facilities at different levels in each type of block etc) The various 2 [apartments] of the scheme are all capable of individual utilisation on account of having their own exit to common areas and facility of the building property scheme and the apartments will be sold to one or more owners each owner obtaining a particular and exclusive property rights thereto and each apartment constituting a heritable and transferable immovable property within the meaning of any law for the time being in force in the State (hereinafter be referred to as Dwelling Unit D U ) and also an individual interest in the general and/or restricted common areas and facilities of the building/

property scheme as listed hereinafter the declaration deed necessary for their adequate use and enjoyment and referred to as

- (a) General facilities for all apartments of the scheme
- (b) Common facilities for dwelling units of individual block and
- (c) Restricted common facilities for D U s on same floor of individual all the block above in accordance with Haryana Apartment Ownership Act 1983

IV That the aforesaid building 3[XXXX] has a total building area of Square metres on all floors of which square metres will constitute the dwelling units remaining Square metres will constitute the general and/or restricted common areas and facilities

V that this condominium shall be known as (insert the building/scheme as given in II above) and that the dwelling Units and Common areas facilities of the building/scheme shall be as follows and as shown in the drawing as Exhibit B

#### **Dwelling Units**

Block index	Floor	Type of D U s	Description of D U s	Built up area of D U s	Numbers of such D U s	Number of such block
A	Ground	A 1				
		A 2				
		A 3				
	First	A 11				
		A 12				
		A 13				
B	Ground	A 21				
		A 22				
		B 1				
	First	B 2				
		B 3				
		B 11				
	Second	B 12				
		B 13				
		B 21				
		B 22				

The said dwelling units shall be systematically numbered indicating the block floor and apartment number

The area of D U s include all outer walls and one half of common walls

**Common Areas and Facilities** In the parcel of 1 and described in para of this deed consists of common approach roads car parking land scape and parks community centres Lounges corridors staircases lifts and common services and equipments etc as detailed below

- (a) General common areas and facilities for complete scheme
- (b) Common facilities restricted for D U s of individual blocks
 

Block (A)	Block CB)	Block (C)
-----------	-----------	-----------
- (c) Common facilities restricted for floor wise use
 

block A (floor one)	( floor three)
(floor two)	
block B (floor one)	(floor two)

VI (a) that the right title and interest of each owner of a dwelling unit in general common areas and facilities listed in para V (2)( a) and their proportionate share in the profit and common expenses in the said general common areas and facilities as well as the representation for voting purpose in the meeting of the Association of Apartment Owners of the condominium is based on the proportionate value of each D D to the total value of all such D U s as follows

Total Volume of all the Dwelling Units in the scheme Rs

Type of Dwelling units	Value of each D U	Percentage of interest in common facilities and voting	Total number of of such D U s	Total percentage 3 and 4
------------------------	-------------------	--	-------------------------------	--------------------------

100%GT

- (b) that the right title and interest of each owner of a Dwelling unit in different blocks and on different floors in the restricted common facilities for different blocks and different floors as listed in paras V (2)(b) and V (2)( c) respectively and their proportionate share in the profit and common expenses in the said sets of restricted common areas and facilitates as well as the proportionate representation of voting purpose with respect to the said restricted common areas and facilities in the meeting of Association of Apartment Owners of the condominium is based on the proportionate value of each Dwelling unit to the total value of all D U s located in that block and on their respective floors as follows

Total value of all dwelling units in each block and floor is

Block A Total Rs	G floor Rs	1 <sup>st</sup> floor Rs
------------------	------------	--------------------------

Etc floor Rs

Block B Total Rs

G floor Rs

1st floor Rs

Etc floor Rs

Block	Floor	Type of D U such D U	Value of	Percentage of restricted common facilities and voting
-------	-------	-------------------------	----------	---

Nos of each D Us		Totals of %	
In this block	In this floor	Block wise	Floor wise
7	8	9	10

(c) The proportionate representation for voting purpose provided in ( a ) and (b) hereof may be limited in accordance with the provision of by laws attached hereto as Exhibit B

(d) Apartment/apartments and the percentage of undivided interests in the common areas and facilities appertaining to the apartment/each apartment are not encumbered in any manner whatsoever on the date of this declaration

VII That the Administration of Condominium consisting as aforesaid of the building and parcel of land described in paragraphs first and fifth of this deed shall be in accordance with the provisions of this Deed and with the provisions of the by laws which are made a part of this Deed and are attached hereto as Exhibit B

VIII That as appears above a plan of apartment ownership is hereby constituted under and subject to the provisions of the Haryana Apartment Ownership Act 1983 so that the family units of the upper floors may be conveyed and registered as individual properties capable of independent use on account of each having its own exits to a common area and facility of the building each family unit owner having an exclusive and particular right title and interest over his respective family unit and in addition to the specified undivided interest in the common areas and facilities and/or restricted common areas and facilities

IX That for the purposes of stamp duty and registration fees to be imposed on the registration of this deed in the Register of declarations and deeds



of Apartment under Section 13(5) the value of the Condominium is distributed as follows

- (a) Parcel of land described in paragraph first hereof is valued at Rs
- (b) the building described in paragraphs second and third thereof is valued at Rs (Rupees )

- X that so long as the Grantor owns one or more of the family units the Grantor shall be subject to the provisions of this deed and of the Exhibits A and B attached hereto and the Grantor covenants to take no action which will adversely affect the rights of the Association of Apartment owners with respect to assurances against latent defects in the building or other rights assigned to the association by reason of the establishment of the condominium
- XI that the general and/or restricted common areas and facilities shall remain undivided and no owner shall bring any action for partition or division thereof
- XII that the percentage of the undivided interest in the general and/or restricted common areas and facilities established herein shall not be changed except with the unanimous consent of all the apartment owners expressed in amendment to this deed duly registered
- XIII that the undivided interest in the general and/or restricted common areas and facilities shall not be separated from the family unit to which it appertains and shall be deemed conveyed or encumbered with the unit even though such interest is not expressly mentioned or described in the conveyance or other instrument
- XIV that each apartment owner shall comply with the provisions of this deed the by laws decisions and resolutions of the association of apartment owners or its representative and failure to comply with any such provisions decision or resolution shall be grounds for an action to recover sums due for damages or for injunctive relief
- XV that the dedication of the property to the plan of apartment ownership herein shall not be revoked or the property removed from plan of apartment ownership or any of the provisions herein amended unless all of the apartment owners and the mortgagees of all the mortgages covering the units unanimously agree to such revocation or amendment or removal of the property from the plan by duly registered instruments
- XVI that no apartment owner of a family unit may exempt himself from liability for his contribution towards the common expenses by waiver of the use or enjoyment of any of the general and/or restricted common areas and facilities or by the abandonment of his family unit

- XVII all sums assessed by the association but unpaid for the share of the common expenses chargeable to any family unit shall constitute a charge on such family unit prior to all other charges except only (1) charge if any on the family unit for payment of Government or Municipal taxes or both and (2) all sums unpaid on a first mortgage of the apartment
- XVIII that all present or future owners tenants future tenants or any other person that might use the facilities of the building in any manner are subject to the provisions of this deed and that the mere acquisition or rental of any of the family units of the building or the mere act of occupancy of any of the said units shall signify that the provisions of this deed are accepted and ratified The respective family units shall not be rented or given on leave and license or care taker basis by the apartments owners thereof for transient or hotel purposes which shall be defined as (a) rent 1 compensation or compensation for any period less than thirty days or (b) any rental or if the occupants of the family unit are provided customary hotel or boarding or lodging or paying guest services other than the foregoing obligations the apartment owners of the respective family units shall have the absolute right to lease such unit or give it on leave and license or care taker basis provided that the said lease or leave or license or care taker basis is made subject to the covenants and restrictions contained in this declaration and further subject to the Bye laws in Exhibit-B attached hereto
- XIX that if the property subject to the plan of Apartment Ownership is totally or substantially damaged or destroyed the repair reconstruction or disposition of the property shall be as provided by the Haryana Apartment Ownership Act 1983
- XX that where a family unit is sold by a mortgage in exercise of his powers of sale under an English mortgage or by a Court in execution of a decree in a suit brought by a mortgagee against the owner of such family unit then neither the mortgagee nor the purchaser who derives title to be family unit at such sale or his successors or assigns shall be liable for assessments by the association which became due prior to the acquisition of title by such acquirer it being understood however that the above shall not be construed to prevent the association of apartment owners from filing and claiming charge for such assessments and enforcing same as provided by law and that such charge shall be subordinate to such mortgage
- XXI that in a voluntary conveyance of a family unit the grantee of the unit shall be jointly and severally liable with the Grantor for all unpaid assessments by the association of apartment owners against the latter for his share of the common expenses upto the time of the grant or conveyance without prejudice to the grantee's right to recover from the Grantor the amounts paid by the grantee therefor However any such grantee shall be entitled to a statement from the Manager or Board of Managers of the

association as the case may be setting forth the amount of the unpaid assessments against the Grantor due to the association and such grantee shall not be liable for nor shall the family unit conveyed be subject to a charge for any unpaid assessments made by the association of apartment owners against the Grantor in excess of the amount therein set forth

XXII that the Manager or Board of Managers of the association shall obtain and continue in effect blanket property insurance in form and amounts satisfactory to mortgages holding first mortgages covering family units but without prejudice to the right of the owner of a family unit to obtain individual family unit insurance

