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HARYANA GOVERNMENT

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

Notification

The 12th February, 2019

(Policy for Allotment of Government/Land for Social/Religious/ Charitable/Community Purposes to the Trusts/Private Institutions)

No. 310-R-I-2019/1364.—

1. Introduction.

- (i) The State Government has been receiving applications/representations from various religious/social and community groups/charitable Institutions for allotment of Government Departments land to the Trusts/Private Individuals/ other entities for various purposes.
- (ii) The charitable groups fulfill religious/social/community objectives and complement the Government's role in meeting the related infrastructural gaps to meet the needs and aspirations of people from these groups, the Government considers it important that such initiative should be encouraged and considered proactively. The nature of facilities and services provided at such sites are generally non-commercial in nature and, therefore, there is a need for allotment of Government Departments, wherever available and feasible, in favor of such groups at concessional rates. Simultaneously, it has to be ensured that such sites should continue to be used for the specific purpose and facilities created therein should not at any stage be allowed to be misused.
- (iii) Presently, the land is being given on lease to such bodies/entities/ individuals as per policy dated 20.08.2014.

Therefore, there is a need to provide a policy for allotment of land for religious places or community places like Dharamshalas, Janjghars, Baratgher Community Centres etc. by all Government Department. The rates enumerated in the present policy or statutory provisions of the respective departments whichever is higher shall be applicable for the allotment. This policy shall be applicable to all the Government Departments for allotment of land for socio-religious purposes and community places like Dharamshalas, Janjghars, Community Centres etc. The present policy would replace earlier policy dated 20.08.2014 issued by the Revenue and Disaster Management Department for all Government Departments.

2. Short title

This policy may be called the "Policy for Allotment of Government/ Land for Social/Religious/ Charitable/Community Purposes to the Trusts/Private Institutions".

3. Objective

To provide land of any Government Department for Social/ Religious/Charitable Trusts/ Institutions for the construction of worship places/Dharamshalas/ Janjghars,/Baratghar/Community centres etc.

4. Salient features of the policy

The applicant agency should be a registered legal entity e.g. a Society registered under the Haryana Registration and Regulation of Societies Act, 2012; a Trust registered under the Indian Trust Act or a Not-for-Profit company registered as such under the Indian Companies Act, 2013. The other features shall be as under:-

- i. The concerned Government Department would consider allotment of land only at places where the land is available and can be spared for the purpose after meeting the requirements of the Government in the first instance. This policy does not entitle anybody to demand allotment of land for the said purposes as a matter of right in any manner.
- ii. The land of Government Department upto a maximum size of 3000 square meter would be allotted for a place of worship, Community Center/Dharamshala/Janjghar/Barargher etc. No deviation shall be allowed.
- iii. The allotment of land for a place of worship shall be made taking in view the broad composition of different sects/religions at the State/District/Town level with due regard to minority community.
- iv. The allottee agency shall be required to execute a Sale Deed with the concerned Deputy Commissioner/authorised officer, containing the terms and conditions of the Sale and shall be duly registered in the office of the concerned Sub-Registrar, for which the Stamp Duty shall be payable by the allottee agency.
- v. No person shall be denied the use of the facility on the allotted site on the grounds of religion, caste or creed.
- vi. The construction on the plot shall be governed by zoning plan of the site area which shall provide for the building zone, maximum ground coverage maximum height, FAR, parking area, type of boundary wall and gate etc. besides specifying the use of plot or any other terms and condition as prescribed under the relevant law/rules/instructions of the government.
- vii. The buildings on the allotted land shall be constructed after getting the building plans approved from the competent authority. Proper parking facilities shall be developed/made available by the allottee agency.
- viii. The site shall be used only for the purpose for which it is allotted and any violation on this account may entail resumption of the site by the Government without payment of any compensation to the allottee Agency. The allottee agency shall at all times maintain the facility and the surrounding area in good and clean conditions and fit for public use.
- ix. The allottee shall be required to make the facility operational within a period of 3 years from the date of offer of possession of the site, which may be extended further for a period not exceeding two years. The extension shall be permissible only where construction of the facility is under substantial progress at the time of completion of 3 years i.e. atleast 40% construction has been completed.
- x. In case, the site remains unutilized for a period of 3 years from the date of offer of possession, the said site shall be liable to be resumed and the amount deposited would stand forfeited in favour of the concerned department.
- xi. The allottee agency shall not transfer the site in favour of any third party in any manner and no permission shall be granted for this purpose.
- xii. This policy shall be applicable only in respect of the land in the ownership of the State Government/ its Departments.

