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HARYANA GOVERNMENT
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

Notification

The 6th February, 2017

No. 273A-R-5-2017/884.—

1. This policy may be called the policy for purchase of land voluntarily offered to Government for development projects Short title.
2. This policy aims at preventing distress sales of lands by farmers and at involving the landowners in decision making while locating the sites of development projects in the State of Haryana. Objective.
 - (a) The two objectives are sought to be achieved by establishing a mechanism whereby (a) a farmer before considering distress sale is assured of approaching the Government as a potential buyer for its projects;
 - (b) The Government can elicit if some landowners would be so keen about the benefits of a particular project that they would be willing to sell their land to Government for it.
3. In this policy unless the context otherwise requires means: Definitions.
 - (1) **“Aggregator”**: a person registered under the Haryana Regulation of Property Dealers and Consultants Act, 2008 and rules made thereunder and is empanelled by the Designated Agency on its portal for aggregating lands of various landowners who are desirous of voluntarily selling their land (partly or completely) for a development project;
 - (2) **“Committee of Secretaries”**: means the committee of officers to examine land purchase proposals of departments under the policy;
 - (3) **“Designated Agency”**: means Haryana State Industrial and Infrastructure Development Corporation who shall be the designated agency under the policy. The agency shall provide an online portal and consultancy support to all the departments of the State and also conduct empanelment of aggregators;
 - (4) **“Facilitation charge”**: means a service charge to be paid to: (a) aggregators for the service of aggregation of land;
(b) to Designated Agency for service of facilitating purchase of land for public/private projects.

- (5) **“High Powered Land Purchase Committee”**: means a committee having power to finalise the rate for purchase of land for Government under the policy (Constitution of Committee at Annexure-C);
- (6) **“Land Owner”**: means and includes any person whose name is recorded as the owner of the land in the land records of the State and is not a mortgagee.

4. Part A.

Landowners decide to sell their lands due to various reasons. Sometimes, farmers are forced by their circumstances to go in for distress sales. These sales are below the market price. The inefficiencies in the land market can particularly enhance the number of such cases during times of economic slowdowns. A distress sale may be prevented if an opportunity is created whereby a landowner may attempt to obtain a better price by offering the land for consideration of the State Government for its public projects. The mechanism for the same shall be as under:

- (1) **Online portal for taking applications**: An online portal shall be created where any land owner may at any time make an offer to sell his land. The applicant must enclose relevant land records and quote their expected rate while submitting online application. Every offer shall be duly acknowledged.
- (2) **Eligibility conditions**: (a) The offered land shall be free of all encumbrances;
 - (b) all the landowners irrespective of the extent of their respective shares and all the tenants, if any, shall apply jointly;
 - (c) there shall be unambiguous entries in the owners and cultivators column in the State Land Records in favour of the applicants;
- (3) **Documents to be filed with application**: (a) land records (copies of Jamabandi, mutation, sale deeds, khasra girdawari, aksh shijra, field book);
 - (b) Undertaking of the tenant (if any) that he understands that the acceptance by the Government of the offer to sell the land would bring his tenancy to an end and that he has no objection to it
 - (c) pendency of no litigation declaration;
 - (d) indemnification undertaking against any further litigation.
- (4) **Intimation to departments**: Every offer of land registered on the portal shall be informed to all Government departments by the designated agency;
- (5) **Scrutiny of offers**: Concerned departments shall examine the offer and decide whether it meets with any of their present or future requirements for public projects. Department shall inspect the site and ascertain reasonability of rates within six months;
- (6) **Effecting the purchase**: Any Department desirous of proceeding with purchase shall seek through the portal any better offers that anyone in the vicinity of the area may like to make within two weeks. After this, the Department shall approach the Committee of Secretaries for scrutiny of their proposal along-with details of the offer. Upon clearance by the Committee of Secretaries, department shall put up the case for effecting the purchase to High Powered Land Purchase Committee at the finally negotiated rate;
- (7) **Sale and transfer of possession**: Immediately upon finalisation of purchase, the LoI (letter of intent) shall be issued by department to the applicant(s) to complete the sale transaction. Release of payment to applicant(s) shall be done at the time of registration. Possession shall be taken by department immediately.

5. Part B

The decision to site a development project in a particular location is usually taken on official files without any public consultations. This process is usually opaque and can often result in arbitrariness.

The Government has, therefore, decided that as far as possible, while locating future projects, all Departments/Boards/Corporations shall publicize its requirement of area of land for a project over the widest possible range, irrespective of the number of village(s) or municipal wards.