XXIII that insurance premium for any blanket insurance coverage shall be a common expense to be paid by monthly assessments levied by the association of apartment owners and that such payment shall be held in a separate account of the association and used solely for the payment of the blanket property insurance premium as such premiums become due

In witness where of Shn                      set his hand this              day of              19

Signed and delivered by

In presence of

1 Signatures	Full name	and address
2 Signature	Full name	and address

### **ANNEXURES**

- 1 Exhibit A as referred to in clause H
- 2 Exhibit B as referred to in clause XVIII

### **EXHIBIT A**

(See Clause II of Form A)

Here annex attested copies of plans of the scheme as sanctioned by competent authority and showing at least the following details

1 Site/Survey plan of the scheme area showing its location and surroundings with certificate of ownership of land issued by appropriate authority

2 Layout plan of the scheme showing various apartments blocks and common buildings and services of roads parking public health and electrification installations landscaping and recreation facilities as also the schedule of areas under various apartments apartments blocks and different common facilities

3 All floor plans elevations and sufficient sections of each block of building with (a) schedules indicating the areas under various apartments and areas under common facilities of lounge stairs lifts for that block and (b) schedule indicating the various apartments on each floor and details of common floor facilities for exclusive use of apartments on that floor

4 Apartment wise schedule of percentage of interest (a) in common facilities of the total scheme (b) of the block in which that apartment is located and (c) of the floor of that apartment

## EXHIBIT B

(See Clause XVIII of Form A)

By laws of

Condominium

### Chapter I

**1 Short title and Application—** (1) These by laws may be called the By laws of the (here insert the name of condominium) condominium

(2) The provisions of these by laws apply to the Condominium

All present or future owners tenants future tenants or their employees or any other person that might use the facilities of the building in any manner are subject to the regulations set forth in these by laws

The mere acquisition or rental or taking on license of any of the family units (hereinafter referred to as units ) of the building or mere act of occupancy of any of the said units will signify that these bye laws are accepted ratified and will be complied with

**2 Definitions —** In these bye laws unless the context requires otherwise

- (a) Act means the Haryana Apartment Ownership Act 1983
- (b) association means the association of all the apartment s owners constituted by such owners for the purpose of the Condominium
- (c) Board means a Board of Managers consisting of persons all of whom shall be owners of apartments in the condominium
- (d) building means the building located at and known as the Condominium and includes the land forming part thereof
- (e) declaration means the declaration which the sole owner of the building or all the owners of the building have executed and registered as provided in Section 2
- (f) majority of owners means those owners holding 51 per cent of the votes in accordance with the percentages assigned in the declaration

- (g) owner" or apartment owner" means the person owning an apartment in the Condominium
- (h) Section means a section of the Act
- (i) unit means a family unit in the Condominium
- (j) Registrar' means the Registrar of Co operative Societies

**3 Apartment Ownership** — The building located at street city/town/village of in the District known as Condominium is submitted to the provisions of the Act

**4 Objects of Association** — (1) The objects of the Association shall be

- (a) to be and to act as the Association of Apartment owners of the building called at (hereinafter called the said building ) who have filed their respective Declarations submitting their apartments to the provisions of the Act
- (b) to invest or deposit moneys
- (c) to provide for the maintenance repair and replacement of the common areas and facilities by contribution from the apartment owners and if necessary by raising loans for that purpose
- (d) to retain and rent or license if possible suitable portions of the common areas to outsiders for commercial purposes and to distribute the common profits left after deducting the common expenses amongst the apartment owners as common profits or accumulate the same for building up a reserve fund
- (e) to provide for and do all and any of the matters provided in sub section (2) of Section 16
- (f) to advance with the consent of the apartment owners any short term loans to any apartment owners in case of any emergent necessity and to provide for the repayment thereof in lump sum or in instalments
- (g) to establish and carry on on its own account or jointly with individuals or institutions educational physical social and recreative activities for the benefit of the apartment owners
- (h) to frame rules with the approval of the general meeting of the Association and after consulting the competent authority and may establish a provident fund and gratuity fund if necessary for the benefit of the employees of the Association
- (1) to do all things necessary or and otherwise provide for their welfare ex pedient for the attainment of the objects specified in these by laws

- (2) The Association shall not act beyond the scope of its objects without fully amending the provisions of these by laws for the purpose

**5 Members of Association —** (1) All persons who have purchased apartments in the Condominium and executed respective Declarations under Section 5 submitting their apartments to provisions of the Act shall automatically be the members of the Association and shall pay the sum of one rupee as entrance fee and may purchase at least one share of the face value of Rs 100 each. Each apartment owner shall receive a copy of the bye laws on payment of one rupee.

(2) Upon any apartment owner selling his apartment or absolutely conveying the same by way of gift under his will or otherwise the purchaser or donee shall automatically become a member of the Association and shall be admitted as member on payment of the entrance fee of one rupee. The shares held by an apartment owner shall be transferred to the name of such purchaser or donee on payment of one rupee to the Association.

(3) On the death of an apartment owner his apartment shall be transferred to the person or persons to whom he bequeaths the same by his will or to the legal representatives of his estate in case he has not made any specific bequest of the apartment. The name of the legatee or the names of legal representatives jointly shall be entered in the register of apartment owners maintained by the Secretary for the purpose of Administration of the Condominium as apartment owner or joint apartment owners. Where any legatee is a minor the apartment owner shall be entitled to appoint a guardian of such minor.

#### **Observations of the Committee**

- (i) The Committee recommends that in the last line of Sr No II of Form A the figure 198 may be substituted the figure 201 to make the Form correct.
- (ii) The Committee recommends that the each and every General facilities and common facilities may also be mentioned in the Form A itself.
- (iii) The Committee recommends that the second para of Sr No (XXIII) of Form A in the first line the Figure 19 the figure 20 may be substituted to make the Form correct.
- (iv) The Committee recommends that the Exhibit B of Form A By laws 5 (1) the entrance fee and shares of the face value may be enhanced suitably.

**The Department in their written reply stated as under**

- (i) The recommendation of the Committee is agreed. The amendment in the rules will be carried out as per recommendation of Subordinate Legislation Committee
- (ii) Kind attention is invited to the provisions of Section 3 (f) of the Haryana Apartment Ownership Act 1983 which is reproduced below -

3 (f) common areas and facilities unless otherwise provided in the declaration or lawful amendments thereto means

- (1) the land on which the building is located
- (2) the foundations columns girders beams supports main walls roofs halls corridors lobbies stairs stair ways fire escapes and entrances and exits of the building
- (3) the basements cellars yards gardens parking area and storage spaces
- (4) the premises for the lodging of janitors or persons employed for management of the property
- (5) installation of central services such as power light gas hot and cold water heating refrigeration air conditioning and incinerating
- (6) the elevators tanks pumps motors fans compressors ducts and general apparatus installations existing common use
- (7) such community and commercial facilities as may be provided for in the declaration and
- (8) all other parts of the property necessary or convenient to its existing maintenance and safety normally common use

Further the Form A provides schematic format for guidance of the colonizer so as to file the Deed of Declaration by specifying the general facilities common facilities and restricted common facilities in said Form. Since the Haryana Apartment Ownership Act provides definition of common area and facilities and it is upon the colonizer to provide in the declaration.

Thus the recommendation of Subordinate Legislation Committee with respect to mentioning the general facilities and common facilities are already taken care of by giving the list under Section 3(f) of the Haryana Apartment Ownership Act 1983.

- (iii) The recommendation of the Committee is agreed. The amendment in the rules will be carried out as per recommendation of Subordinate Legislation Committee

- (iv) The recommendation of the Committee is agreed. The amendment in the rules will be carried out as per recommendation of Subordinate Legislation Committee.

### **Observations of the Committee**

#### **GENERAL OBSERVATIONS**

1 The Committee would like to know for its information whether the layout plan can be changed by the colonizer without knowledge consent of the owners of the apartment?

2 The Committee would like to know for its information whether any colonizer has been punished for violation or not complying with the provisions of the Haryana Apartment Ownership Rules 1987 framed under the Haryana Apartment Ownership Act 1983. If so, how many colonizers were punished in the state last ten years?

