

HARYANA VIDHAN SABHA

Bill No. 4—HLA of 2023

**THE HARYANA DEVELOPMENT AND REGULATION OF
URBAN AREAS (AMENDMENT) BILL, 2023**

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BILL

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

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

1. This Act may be called the Haryana Development and Regulation of Urban Areas (Amendment) Act, 2023. Short title.

 2. For clause (n2) of section 2 of the Haryana Development and Regulation of Urban Areas Act, 1975 (hereinafter called the principal Act), the following clause shall be substituted, namely:- Amendment of section 2 of Haryana Act 8 of 1975.
 - (n2) "Transferable Development Rights Certificate (TDR Certificate)" means the certificate of development rights given to an owner who surrenders such land to vest with the Government without claiming any compensation and such development rights may be sold or traded or auctioned by the owner;".

 3. In section 8A of the principal Act,- Amendment of section 8A of Haryana Act 8 of 1975.
 - (i) for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) The Director may perform all functions under this Act through electronic form and internet or may engage any person or agency to perform such functions on his behalf.”;
 - (ii) after clause (c) of sub-section (2), the following clause shall be inserted, namely:-

“(cc) scrutiny, enquiry, processing or correspondence regarding an application for grant of TDR Certificate and issue, holding, sale, trade or auction of TDR Certificate and its utilisation in part or full along with all other functions appurtenant thereto, as may be specified;”;
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- (iii) after sub-section (2), the following sub-section shall be added, namely:-

“(3) In case the Director engages any person or agency under sub-section (1), a fee may be recoverable from the users for such online function at such rates, in such form and manner, as may be specified. Such fee may be shared with the person or agency engaged. The fee collected under this sub-section shall be maintained in an Information Technology fund created, managed and operated by the Director for Information Technology related expenses.”.

STATEMENT OF OBJECTS AND REASONS

In order to streamline the operationalisation of online Transferable Development rights (TDR) management system, certain amendments in the Act of 1975 have been considered necessary.

The definition of TDR in clause (n2) of section 2 is proposed to be amended to incorporate an enabling provision for transfer/ sale of TDR certificate through sale, trade, auction mechanism, and, to rectify the inadvertent restriction imposed in the definition on geographical location of the buyer of TDR certificate.

Further, existing sub-section (1) of section 8A of the Act of 1975 is proposed to be substituted to allow engagement of professionals or agency by the Director to enable delivery of online functions of the Department. Enabling provision is also proposed to be inserted to enable online processing of TDR application, its online issuance, holding in dematerialized form, its online sale, trade, auction and its utilization (partly or fully) and performing of all other related functions in online mode.

Finally, an enabling provision is proposed to be inserted as sub-section (3) in section 8A of the Act for recovery of fee from users of the online service to be maintained in an 'Information Technology Fund' created, managed and operated by the Director for Information Technology related services.

Hence this BILL.

MANOHAR LAL,
Chief Minister, Haryana.

CHANDIGARH:
The 15th March, 2023.

R. K. NANDAL,
Secretary.

N.B.- The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 15th March, 2023, under proviso to rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

ANNEXURE
EXTRACT FROM THE HARYANA DEVELOPMENT AND REGULATION OF
URBAN AREAS ACT, 1975

Section 2: “(n2) ‘Transferable Development Rights Certificate (TDR Certificate)’ means the certificate of development rights given to an owner who surrenders such land to vest with the Government without claiming any compensation and such certificate may be sold within urbanisable limit of a development plan by the owner;”.

Section 8A: “8A. Online receipt and approval.— (1) All functions performed under this Act may also be performed through electronic form and internet.

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

- (a) receipt or acknowledgement of applications and payments;
- (b) issue of approvals, orders or directions;
- (c) scrutiny, enquiry or correspondence for grant of license, its renewal, transfer or grant of occupation certificates, part or completion certificate etc.;
- (d) approval of plans, estimates, occupation certificates etc.;
- (e) filing of documents;
- (f) issue of notices for recoveries;
- (g) maintenance of registers and records;
- (h) any other function that the Director may deem fit in public interest.”.