Departments shall first elicit if some landowners may be so keen about the benefits of the project that they may be willing to voluntarily sell their land to Government for it. The mechanism for the same shall be as under:

- (1) **Advertisement**: Administrative Department shall indicate its intention to locate development project in the technically widest feasible region through newspapers and the online portal of the Designated Agency. Online portal shall be open for receiving offers for 30 days.
- (2) **Eligibility conditions**: (a) The entire land shall be free of all encumbrances;

- (b) application must be made by an empanelled aggregator or by all the landowners, irrespective of the extent of their respective shares including the tenants, if any jointly;
 - (c) there shall be unambiguous entry in owners column in the State Land Records in favour of the non aggregator applicants;
- (3) **Documents to be filed along with application:** (a) land records (copies of Jamabandi, mutation, sale deeds, khasra girdawari, akshshijra, field book) ;
- (b) Undertaking of the tenants (if any) that he understands that the acceptance by the Government of the offer to sell the land would bring their tenancies to an end and that they would have no objection to it;
 - (c) pendency of no litigation declaration;
 - (d) an indemnification undertaking against any further litigation;
 - (e) in case of aggregator, besides above mentioned documents, a copy of licence under the Regulation of Property Dealers and Consultants Act, 2008 and copy of registered agreements of aggregator with landowners.
- (4) **Scrutiny of offers:** Department can take aid of Designated Agency i.e. HSIIDC in evaluation of the bids/offers. Administrative departments shall provide such consultancy charges to Designated Agency for this assistance as may be decided by the Government from time to time. All bids/offers shall be evaluated in respect of requirement of the department, land records, agreements with tenants and/or agreements with landowners. All sites passing initial scrutiny shall be got physically inspected by the department. Department shall examine the reasonability of rates.
- (5) **Effecting the purchase:** In case, the department takes a call to proceed with purchase, the department shall approach the Committee of Secretaries for scrutiny of the departmental proposal along with details of eligible sellers and aggregators. Upon clearance by Committee of Secretaries, department shall put up the case for effecting the purchase, to the High Powered Land Purchase Committee at the finally negotiated rates.
- (6) **Sale and transfer of possession:** Immediately upon finalisation of purchase, the LoI (letter of intent) shall be issued to Aggregator or the landowners, as the case may be, to complete sale transaction. In case purchase is through Aggregator, the aggregator shall be responsible to produce all the landowners within appointed timeframe to execute the sale deed in favour of department. Release of payment to landowners shall be done at time of registration. Facilitation charges as decided by Government from time to time, shall be paid to the aggregator which shall be released after completion of registration, mutation and delivery of possession. Possession shall be taken by department immediately.
- (7) Third party evaluation/assessment of policy shall be conducted after one year of implementation.

ANNEXURE - A

Empanelment of Aggregators

1. Aggregators shall be empanelled by Designated Agency by online application method. Empanelment shall be open round the year.
2. The aggregator shall be a person registered and holding Licence under the Haryana Regulation of Property Dealers and Consultants Act, 2008 and rules framed thereunder.
3. Aggregator shall comply with all the terms and conditions of the empanelment that may be prescribed by the Designated Agency.
4. Terms and Conditions of empanelment of aggregators shall, among other things, include clauses to ensure that aggregators make registered agreements with landowners, appropriate security is deposited by aggregator, aggregator facilitation charges, provision for black-listing for violation of terms of empanelment, etc.

ANNEXURE B
Committee of Secretaries

1	Chief Secretary	Chairperson	
2	Administrative Secretary to Government Haryana, Revenue Department.	Member	
3	Administrative Secretary to Government Haryana, Finance Department.	Member	
4	Administrative Secretary to Government Haryana, Law and Justice Department.	Member	
5	Administrative Secretary to Government Haryana, Town and Country Planning Department.	Member	
6	Administrative Secretary to Government Haryana, Industries Department.	Member	
7	Administrative Secretary to Government Haryana, Forest Department.	Member	
8	Administrative Secretary of the concerned Department.	Member	
9	Head of Department of the purchasing Department	Member Secretary	
10	MLA of the concerned area	Member	
11	Deputy Commissioner of the concerned district	Member	

Note: The Chairperson may co-opt/invite any other officer/ expert to be a member of the committee to participate in its meeting.

ANNEXURE C

High Powered Land Purchase Committee

Sr. No.	Minister	Position
1	Minister, Revenue and Disaster Management	Chairperson
2	Minister, Finance	Member
3	Minister, Town and Country Planning and Urban Estates	Member
4	Minister, Public Works (B&R)	Member
5	Minister, Industries	Member
6	Minister, Development and Panchayats	Member
7	Administrative Secretary to Government Haryana, Town and Country Planning Department.	Member
8	Administrative Secretary to Government Haryana, Finance Department.	Member
9	Administrative Secretary to Government Haryana, of the purchasing Department	Member Secretary
10	Administrative Secretary to Government Haryana, Industries Department.	Member

Note: The Chairperson may co-opt/invite any other officer/ expert to be a member of the committee to participate in its meeting.

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