**The department did not send any comment on the observation**



**The Spot Study Visit of the Committee on Subordinate Legislation regarding scrutinize the Haryana Development and Regulation of Urban Areas Rules, 1976**

The Committee decided that before scrutinise the Haryana Development and Regulation of Urban Areas Rules 1976 framed under the Haryana Development and Regulation of Urban Areas Act 1975 to make on the Spot Study visit/inspection Omaxe Apartment Rohtak and discuss with the concerned department Officers and General Public regarding the problem faced by the public or licensee on the ground level due to prevailing /existing rule As and when the Committee scrutunise the above said rule and will be kept in mind that the rule will be amended suitably and more effectively for the General Public as noted on the Spot Study visit

The Committee visited the spot-study of Omaxe Apartment Rohtak on 17<sup>th</sup> June 2016 It was very helpful for the Committee at the time of scrutunise the above said rule

**SCRUTINY OF THE HARYANA DEVELOPMENT AND REGULATION OF URBAN AREAS RULES, 1976 FRAMED UNDER THE HARYANA DEVELOPMENT AND REGULATION OF URBAN AREAS ACT 1975**

The Committee scrutinized the Haryana Development and Regulation of Urban Areas Rules 1976 framed under the Haryana Development and Regulation of Urban Areas Act 1975 and made the following observations/ recommendations thereon

**Rule 2**

2 Definitions —In these rules unless the context otherwise requires —

(a) Act means the Haryana Development and Regulation of Urban Ares Act 1975

(b) amenity includes roads water supply street lighting drainage sewerage public parks schools <sup>2</sup> [play grounds] hospitals community centres and other community buildings horticulture land escaping and any other public utility service

(c) Compact block means any block of vacant land in an urban area whether owned by one or more persons and wh<sup>th</sup>er or not divided by a private road street lane footway passage or drain natural or artificial

3[(cc) development plan means the plan prepared under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 ]

(d) Form means a form appended to these rules

(e) layout plan means a plan of the colony depicting the division or proposed division of land into plots roads open spaces etc and other details as may be necessary

- (f) section means a section of the Act

## **Observations of the Committee**

### **Rule 2**

- (i) The Committee is of the view of that the development works should be mentioned in the title of Definitions

### **Rule 2(b)**

- (ii) The Committee wants to discuss with the departmental representatives at the time of oral examination in respect of the definition of Amenity as to whether public parks school hospitals etc within the preview of amenity

The Committee observed that every amenity should be mentioned in the definition of amenity to make the rule more clear

### **The department in their written reply stated as under**

- (i) The development works has already defined in the Section 2(e) 2(g) & 2(i) of the Act 1975 which are given below and hence there seems no requirement for repeating the same in the Rules 1976

2(e) development works means internal and external development works

2(g) External Development works included water supply sewerage drains necessary provision treatment and disposal of sewage sullage and storm water roads electrical works solid waste management and disposal slaughter houses colleges hospitals stadium sports complex Fair Station Grid Sub station etc and any other work which the director may specify to be equated in the periphery of or outside colony/area for the benefit of the colony/area

### **2(j) "Internal development works" mean**

- (i) metalling of the works and paving of footpath
- (ii) turfing and plantation with trees of the 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
- (vi) Any others works that the director may think necessary in the interest of proper development of a colony

- (ii) Yes it comes within the purview of Rule 2(b) of Rule 1976 defines Amenity which includes roads water supply street lighting drainage sewerage public parks Schools <sup>2</sup>{Play grounds} Hospitals Community

Centres and Other Community Buildings Horticulture Landscaping and Any Other Public Utility Service

### Rule 3

**3 Application for license (Sections 3 and 24) —** (1) Any owner of land desirous of setting up a colony shall make an application in writing to the Director in form LC 1 and shall furnish there with –

- <sup>4</sup>[(a) a demand draft for license fee at the rates (given in the Schedule to these rules) for the plotted colony group housing colony and commercial/office complexes in residential sectors and for industrial colony ]
- (b) income tax clearance certificate
- (c) particulars of experience as colonizer showing number and details of colonies already established or being established
- (d) Particulars about financial position <sup>1</sup> [so as to determine the capacity to develop the colony for which he is applying] and
- (e) the following plans and documents in triplicate –
  - (i) copy or copies of all title deeds and other documents showing the interest of the applicant in the land under the colony along with a list of such deeds and documents 3
  - (ii) a copy of the Shajra Plan showing the location of the colony alongwith the names of revenue estate Khasra number and area of each field
  - (iii) a guide map on a scale of not less than 10 centimeter to 1 Kilometer 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 proposed colony on a scale of 1 centimeter to 10 meters showing the spot levels at a distance of 30 meters 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 30 meters 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 centimeter to 10 meters 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 colony in particular the sources of wholesome water supply arrangement and site for disposal and treatment of storm and sullage water
- (vii) plans showing the cross sections of the proposed roads indicating in particular the width of the proposed carriage ways cycle tracks and footpaths green verges position of electric plots and of any other works connected with such roads
- (viii) plans as required under sub clause (vii) 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 under sub clause (vii) and estimated cost thereof
- (x) detailed specifications and design of sewerage storm water and water supply schemes with estimated costs of each
- (xi) detailed specification and designs for disposal and treatment of storm and sullage water and estimated costs of works
- (xii) detailed specification and designs for electric supply including street lighting

(2) The triplicate plans mentioned in clause (e) of sub rule (1) shall be clear and legible azo prints with one set mounted on cloth

(3) If the applicant wants to be exempted from providing anyone or more of the amenities in a colony he shall furnish detailed explanatory note in triplicate along with application if necessary indicating the reasons as to why the said amenity or amenities need not or cannot be provided

### **Observations of the Committee**

#### **Rule 3**

- (i) The Committee feels that the form of the agreement between colonizer and allottee should be attached with the other documents at the time of submitting the application for license
- (ii) The Committee also feels that the form of the Agreement between colonizer and allottee should be mentioned in the rule itself
- (iii) The Committee observed that the applicant should furnish his details of criminal records F I R and any punishment under any law along with other documents at the filing of application for license
- (iv) The Committee also observed that the utilization of rain water should be mentioned in Rule 3 itself to make the rule more effective
- (v) The Committee further observed that the detailed specifications of boundary wall and gate for security purpose should be mentioned in Rule 3 itself to make the rule more effective

- (vi) The Committee further observed that the type of road should be mentioned in Rule 3 itself to make the rule more effective

### **Rule 3(3)**

The Committee would like to discuss Rule 3(3) at the time of oral examination with the departmental representatives at the appropriate time

**The Department in their written reply stated as under -**

### **Rule 3**

- (i) As per provision of Act No 8 of 1975 the colonizer can only sell the plots by developing a colony after obtaining license. The regulatory provision for submission of copy of the agreement made in Rule 24 also prescribes that the colonizer shall submit the same on obtaining the license. Therefore copies of the agreement cannot be taken at the time of submission of application by the colonizer for grant of license for setting up of colony.
- (ii) The agreement to sell is a document between the two parties i.e. seller and the purchaser. In case of licensed colony the seller is the colonizer and the plot holder is the purchaser. Such an agreement is governed under the Common law of Contract. Hon'ble Supreme Court of India in the order dated 19.11.2010 passed in Civil Appeal No. 550 of 2003 titled as DLF Universal Ltd. And another Vs. Director Town and Country Planning has held that Director is not authorized to interfere with the agreements voluntarily entered into by and between the owner/colonizer and the purchasers of plots/flat. In view of it the form of agreement between colonizer and the allottees cannot be mentioned in the rule.
- (iii) The basic purpose for having documents with the license application is to examine the feasibility for grant of license. Therefore seeking details of applicant regarding criminal records, F.I.R. and their punishment under any law is not within the purview of the Act 8 of 1975.
- (iv) The Building Byelaws given in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules 1965 (Rules 1965) are applicable on the construction permitted within the licensed colonies. The said bye-laws have recently been replaced with the Haryana Building Code 2016 which have provisions for rain water harvesting. In view of it there is no need to include the provision of rain water harvesting in Rule 3 which basically pertain to the application for grant of license.
- (v) The construction of boundary wall in a licensed colony has been governed by Building Rules 1965 which is now replaced with the Haryana Building Code 2016. Therefore there is no need to include it in Rule 3 which pertain to the application for grant of license.

- (vi) The type and hierarchy of roads is given in the concerned Development Plan and sectoral plans which are taken into consideration at the time of examination of the case for grant of license. Rule 3 provides for the submission of the application for grant of license and accordingly a provision for giving the detailed cross section of the proposed roads in the proposed colony are given in the Rule 3(e)(vii) itself.

### **Rule 3 (3)**

provides that if the applicant wants to be exempted from providing any one or more of the amenities in a colony he shall furnish detailed explanatory note in triplicate along with application if necessary indicating the reasons as to why the said amenity or amenities need not or cannot be provided.

The matter is proposed to be discussed

### **Rule 4 (1)**

**4 Percentage of area under roads, open spaces etc in layout plans [Sections 3 (3) 4 and 24] —(1)** In the layout plan of a colony other than an industrial colony I [or low density eco friendly colony] the land reserved for roads open spaces schools public and community buildings and other common uses shall not be less than forty five percent of the gross area of the land under the colony.

Provided that the Director may reduce <sup>2</sup>[after recording reasons therefore this percentage to a figure not below thirty five where in his opinion the planning requirements and the size of the colony so justify

### **Observation of the Committee**

The Committee observed that the reduce of land as mentioned in the proviso to a figure thirty five percentage should not be reduced below forty percentage for the sake of healthy environment

### **The Department in their written reply stated as under -**

Provides that in the layout plan of a colony other than an industrial colony or low density eco friendly colony the land reserved for roads open spaces schools public and community building and other common uses shall not be uses less than 45% of the gross area of the land under the colony

Provided that the Director may reduce after recording reasons therefore this percentage to a figure not below thirty five where in his opinion the planning requirements and the size of the colony so justify

Since the above provision is there from the time of enactment of the Act and Rules therefore the recommendation needs to be examined in detail before its adoption in the Rules

## **Rule 5**

**5 Development works to be provided in colony [Section 3(3)]** —The designs and specifications of the development works to be provided in a colony shall include —

- (a) metalling of roads and paving of footpaths
- (b) turfing and plantation of trees in open spaces
- (c) street lighting
- (d) adequate and wholesome water supply
- (e) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal and
- (f) any other works that the Director may think necessary in the interest of proper development of the colony

<sup>1</sup>[Provided that in case of a low density eco friendly colony installation and development of solar farm compost plant sewerage treatment plant and bio gas plant as per specified norms and specifications at sites approved in the layout plan shall also constitute part of development works ]