5. Procedure:

- (i) That the private institutions/entities desirous of getting Government land for Social/Religious/Charitable Trusts/Institutions for construction of places of worship/ Dharamshala/Janjghar/ Baratghar/ Community Centre etc., shall place their requisition on an online portal of the Revenue and Disaster Management Department. Applicant must enclose latest relevant land records containing details of Khasra number, area, kind of land/soil, aksh shijra, field book and latest jamabandi etc.
- (ii) The Revenue & Disaster Management Department shall get the land verified from Department and district Administration and then the concerned department will be asked to call for applications from anyone interested in the same site. The applicant who had applied on revenue Department portal need not apply again since Revenue department would forward their application to concerned department.
- (iii) Concerned department shall invite applications for the same site from other agencies in this regard through notice on the web portal of the department concerned.
- (iv) The Department concerned shall then process all applications received on the department portal. The applications shall be sent to Deputy Commissioner concerned who shall satisfy himself about the capability of the applicants with regard to running of the project and then make specific recommendations in this regard to the Divisional Commissioner and the Administrative Secretary with cogent reasons.

In case, the land is in the name of a department other than that of the Haryana Government/Provincial Government in the Revenue Records (which vest in the Revenue Department of the State), the Deputy Commissioner shall associate the concerned Head of the Office of such department in the district in the process of allotment

- (v) The Deputy Commissioner shall keep the following in mind while assessing merit of the applicants:
 - (a) The Deputy Commissioner shall assess the availability of land and certify that the subject land is not required for any Government office or any of its agencies or any other government scheme and is available for allotment without any encumbrance.
 - (b) That the applicant organization has minimum 3 years standing as a registered organization under the Haryana Registration and Regulation of Societies Act, 2012, Indian Trusts Act, 1882 or a Not-For-Profit Company registered under the Companies Act, 2013.
 - (c) The organization has a good track record in the related field.
 - (d) He shall also examine last 3 years duly audited and properly maintained accounts statements, income tax returns and published Annual reports and would ensure that the organisation has proof of at least one third of total funds required for investment of land and building in the said project. Once the above steps are completed, the Deputy Commissioner, shall get a site map prepared, showing therein its location the dimensions of the site area, and the approach to the proposed site. The Deputy Commissioner shall thereafter forward the application to the concerned Administrative Secretary through Divisional Commissioner alongwith his recommendations for taking a decision in the matter.

6. The Divisional Commissioner shall examine the case through a Committee comprising of Deputy Commissioner, representative of the concerned department, Sub Divisional Magistrate, SE PWD (B&R) and District Revenue Officer of the Division and submit its recommendations to the concerned Administrative Secretary. He shall give specific recommendations about the credentials of the applicant/ applicants.
7. The concerned Administrative Secretary shall, in turn, obtain the orders/approval of the Minister concerned and CMM.

8. Sale Consideration

The rates for transfer of land for various purposes will be as under:-

| Sr. No. | Nature of facility | Area | Tentative rate of sale |
|---------|--|---------------------|--|
| 1 | Religious/community sites- the land of Government Departments for the purpose of worship (Mandir, Gurudwara, Masjid, Church etc.) and for Community Dharamshalas/Janjghars/Baratghar/ Community Centres etc. | Upto 3000 sq. meter | <ul style="list-style-type: none"> ❖ Upto 2000 square meter, the rate shall be 50% of the collector rate. ❖ 2001 to 3000 square meter, the rate shall be 100% of the Collector rate. |

9. Registration of Deed.

A Sale Deed shall be executed between the Deputy Commissioner, or any other authorised Officer on one hand and the authorised signatory of the allottee agency on the other, and should be duly registered in the office of the concerned sub-registrar at the cost of allottee agency.

Note:-

The terms and conditions as mentioned above shall be in addition to the departmental specific terms and conditions as imposed by the concerned Administrative Department as per statutory provisions of the relevant Act/Rules. All the concerned departments are required to make provisions in their Acts/Rules/Policies in conformity with this policy.

10. Special Provision.

Besides above, in case of emergent social responsibility or need which is not covered under the above provisions of this policy, the Deputy Commissioner shall forward a proposal to the concerned Administrative Secretary for approval of the cabinet. The Deputy Commissioner while sending the proposal shall assess the availability of land and genuineness of the demand of the allottee agency.

For other purposes, the Departments would continue to be governed by the provisions of the Acts/Rules/Policies in force at present of the respective departments.

Chandigarh:
The 8th February, 2019.

KESHNI ANAND ARORA,
Additional Chief Secretary and
Financial Commissioner to Government Haryana,
Revenue and Disaster Management Department.