### **Observations of the Committee**

- (i) The Committee observed that the use of rain water should be mentioned in the Development plan to avoid the scarcity of water
- (ii) The Committee also observed that the cycle track should be mentioned in the Development Plan
- (iii) The Committee further observed that the type of roads should be mentioned in the Development Plan

### **The Department in their written reply stated as under -**

- (i) It appears that the word Development Plan is a misprint because Rule 5 prescribes the design and specification of the development works  
Regarding rain water harvesting system as explained in the comments at sr no 4 under the head Rule 3 above the provision is already there in the building code
- (ii) The provision of cycle track in the design and specification of development works can be considered subject to formulation of its guidelines
- (iii) The type of roads are mentioned on the layout plan of the colony

**Rule 6 Preparation of layout plans on payment of fees [Section 4]** — An owner of land intending to make an application under rule 3 may request that any or all the plans and documents referred to in sub clauses (v) to (xi) of

clause (e) of sub rule (1) of rule 3 may be got prepared for him by the Director 2[on payment at rate of <sup>3</sup> {five rupees per square meter}]

### **Observation of the Committee**

The Committee observed that the preparation of layout plans on payment of fees Rupees five per square meter may be enhanced suitably due to escalation of prices

#### **The Department in their written reply stated as under -**

Provides that an Owner of land intending to make an application under Rule 3 may request that any or all the plans and documents referred to in sub clauses (v) to (xi) of clause (e) of Sub Rule (1) of Rule 3 may be got prepared for him by the director on payment at rate of Five Rupees per sqm

The department till date has not received any request from colonizer regarding preparation of their layout plans Therefore the department is of the view that this is an obsolete provision and may be deleted

### **Rule 7**

**7 Return of application [Section 3(I)]** — No application under rule 3 shall be considered to be valid unless it is made in the prescribed form and is accompanied by the requisite documents and plans required to be furnished along with the application In case of failure of such compliance the application together with other documents if any received therewith will be returned to the applicant intimating him the grounds for returning the application for re submission after compliance with the rules

### **Observation of the Committee**

The Committee observed that the time frame should be mentioned in the rule it self for return of application

#### **The Department in their written reply stated as under -**

No provision of time limit has been made in the Rules 1976

The observation of the Committee is considerable and suitable time frame will be decided after thorough examination of the matter

### **Rule 8(2)**

**8 Enquiry by Director [Section 3 (2)]** — (1) On receipt of application in the prescribed form and complete in all respects the Director shall enquire into the following matters and such other matters as he may consider necessary

- (a) title to land
- (b) extent and situation of the land
- (c) capacity to develop the colony
- (d) layout plan of the colony



- (e) plan regarding the development works to be executed in the colony
- (f) conformity with the development scheme of the land in question and the neighboring areas and

<sup>4</sup>[(g) conformity with the development plan ]

<sup>5</sup>[(2) Before making enquires under sub rule (1) the Director shall by an order in writing require the applicant <sup>6</sup>[except industrial colonies of Haryana Urban Development Authority and Haryana State Industrial Development Corporation] to furnish within a period of thirty days from the date of service of such order a scrutiny fee at the rate of <sup>7</sup>[twenty rupees per square meter calculated for the gross area of the land under low density ecofriendly colony] <sup>8</sup>{ten rupees per square meter} calculated for the gross area of the land under the plotted colony and <sup>8</sup>{ten rupees per square meter} calculated on the covered area of all the floors in a group housing colony in the form of a demand draft in favour of the Director Town and Country Planning Haryana and drawn on any scheduled bank ]

(3) If the applicant fails to furnish the requisite fee as provided in sub rule (2) above the Director shall reject the application

#### **Observation of the Committee**

The Committee observed that the scrutiny fee should be deposited within a period of thirty days from the date of Service of such order

#### **The Department in their written reply stated as under -**

The provision already exists in the Rules 1976 It is relevant to mention that the department takes the scrutiny fee at the time of submission of application itself

#### **Rule 9**

9 Rejection of application [Section 3] The Director may after making inquiry as mentioned in sub rule (1) of rule 8 and after giving reasonable opportunity of being heard to the application by an order in writing reject the application to grant license in 1[form LC II] if —

- (a) it does not conform to the inquirements of rule 3 4 and 5 and 8
- (b) the plants and designs of the development works submitted with the application are not technically sound and workable or
- (c) the estimated expenditure on water-supply mains or extramural and outfall sewers is not commensurate with the size of the colony

#### **Observations of the Committee**

- (i) The Committee observed that the fate of the application should be decided within a period of four months
- (ii) The Committee also observed that the letter of rejection of the application should be sent through e mail or registered A D and same should be mentioned in the rule itself

**The Department in their written reply stated as under**

- (i) The recommendation may be agreed to with the modification that the application should be completed in all respect as per Rule 3 and the time frame for the decision will be decided after thorough examination of the matter
- (ii) The Department has already made a provision in the Act No 8 of 1975 in the month of April 2016 regarding online receipt and approval. The provision for sending the letter of rejection through registered A D will be made

**Rule 10**

**10 Applicant to be called upon to fulfil certain conditions for grant of license [Section 3 (3)J —** (1) If after scrutiny of the plans and other necessary inquiries which the Director may deem fit he is satisfied that the application is not for the grant of license he shall before granting license call upon the applicant to fulfil conditions laid down in rule 11 within a period of thirty days from the date of the service of notice in form LC III

Provided that on an application within the aforesaid period for the extension of time limit the Director if satisfied of the reasons given therein extend such time up to thirty days

<sup>2</sup>[Provided further that on the request of the applicant for the extension of time limit for submission of Bank guarantees under clause (a) of sub rule (1) of rule 11 the Director if satisfied that the reasons for delay in submission of the bank guarantee are beyond the control of the applicant extend such time upto further ninety days period ]

(2) If the applicant fails to fulfil the conditions under sub rule (1) within the specified or extended period the grant of license shall be refused

**Observation of the Committee**

The Committee observed that the notice for fulfil certain conditions for grant of license should be sent through e mail or registered A D and the same should be mentioned in the rule itself

**The Department in their written reply stated as under -**

The Department has already made a provision in the Act No 8 of 1975 in the month of April 2016 regarding online receipt and approvals

The provision for sending the notice for fulfillment of condition through registered A D is already there as on the form LC-III itself has been indicated as registered A D

**Rule 11 Conditions required to be fulfilled by applicant [Section 3 (3)] —**

- (1) The applicant shall
  - (a) furnish to the Director a bank guarantee equal to twenty five percent of the estimated cost of the development works as certified

by the Director and enter into an agreement in form LC IV for carrying out and completion of development works 111 accordance with the license finally granted

- (b) undertake to deposit fifty percent of the amount to be realized by him from the plot holders from time to time within ten days of its realization in a separate account to be maintained in a scheduled bank and this amount shall only be utilized towards meeting the cost of internal development works in the colony
- (c) undertake to pay proportionate development charges if the main lines of roads drainage sewerage water supply and electricity are to be laid out and constructed by the Government or any other local authority The proportion in which and the time within which such payment is to be made shall be determined by the Directory
- (d) undertake responsibility for the maintenance and upkeep of all roads open spaced public parks and public health services for a period of five years from the date of issue of the completion certificate under rule 16 unless earlier relieved of this responsibility and there upon to 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
- <sup>1</sup>[(e) undertake to construct at his own cost or get constructed by any other institution or individual at its cost schools hospitals community centres and other community buildings on the land set apart for this purpose within a period of four years from the date of grant of license extendable by the Director for another period of two years for reasons to be recorded in writing failing which the land shall vest with the Government after such specified period free of cost in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority for the said purposes on such terms and conditions as it may deem fit

Provided that a show cause notice and opportunity for hearing shall be given before vesting the land in the Government ]

- (f) undertake to permit the Director or any other officer authorised by him to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance with the license granted
- <sup>2</sup>[(g) pay such development charges including the cost of development of State/National Highways Transport Irrigation and Power facilities as determined by Director (given in the 3 {Schedule A} to these rules) and

- (h) execute bilateral agreement in Form LC IV A for group housing colony in Form LC IV B for plotted colony in Form LC IV C for industrial colony and in Form LC IV D for commercial colony ]

(2) If the Director having regard to the amenities which exist or are proposed to be provided in the locality decides that it is not necessary or possible to provide such amenity or amenities the applicant will be informed thereof and clauses (c) (d) and (e) of sub rule (1) shall be deemed to have been modified to that extent

<sup>4</sup>[(3) In case of an application for grant of license for low density eco friendly colony the applicant shall additionally undertake to

- (a) install solar farms aiming for meeting energy requirements of the colony through solar energy in accordance with the technical parameters specified by the Director on at least five percent of the area of the colony that shall be in addition to the five percent area reserved for open spaces
- (b) provide integrated facility for storage purification distribution and recycling of storm water aiming for no external source of water supply minimum ground water extraction and zero run off Independent distribution system for separately fulfilling the farming flushing and domestic water requirements shall also be provided
- (c) install a bio gas plant aimed at fulfilling requirements for cooking gas and a compost plant for utilizing and recycling of all bio degradable waste in accordance with the technical parameters specified by the Director and
- (d) restrict the residential density of the colony to a maximum of twenty five persons per acre ]

### **Observations of the Committee**

#### **Rule 11(1) e**

- (i) The Committee would like to know for its information whether any land has been transferred to any person or institution last ten years? If so details in this regard be supplied to the Committee

#### **Rule 11 (3)**

- (ii) The Committee would like to know for its information that how many low density or eco friendly colony in the State installed Solar farms facility for storage purification distribution recycling of storm water and installed bio gas plant as mentioned in sub rule (3) a b and c

#### **The Department in their written reply stated as under -**

- (i) The department needs more time to submit report on this point It is therefore prayed that time may be given to the department for submission of report on this point

- (ii) No license for Low Density Eco Friendly Colony has been granted till date

**Rule 14 Renewal of License [Section 3 (4)] —** (1) On receipt of an application under rule 13 the Director shall if satisfied after making such enquires as he may consider necessary that the delay in execution of development works was for reasons beyond the control of the coloniser renew the license for a period of one year

(2) In case the Director is not so satisfied he shall reject the application and in that case intimation in this regard will be sent to the coloniser in form LC-VII Provided that before rejecting the application the Director shall give the coloniser an opportunity of being heard

**Observation of the Committee**

The Committee observes that the period should be mentioned for disposed of the Application for renewal of the license

**The Department in their written reply stated as under -**

The observation of the Committee is considerable and suitable time frame will be decided after thorough examination of the matter

**Rule 16 <sup>2</sup>[Completion certificate/part completion certificate [Section 24] —**  
<sup>3</sup>[(1) After the colony has been laid out according to approved layout plans and internal development works have been executed according to the approved designs and specifications the coloniser shall make an application to the Director in Form LC VII alongwith a demand draft on account of Infrastructure Augmentation Charges as per the rates prescribed in the Schedule B of these rules if not paid earlier in accordance with the provision of Section 3(7) of the Act ]

(2) After such <sup>4</sup>[scrutiny] as may be necessary the Director may issue a 2 completion certificate/part completion certificate] in form Le IX or refuse to issue such certificate stating the reasons for such refusal

Provided that the coloniser shall be afforded an opportunity of being heard before such refusal

**Observation of the Committee**

The Committee observes that the period should be mentioned in the rule to issue the Completion Certificate/part itself completion certificate

**The Department in their written reply stated as under -**

The observation of the Committee is considerable and suitable time frame will be decided after thorough examination of the matter

**Rule 18**

**18 Cancellation of license [Section 8(1)]** — (1) If the Director determines at any time that the execution of the layout plans and the construction or other works is not proceeding according to the license granted under rule 12 or is below specification or in violation of the provisions of these rules or of any law or rules for the time being in force he shall by notice in form LC X require the coloniser to remove the various defects within the time specified in the notice

(2) If the coloniser fails to comply with the requirements detailed in the notice issued under sub rule (1) the Director shall issue him a further notice in form [LCXA] to afford him an opportunity to show cause within a period of one month why the license granted should not be cancelled

(3) After hearing the coloniser and considering such representation as he may make the Director may either cancel the license or grant him further time for complying with the requirements of the notice issued under sub rule (1) If however the coloniser does not comply with the said requirements within such extended period the Director shall cancel the license and thereafter [within one month] shall cause a proclamation made in the locality about the cancellation of the license by beat of drum 3 [within thirty days of the cancellation of license]

(4) On cancellation of the license no further work shall be undertaken or carried out by the coloniser

<sup>1</sup>[(5) Deleted]

**Observation of the Committee**

The Committee would like to know for its information how many notices in form LC X has been sent to the colonizer last five years? The names of the colonizers sent to the Committee

**The Department in their written reply stated as under —**

The department needs more time to submit report on this point. It is therefore prayed that time may be given to the department for submission of report on this point

**Rule 23 Grant or refusal of exemption [Section 9 (I)]** — (1) If after the enquiry the Director is satisfied that the application is fit for grant of exemption he will grant the exemption in form EC III

(2) If after the enquiry and after providing an opportunity of being heard to the applicant the Director is of the opinion that the application has been made with a view to evade the provisions of the [Act] he will refuse to grant exemption in form EC IV

### **Observation of the Committee**

The Committee observes that the period should be mentioned in the rule itself for grant of refusal of exemption the license

**The Department in their written reply stated as under –**

A time period of three months already stands provided in Section 9(3) of Act 1975 Hence there is no need to repeat the same in the Rules 1976

### **Rule 24 Submission of copies advertisements etc by coloniser [Section 24] —**

On obtaining a license to set up a colony the coloniser shall furnish to the Director an authenticated copy of the advertisement made by him for the sale of plots in the colony and of the terms of agreement entered into between and each of the plot holders

### **Observation of the Committee**

The Committee observes that once the colonizer submit the copies of the advertisement and the terms of agreement entered into between him and each of the plot holder should not be changed without permission of the director

**The Department in their written reply stated as under –**

The agreement to sell is a document between the two parties i.e. seller and the purchaser. In case of licensed colony the seller is the colonizer and the plot holder is the purchaser. Such an agreement is governed under the Common law of Contract. Hon'ble Supreme Court of India in the order dated 19.11.2010 passed in Civil Appeal No. 550 of 2003 titled as DLF Universal Ltd and another Vs. Director Town and Country Planning has held that Director is not authorized to interfere with the agreements voluntarily entered into by and between the owner/colonizer and the purchasers of plots/flats.

Therefore in case of any change in the terms and conditions of the agreement the permission of DTCP may not be required and only the modified agreement needs to be submitted by the licensee.

### **Rule 29**

**29 Fee for copy of license or exemption [Section 24] –** A fee of two rupees shall be charged for obtaining a copy of license or exemption

### **Observation of the Committee**

The Committee recommends that the fee for copy of license or exemption should be enhanced suitably.

**The Department in their written reply stated under –**

The suggestion may be agreed to and suitable increase in the fees will be made.

**Form LC-I**  
*[See rule 3(1)]*

**Registered**

To

The Director  
 Town and Country Planning  
 Haryana Chandigarh

Sir

I/We beg to apply for grant of license to set up a residential/Industrial/Commercial colony at \_\_\_\_\_ in tehsil \_\_\_\_\_ and district \_\_\_\_\_

**The requisite particulars are as under-**

- 1 Name under
- 2 Father's name
- 3 Occupation
- 4 Permanent residential address
- 5 Address for the purpose of correspondence
- 6 Whether applicant is income tax payer if so the amount of income tax paid during each of the last three years
- 7 Details of movable/immovable property held by the the applicant
- 8 Whether the applicant had ever been granted permission to set up a colony under any other law if so details thereof
- 9 Whether the applicant has ever established a colony or is establishing a colony and if so details thereof
- 10 Any other information the applicant likes to furnish

**2 I/We enclose the following documents in triplicate –**

- (i) Copy or copies of all the title deeds and/or other documents showing the interest of the applicant in the land under the proposed colony along with a list of such deeds and/or other documents
- (ii) A copy of the shajra plans showing the location of the colony along with 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 10 centimetres to 1 Kilometre showing the location of the colony in relation to surrounding geographic features to enable the identification of the site
- (iv) A survey map of the land under the colony on a scale of 1 centimetre to 10 meters showing the spot levels at distance of 30 metres 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 30 metres 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 centimetre to 10 mtr showing the existing and proposed means of access to the colony, the width of streets, sizes and types of plots, site reserved for open spaces, community buildings and schools with area of 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 particular the sources of the 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 other public health services
- (ix) Detailed specifications and designs of road works shown in clause (vii) above and estimated cost thereof
- (x) Detailed specifications and designs of sewerage, storm water and water supply schemes with estimated cost of each
- (xi) Detailed specifications and designs for disposal and treatment of storm and sullage water and estimated cost of works
- (xii) Detailed specifications and designs of electric supply including street lighting

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	Signature of Engineer
1	2	3
1		
2		
3		

4 I/We enclose the further following documents –

- (i) Demand draft No \_\_\_\_\_ Dated \_\_\_\_\_ for Rs \_\_\_\_\_
- (ii) Income tax clearance certificate issued by the Income Tax Officer \_\_\_\_\_

5 It is further requested that I/we may be exempted from providing the following amenity/amenities in the proposed colony and an explanatory note in triplicate alongwith plans marked A B C (so on) as to why the said amenity/amenities are not required to be provided in the colony is enclosed

#### Amenities

6 I/We solemnly affirm that the particulars given in para 1 above are correct to the best of my/our knowledge and belief

Dated \_\_\_\_\_

Place \_\_\_\_\_

Attested \_\_\_\_\_

Oath commissioner/magistrate 1st class

**Observations of the Committee**

#### FORM LC I

- (i) The Committee recommends that form LC I the numbering 1 to 10 may be substituted with the numbering 1 (i to x) to make the Form correct
- (ii) The Committee observes that the following particulars should be mentioned in the Form LC I after the Sr No 9
  - 10 Whether the applicant convicted or fined under any law? If so details thereof
  - 11 Details of movable/immovable property \_\_\_\_\_ held by the dependents of the applicant
- (iii) The Committee observes that in form LC I the Sr No 2 (vi) explaining the detailed specification and designs for the use of rain water for every plot holders
- (iv) The Committee also observes that in form LC I the Sr No 2 (vii) the type of roads should be mentioned

- (v) The Committee further observes that in form LC I the detailed specifications and designs of Boundary wall and gate for the purpose of full proof security of the colony should be inserted after the Sr No 2 (xii)
- (vi) The Committee wants to discuss with the departmental representative at the time of Oral examination in respect of Sr No 6 of the form LC I

**The Department in their written reply stated as under**

- (i) The suggestion may be agreed to
- (ii) This amendment is not required in view of the submission made in sr no 3 under the head Rule 3 above
- (iii) This amendment is not required in view of the submission made in sr no 4 under the head Rule 3 above
- (iv) This amendment is not required in view of the submission made in sr no 6 under the head Rule 3 above
- (v) This amendment is not required in view of the submission made in sr no 5 under the head Rule 3 above
- (vi) The Sr No 6 of the LC 1 is about the affirmation by the applicant regarding the particulars given in para 1 of LC I which are reproduced below for ready reference

- 1 Name \_\_\_\_\_
- 2 Father's Name \_\_\_\_\_
- 3 Occupation \_\_\_\_\_
- 4 Permanent residential address \_\_\_\_\_
- 5 Address for the purpose of correspondence \_\_\_\_\_
- 6 Whether applicant is income tax payer if so the amount of income tax paid during each of the last three years \_\_\_\_\_
- 7 Details of movable/ immovable property held by the applicant \_\_\_\_\_
- 8 Whether the applicant had ever been granted permission to set up a colony under any other law if so details there of \_\_\_\_\_
- 9 Whether the applicant has ever established a colony or is establishing a colony and if so details there of \_\_\_\_\_
- 10 Any other information the applicant likes to furnish \_\_\_\_\_

**Recommendation of the Committee**

At the time of oral examination the departmental representatives also accepted the proposal in principle to amend the Form LC I to authentic the information given in the Form by the Applicant

**FORM LC - II***(See Rule 9)*

From

The Director  
Town and Country Planning Haryana  
Chandigarh

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Memo No****Dated the**

Reference your application dated the for grant of a license

2 It is regretted that the grant of license is refused for the reasons given below

Director  
Town and Country Planning  
Haryana Chandigarh

**Observation of the Committee**

The Committee observes that in form LC II top of the left corner the words should be mentioned Registered AD/Email

**The Department in their written reply stated as under -**

The suggestion may be agreed to

**FORM LC - III***(See Rule 10)***Registered A D**

From

The Director  
Town and Country Planning Haryana Chandigarh

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Memo No****Dated the**

Reference your application dated the for grant of license to set up a colony at Tehsil District

2 It is proposed to grant license to you for setting up a colony at tehsil district You are therefore called upon to fulfil the conditions laid down in rule 11 of the Haryana Development and Regulation of Urban Areas Rules 1976 within a period of thirty days from the date of the service of this notice

Director  
Town and Country Planning  
Haryana Chandigarh

### Observation of the Committee

The Committee observes that in form LC III top of the left corner after the words Registered AD the words Email may be inserted

**The Department in their written reply stated as under -**

The suggestion may be agreed to

### FORM LC – IV

(See rule 11)

#### Agreement by owner of land intending to set up a colony

This agreement made on the                      day of                      One thousand n mc  
hundred and seventy                      between Shri/M/s  
S/o Shri                      resident of                      (here in after called the owner) of the one  
part and the Governor of Haryana acting through the Director Town and  
Country Planning Haryana (here in after referred to as the Director) of the other  
part

Whereas the owner is in possession of or otherwise well entitled to the  
land mentioned in Annexure hereto for the purposes of converting into  
residential/ commercial/ industrial colony

And whereas under rule 11 one of the conditions for the grant of license  
is that the owner shall enter into an agreement for carrying out and completion  
of development works in accordance with the license finally granted for setting  
up a colony at                      Tehsil                      and district

#### Now this deed witnesses as follows

1 In consideration of the Director agreeing to grant license to the owner to  
setup the said colony on the land mentioned in Annexure here to on the  
fulfilment of all the conditions laid down in rule 11 by the owner the owner  
hereby consents as follows -

- (a) That the owner shall be responsible for the maintenance and up  
keep 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 16 unless earlier relieved of this  
responsibility when the owner shall transfer all such roads open  
spaces public parks and public health services free of cost to the  
Government of the local authority as the case may be
- (b) That the owner shall at his own cost construct or get constructed  
by any other institution or individual at its cost schools hospitals  
community centres 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 desire free of cost land thus set

apart for schools hospitals community centres 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 condition as it may lay down

- (c) That the owner shall deposit fifty per cent of the amount realised by him from plot holders from time to time in a separate account to be maintained in a scheduled bank and that this amount shall only be utilised by the owner towards meeting cost of internal development works in the colony
- (d) That the owner shall permit the Director or other officer authorised 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 him or ensuring due compliance of the executions of the layout and development works in accordance with license granted
- (e) That the owner shall pay proportionate development charges as and when required and as determined by the Director in respect of external development charges
- (f) That without prejudice to anything contained in this agreement all the provisions contained in the Act and these rules shall be binding on the owner

2 Provided always and it is hereby agreed that if the owner shall commit any breach of the terms and conditions of this agreement or violate any provision of the Act or these rules then and in any such case and notwithstanding the waiver of any previous cause or right the Director may cancel the license granted to him

3 Upon cancellation of the license under clause 2 above the Government may acquire the area of the aforesaid colony under the Land Acquisition Act 1894 and may develop the said area under any other law The Bank guarantee in that events shall stand forfeited in favour of the Director

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

5 The expression that owner hereing before used shall include his hirers legal representatives successors and permitted assigns

6 After the layout and development works or part there of in respect of the colony or part there of have been completed and a completion certificate in respect there of issued the Director may on an application in this behalf from the owner release the bank guarantee or part there of as the case may be 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 the bank guarantee equivalent to 115th amount thereof shall be kept unrealised 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 16 or earlier in case the owner is relieved of the responsibilities in this behalf by the Government

In witness where of the coloniser and the Director have signed this deed on the day and year first above written

1      **Witnesses -**

The owner

1      \_\_\_\_\_

2      \_\_\_\_\_

Dated

Director

for & on behalf of the Governor of Haryana

2

1 \_\_\_\_\_

2 \_\_\_\_\_

Dated

**Observation of the Committee**

The Committee recommends that in form LC IV in the first & second line the words one thousand nine hundred and seventy may be substituted with the words two thousand to make the form correct

**The Department in their written reply stated as under -**

The suggestion may be agreed to

<sup>1</sup>[FORM LC IV A]

[See rule 11 (1) (h)]

**Bilateral Agreement by owner of land intending to set up a  
Group Housing Colony**

This agreement made on the \_\_\_\_\_ day of \_\_\_\_\_ between  
Shri M/s \_\_\_\_\_ s/o Shri \_\_\_\_\_ resident of \_\_\_\_\_ (here in after called  
the owner') of the one part and the Governor of Haryana acting through the  
Director Town and Country Planning Haryana (hereinafter referred to as the  
Director") of the other part

Whereas in addition to agreement executed in pursuance of the  
provisions of rule 11 of the Haryana Development and Regulation of Urban  
Areas Rules 1976 (hereinafter referred to as the Rules ) and the conditions  
laid down therein for grant of license the owner shall enter into a bilateral  
agreement with the Director for carrying out and completion of the development  
works in accordance with the license finally granted for setting up of a group  
housing colony on the land measunnng \_\_\_\_\_ acres  
falling in the revenue estate of village distnct AND WHEREAS the bilateral  
agreement mutually agreed upon and executed between the parties shall be  
binding on the owner

**Now this deed of bilateral agreement witnesses as follows**

1 In consideration of the Director agreeing to grant license to the  
owner to set up the said colony on the land mentioned in Annexure to Form LC  
IV and on the fulfillment of the conditions of this bilateral agreement the owner  
his partners legal representatives authorized agents assignees executors etc  
shall be bound by the terms and conditions of this bilateral agreement executed  
by the owner here under covenanted by him as follows

- (a) That in case of group housing adequate accommodation shall be  
provided for domestic servants and other services population of  
economically weaker section and number of such dwelling units  
shall not be less than 10% of the number of main dwelling units  
and the area of such a unit shall not be less than 140 square feet  
which will cater to the minimum size of the room along with bath  
and water closet
- (b) That all the buildings to be constructed shall be with the approval  
of the competent authority and shall conform to the building bye  
laws and regulations in force in that area and shall conform to the  
National Building Code with regard to the inter se distances  
between vanous blocks structural safety fire safety sanitary  
requirements and circulation (vertical and horizontal)



- (c) That adequate educational health recreational and cultural amenities to the norms and standards provided in the respective development plan of the area shall be provided by the owner

The owner shall at his own cost construct the primary cum nursery school community buildings/dispensary and first aid centre on the land set apart for this purpose or if so desired by the Government shall transfer to the Government at any time free of cost and thus set apart for primary cum nursery school community centre buildings/dispensary and first aid centre 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. No third party right shall be created without obtaining the prior permissions of the Director Town and Country Planning Haryana Chandigarh. The colonizer shall construct all the community buildings within a period of three years from the date of grant of license

- (d) (i) That the owner undertakes to pay proportional external development charges (EDC) for the area earmarked for group housing scheme as per rate schedule and conditions annexed hereto
- (ii) That the rates schedule and terms and conditions of external development charges as mentioned above may be revised by the Director during the license period as and when necessary and the owner shall be bound to pay the balance of the enhanced charges if any in accordance with rates schedule and terms and conditions determined by him along with interest from the date of grant of license
- (e) That the owner shall not be allowed to recover any amount whatsoever on account of internal community building from the flats holders/plot holders @ Rs \_\_\_\_\_ per gross acre which is a tentative charges only for construction of a portion of the total community buildings
- (f) That the owner shall ensure that the flats/dwelling units are sold/leased/transferred by him keeping in view the provisions of the Haryana Apartment Ownership Act 1983
- (g) That the owner shall abide by the provisions of the Haryana Apartment ownership Act 1983
- (h) That the responsibility of the ownership of the common area and facilities as well as their management and maintenance shall continue to vest with the colonizer till such time the responsibility is

transferred to the owner of the dwelling unit under the Haryana Apartment Ownership Act 1983

- (i) That the owner shall be responsible for the maintenance and up keep of all roads open spaces public parks public health services for five years from the date of issue of the completion certificate under rule 16 unless earlier relieved of this responsibility which the owner 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
- (j) That the owner shall deposit 30% of the amount realized by him from flat holders from time to time within ten days of its realization in a separate accounts to be maintained in the Scheduled Bank and that this amount shall only be utilized by the owner towards meeting the cost of internal development works and the construction works in the colony
- (k) That the owner shall permit the Director any other officer authorized by him in this behalf to inspect the execution of the layout and the development works in the plotted/group housing colony and the colonizer shall carry out all directions issued to him for ensuring due compliance of the execution of the layout plans and the development works in accordance with the license granted
- (l) That the owner shall deposit service charges @ Rs 10/ square meters of the total flatted area of the flatted area/total covered area of the colony in two equal instalments The first instalment of the service charges would be deposited by the owner within sixty days from the date of grant of license and the second instalment within six months from the date of grant of the license The unpaid amount of service charges shall carry an interest @ 18% (simple) per annum for the delay in the payment of instalments
- (m) That the owner shall carry out at his own expenses any other works which the Director may think necessary and reasonable in the interest of proper development of the colony
- (n) That the owner shall reserve 15% of the total number of flats developed or proposed to be developed for allotment to economically weaker section categories and the area of such flats shall not be less than 200 square feet These flats shall be allotted on the basis of the price charged by the Haryana Housing Board for such sizes/flats in that particular area in the following manner
  - (i) That for the allotment of the flats the owner shall invite applications for allotment through open press from eligible

member of economically weaker section categories as defined by the State Government/Housing Board Haryana. The owner shall also announce the tentative number of flats its price along with sizes available for such sale

- (ii) That if the number of applications exceeds the number of flats the allotment shall be made through the method of lottery/draw by the owner after giving due publicity and in the presence of the representative of the State Government. The successful applicants will be allotted flats after complying with the usual business conditions with regard to the payment of the earnest money and acceptance of terms and conditions of the sale within the stipulated time period prescribed by the owner
- (iii) That the owner while calling the applications for the allotment of economically weaker section/lower income group categories of flats in the group housing colonies shall charge not more than 10% of the total tentative cost of such flats as registration/earnest money
- (o) That the owner shall derive maximum net profit @ 15 % of the total project cost of development of a colony after making provisions of statutory taxes. In case the net profit exceeds 15% after completion of the project period surplus amount shall either be deposited within two months in the State Government Treasury by the owner or he shall spend this money on further amenities/facilities in his colony for the benefit of the residents therein

Further the owner shall submit the following certificates to the Director within ninety days of the full and final completion of the project from a Chartered Accountant that –

- (a) the overall net profits (after making provision for the payment of taxes) have not exceeded 15% of the total project cost of the scheme
- (b) a minimum of 15% in case of economically weaker section/lower income group flats as provided in sub clause (n) have been allotted at the prescribed subsidized price
- (c) the owner while determining the sale price of the flats in open market shall compute the net profit @ 15% and the details of which including the cost of acquisition of land shall be supplied to the Director as and when demanded by him. The total project shall mean a defined phase or a compact area of the colony as approved by the Director

- (d) after the layout plans and development works or part thereof in respect of the group housing 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 owner release the bank guarantee or part thereof as the case may be provided that if the completion of the group housing colony is taken in parts only the part of the bank guarantee corresponding to the part of the group housing colony completed shall be released and provided further that the bank guarantee equivalent to 1/5th amount thereof shall be kept unreleased to ensure upkeep and maintenance of the group housing colony or part thereof as the case may be for a period of 5 years from the date of issue of the completion certificate under rule 16 or earlier in case the owner is relieved of the responsibility in this behalf by the Government However the bank guarantee regarding the external development charges shall be released by the Director in proportion to the payment of the external development charges received from the owner
- (e) that the bank guarantee of the internal development works has been furnished on the interim rates for development works and construction of the community buildings The owner shall submit the additional bank guarantee if any at the time of approval of service plan/estimates according to the approved layout plan In case of community buildings the bank guarantee is based on the interim rate of construction as on 01 01 1995 with an increase in the cost of construction and an increase in the number of facilities in the layout plan the owner will furnish an additional bank guarantee within thirty days on demand

2 Provided always and it is hereby agreed that if the owner commit any breach of the terms and conditions of this agreement or violate any provisions of the Act and rules then and in any such case and notwithstanding the waiver or any previous clause or right the Director may cancel the license granted to him

3 Upon cancellation of the license under clause 2 above action shall be taken as provided in the Haryana Development and Regulation of Urban Areas Act 1975 and the Haryana Development and Regulation of Urban Areas Rules 1976 and all the subsequent amendments made in the Act and rules The bank guarantee in that event shall stand forfeited in favour of the Director

4 The stamp duty and registration charges on this deed shall be borne by the owner

5 The expression the owner hereinbefore used/shall include his heirs legal representatives successors and permitted assignees

6 That any other condition which the Director may think necessary in public interest can be imposed

IN WITNESS WHEREOF THE OWNER AND THE DIRECTOR HAVE SIGNED  
THIS DEED ON THE DATE AND THE YEAR FIRST ABOVE WRITTEN

**WITNESSES**

1	Signature Name Date Address	Signature Name Date Address of the owner
2	Signature Name Date Address	Signature Name Date Designation
1	Signature Name Date Address	
2	Signature Name Date Address	

Director  
Town and Country Planning Haryana Chandigarh  
for and on behalf of the Governor of Haryana

**Observation of the Committee**

The Committee recommends that from LC IV A to Form AC may be substituted according to the substituted rules

**The Department in their written reply stated as under -**

The Suggestion in their may be agreed to

**The Spot Study Visit/Inspection of the Committee on Subordinate Legislation regarding scrutinising the Haryana Cattle Fairs Rules, 1970**

The Committee decided that at the time of scrutinising the Haryana Cattle Fairs Rules 1970 framed under the Haryana Cattle Fairs Act 1970 to make on the Spot Study visit/inspection. Cattle Fairs Ferozpur Jhirka and discuss with the concerned department Officers and General Public regarding the problem faced by the public on the ground level due to prevailing/existing rule. So the Committee will be kept in mind that the rule will be amended suitably and more effectively for the General Public as noted on the Spot Study visit.

The Committee visited the spot study of the Cattle Fairs Ferozpur Jhirka Nuh on 12th January 2017. It was very helpful for the Committee at the time of scrutinise the above said rule.

## **SCRUTINY OF THE HARYANA CATTLE FAIRS RULES 1970 FRAMED UNDER THE HARYANA CATTLE FAIRS ACT, 1970**

The Haryana Cattle Fairs Rules 1970 framed under the Haryana Cattle Fairs Act 1970 and made the following observations/recommendations thereon

### **Rules 2**

2 In these rules unless the context otherwise requires

- (a) certificate writer means a person engaged by the fair officer for the duration of a fair for performing such notions as are assigned to the certificate writer under the provisions of these rules
- (b) Form means a form appended to these rules
- (c) Act means the Haryana Cattle Fairs Act 1970

<sup>1</sup>[(1) Every person selling cattle at a cattle Fair shall obtain a registration certificate from the certificate writer in Form C F R I in respect of such cattle on payment of a fee of [ten rupees] per cattle ]

(2) Every person purchasing a cattle at a cattle Fair shall furnish necessary particulars in respect of the sale transaction to the certificate writer who shall issue to him a sale certificate in Form C F R I on payment of a fee at the rate of [four per centum] of sale price for which the cattle has been sold

### **Observations of the Committee**

#### **Rule 2(a)**

- (i) The Committee would like to know for its information whether the Certificate Writer is the permanent employee of the Government or only appointed for time being?

#### **Rule 2 (1)**

- (ii) The Committee recommends that the fee of registration certificate in Form I need to be substituted as hundred rupees instead of ten) rupees per cattle due to escalation of prices

#### **Rule 2(2)**

- (iii) The Committee recommends that the fee of sale price needs to be reduced from four per centum to two per centum

The Committee also recommends that the fee of sale price needs to be exempted on cow

**The Department in their written reply stated as under**

- (i) Certificate Writer is not a Govt Employee he is appointed only for the time being
- (ii) In view of the recommendation of the committee the increase in fee of registration certificate in Form I is under consideration
- (iii) The fee of sale price is not 4% at present rather it is Rs 50/ for big animals and Rs 50/ for small animals The proposal to increase the fee is under consideration of the Government

**Observation of the Committee**

The Committee would like to know whether the rule 3 is not in existence?

**The department did not send any comment on the observations**

**Rule-4**

4 All fees rents or other sums of money received by the certificate writer shall be deposited by him daily with the fair officer on the close of the day who shall further deposit the same in the Cattle Fair Fund as soon as practicable

**Observation of the Committee**

The Committee would like to know for its information whether the fees or others sums of money received by Certificate Officers in cash or other mode of payment like cheques or Drafts?

**The Department in their written reply stated as under**

Presently the fee or other sums of money is received in cash by the Certificate Writer However there is no bar to received such amounts in other mode of payments



**Rule 5**

5 (1) The sites required temporarily for commercial or other purposes in connection with the cattle fair shall be allotted by the fair officer by auction before the commencement of the cattle fair. The successful bidder shall pay the full amount of the rent offered at the auction at the fall of hammer to the fair officer who shall issue a receipt therefore in Form C F R.

(2) Sufficient number of stand posts shall be provided for the use of people and further cattle through shall be provided for animals.

(3) Sufficient number for latrines, urinals and baths for the use of people attending the fair shall be provided but the location of such Latrines, urinals and baths shall take into consideration the topography of the area. Public latrines and urinals shall not be located within a distance of one hundred yards from the residential area or wells.

(4) Arrangement for water supply for drinking and washing purposes shall be made in the fair area so as to make available adequate quantity of hygienic water supply for human and cattle requirement.

(5) Arrangement shall be made for the disposal of waste water from Public stand posts, liquid and solid wastes from the latrines, urinals and baths and removal of all refuse, garbage and cattle dung.

**Observation of the Committee**

The Committee would like to know for its information whether the rule 5 (1) to 5 (5) is being followed in letter and spirit or any violations are thereof?

**The Department in their written reply stated as under**

In this regard, it is submitted that prior to the year 2006, the cattle fairs were managed by the Govt. through Cattle Fair Officers and the provisions of Rule 5 were complied with in letter and spirit. However, after the year 2006, the management of these cattle fairs have been transferred to the Panchayat Samiti and timely inspection are not being made of these cattle fairs by the State Headquarter Officers. Therefore, it is difficult to state that the provisions of Rule 5(1) to 5(5) is being followed in letter and spirit.

**Rule 6 (1)**

(1) No person shall act as broker in any fair area unless he has obtained a license in Form C F R 3 From the fair officer of that area on payment of a fee of ₹[one hundred rupees]

(2) Every license issued under this rule shall be valid for the duration of the fair for which it is issued and shall be subject to the terms and conditions specified therein.

### **Observations of the Committee**

The Committee recommends that in rule 6 (1) the license fee of broker needs to be substituted due to escalation of prices

The Committee would like to know for its information whether any eligibility or Criteria for a broker to obtain a license in Form C F R 3 ? If so the details thereof may be provided to the Committee

**The Department in their written reply stated as under -**

#### **Rule 6(1) and 7**

Under the new proposal for organizing cattle fairs these fairs would be organized through contractors and there would not be any need of appointing or engaging any broker The proposal is under consideration

#### **Rule-7**

7 (1) Where a fair officer passes an order suspending or cancelling the license of a broker under sub section (4) of section 10 of the Act he shall immediately send a copy of the order to the Deputy Commissioner and shall also serve a copy of the order on the broker concerned

(2) The Deputy Commissioner may suo moto or on an application made to him in this behalf revise any order passed by the fair officer

### **Observation of the Committee**

The Committee would like to know as to whether before passing an order suspending or cancelling the license of a broker the reasonable opportunity of being heard to provide him or not ?

**The Department in their written reply stated as under**

#### **Rule 6(1) and 7**

The proposal for changing the existing system is under consideration

#### **Rule-8**

8 (1) The fair officer shall seize cattle or other movable property in the possession of the person who is about to remove himself from the fair area if he does not pay the sum forthwith on presentation of the bill under sub section (1) of section 15 of the Act and shall prepare an inventory of the seized cattle or other movable property in the presence of two persons

Provided that only such cattle or other movable property shall be seized as may be sufficient in the opinion of the fair officer to realize the sum due from that person

(2) The fair officer shall sell the seized cattle or other movable property by auction after a proclamation about the necessary particulars of such auction

after a proclamation about the necessary particulars of such auction is made by him in the fair area by the beat of drum

(3) At any time before the cattle or other movable property is put to auction the person from whom the sum is due may pay the same whereupon the cattle or other movable property shall be released in favour of that person of the person

(4) The fair officer shall realize the sum specified in the bill presented under sub section (1) of section 15 of the Act from the sale proceeds and shall return the balance to the person whose cattle or other movable property was seized

#### **Observation of the Committee**

The Committee would like to know for its information that how many days the cattle or movable property can be seized by the Fair Officer?

#### **The Department in their written reply stated as under**

Though no such matter came to the notice however it can be stated that the cattle or movable property can be seized by the Fair Officer for the period for which the fair organized i.e. two or three days thereafter the Fair Officer can shall the seized property

#### **Rule 9 (5)**

(5) The Fair Officer may have an imp rest money not exceeding one thousand rupees for meeting the incidental charges connected with the cattle fair All payments upto one thousand rupees may be made by him in cash out of the imprest money All payments required to replenish the imprest shall be drawn by the Deputy Commissioner from the Cattle Fair fund by means of cheques

#### **Observation of the Committee**

The Committee recommends that the limit of an imprest money mentioned in the rule is required to be enhanced on suitably amended due to escalation of prices

#### **The Department in their written reply stated as under -**

The proposal to increase the limit of any imprest money fee is under consideration of the Government as after amendment in the Act a policy shall be framed

#### **Rule 10 (1)**

10 (1) Subject to the provisions of section 6 of the Act no person shall bring any vehicle for business purpose or goods for sale within the fair of area unless he has paid

(i) toll at the rate of two rupees per vehicle and

(ii) Octrol duty at the rates levied by the municipal committee or the notified area committee as the case may be in whose jurisdictional limits the fair area or a part there of is situated

Provided that where the fair area neither falls within the jurisdictional limits of a municipal committee nor of a notified area committee, the rates of Octroi duty shall be such as may be prevalent in the nearest municipality or the notified area as the case may be and approved by the Deputy Commissioner

(2) The toll tax and the Octroi duty shall be collected by the fair officer who shall be assisted by the staff employed in the Panchayat Samiti concerned and in the office of the Block Development and Panchayat Officer

(3) The amount realized by the fair officer as toll tax and Octroi duty shall be deposited in the treasury under the receipt head of the Development Department or any other head as may be specified by the Government

#### **Observations of the Committee**

The Committee recommends that the rate of toll mentioned in the rule is required to be enhanced Rs 50 instead of Rs 2

The Committee would like to know for its information as whether the Octroi duty is in existence in the State or not?

#### **The Department in their written reply stated as under -**

The provision regarding imposing of the toll tax shall be reconsidered Government

#### **Rule-11**

11 (1) The members including the Chairman of the committee under section 5 of the act shall be nominated by the State Government

(2) The members including the Chairman of the Committee shall not be entitled to any allowance or honorarium for attending the meeting of the committee

(3) The meeting of the committee shall be called by the fair officer as and when required by the Chairman of the Committee. The fair officer shall also record the proceedings of each meeting and get them confirmed from the committee

(4) The fair officer shall report to the committee the action taken by him in respect of the recommendations made by the committee

#### **Observation of the Committee**

The Committee would like to know for its information the details of Committees in the State District wise including name of Chairman and Members of the Committees

#### **The Department in their written reply stated as under -**

At present no such committee is in existence

**Form CFR 1****C F R 1***(See Rule 3)*

Book No  
Cattle Fair  
District

Receipt No  
Tehsil

**[REGISTRATION/SALE CERTIFICATE]**

Particulars of the Seller	Particulars of the Purchaser	Kind and Particulars of Cattle
1	2	3
Name	Name	Kind
Father s Name	Father s Name	Color
Village	Village	Age
Tehsil	Tehsil	Horns
District	District	Tail

Any other mark of  
identification

Price for which the cattle has been sold	[Fee Charged from the Seller/Purchaser]
4	5

Dated the

19

Signature of Certificate Writer

**Observation of the Committee**

The Committee recommends that at the bottom of Form CFR 1 the figure mentioned 19 may be substituted figure 20 to make the Form correct

**The Department in written reply stated as under —**

CFR 1 and 2

It would be suitably amended as recommended by the Committee

**Form CFR 2****CFR 2***(See Rule 5)*

Book No  
Cattle Fair  
Tehsil

Receipt No  
Dated the  
District

Received a sum of Rs  
from Shri \_\_\_\_\_ son of Shri \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_ on account of rent of  
the commercial/other sites No \_\_\_\_\_ for the period  
commencing from \_\_\_\_\_ to \_\_\_\_\_

Signature of Fair Officer

**Observation of the Committee**

The Committee recommends that in the second line of the Form CFR 2 the figure mentioned 19 may be substituted figure 20 to make the Form Correct

**The Department in their written reply stated as under —**

CFR 1 and 2

It would be suitably amended as recommended by the Committee

**General Observation of the Committee**

The Committee would like to know for its information that how much amount received against auction and Cattle Fair Fund of the site at Firozpur Zirka Distt Nuh for Cattle Fair

The detailed amount and expenditure may also be supplied to the Committee last 15 years

**The Department in their written reply stated as under —**

General observation

It is submitted that the regarding the amount received against auction and Cattle Fair Fund of the site at Firozpur Zirka would be supplied in due course as it is not being organised by the Panchayat Samiti a detailed report is being taken from Deputy Commissioner Mewat

© 2017

Published under the authority of the Haryana Vidhan Sabha and  
Printed by the Controller Printing and Stationery Haryana Chandigarh