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Housing Development Policies for Urban Areas in Punjab Since 1995

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Urbanization has been taking place at a rapid pace but urban areas in our country are facing severe shortage of adequate shelter, food and other basic services like potable water, well laid out drainage system, sewerage network, sanitation facilities, electricity, roads and appropriate solid waste disposal. Adequate and appropriate shelter has become the biggest problem for the underdeveloped countries. On the one hand, it requires huge investment but on the other, it is absolutely necessary to have the housing sector developed for the country's development. Thus, a consistent and integrated policy is essential for a well-planned housing that can increase national productivity, economize on urban space and that minimize the cost of urban infrastructure as well.¹

To fulfil these objectives, National Urban Housing and Habitat Policy 1998² was framed, aiming at providing a suitable environment for the growth of housing activity rather than take on the task of housing. It also stressed on promoting sustainable habitat in the country with a regional planning approach in order to ensure equitable supply of land, shelter and services at affordable prices to all the sections of the society. To achieve these objectives, it recommended the state governments to retain their role in providing social housing and encouraged them to prepare their own Urban Housing and Habitat Policy as well as the Action Plans. The initiative has also been taken to promote public-private partnership in both rural and urban housing sectors. In recent times, housing has become largely a private sector activity.³

Position in Punjab

Central Ministry guides and advises the state level agencies in bringing about balanced regional development and developing ecologically sound habitat. Execution of various policies and projects is the function of the State Town Planning Departments as they are considered to be in a better position to visualize the spatial dimensions of planning and development⁴.

In the State of Punjab, till 1995, development activities were undertaken by Punjab Housing Development Board under an array

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of legislations. Punjab Regional and Town Planning and Development Act was passed in 1995 to make urban planning and development a unified 'single business' by interlinking land development and house construction activity in order to facilitate optimum utilization of the valuable asset of urban land. To carry out the provisions of the Act, the Punjab Regional and Town Planning and Development Board and Punjab Urban Planning and Development Authority (PUDA) were established.

PUDA is the chief agency for carrying out the physical development within the overall Regional Plans and Master Plans approved by the Board⁵ and notified by the Government. Development of urban estates, other areas and construction of houses continues to be its major activity. The enforcement of Regional Plans and Master Plans outside the municipalities is also the responsibility of PUDA. Chapter V of the Act provides for acquisition and disposal of land⁶ and Chapter VI describes the power to evict persons from premises of the Authority.⁷ Chapter XII deals with the functions related to Town Development Schemes⁸ and chapter XIII relates to levy, assessment and recovery of development charges and betterment charges.⁹

Till 2009-10, about 60 building designs of different categories of houses, commercial and public buildings in SAS Nagar, Ludhiana, Jalandhar, Patiala, Sangrur, Kapurthala, Bathinda districts had been prepared. Similarly, about 50 schemes for providing residential accommodation and commercial facilities to various sections of society had been initiated.¹⁰ Development controls for optimum utilization of vacant government lands were also specified through zoning plans of 25 social housing/plotted development schemes, 30 commercial and 40 institutional sites.

Chapter XIV (repealing and replacing Punjab Scheduled Roads and Controlled Area (Restriction of Unregulated Development) Act 1963) relates to the Scheduled Roads in the State of Punjab.¹¹ There are 24 scheduled roads in the State of Punjab. (Annual Report 2009-10). Table 1 shows the number of cases of unauthorized construction along scheduled roads of the state of Punjab detected up to 2009-10.

The data in Table 1 presents a very dismal picture as out of 6491 cases, total pending cases were 6283(96.7%), which shows that action has been taken only in 208(3.3%) cases. By 2010, though the number of cases detected decreased and action being initiated in various cases, still pending number of cases remained 3353(95.8%).

To prevent unregulated and haphazard growth and ensure healthy and planned development on the periphery and around the

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TABLE 1. PROGRESS OF STOPPING UNAUTHORIZED CONSTRUCTION ALONG SCHEDULED ROADS

Year	Total No. of Cases detected	Decision Pending	Demolition Orders Issued or Unauthorized Construction Removed
2004-2005	6491	6283	208
2009-2010	3497	3353	144

SOURCES: PUDA Annual Report, 2004-05 and 2009-10.

Chandigarh city, Punjab New Capital (Periphery) Control Act, 1952¹² was brought into force. Till 2000, no activity other than agriculture was permitted but it was observed that number of structures came up in the periphery in violation of the restrictions imposed under this Act. Table 2 provides number of such violations detected and action taken upto 2009-10.

TABLE 2. PROGRESS UNDER PUNJAB NEW CAPITAL (PERIPHERY) CONTROL ACT, 1952

	2004-05	2009-10
Cases Detected	1067	1111
Cases filed after hearing	44	65
Demolition orders issued	603	682
Pending Cases	420(40%)	364(32.8%)

SOURCES: Annual Report, 2004-05 and 2009-10, PUDA.

Table 2 reveals that during 2004-05, 1067 cases were detected out of which 44 cases were filed after hearing and in 603 cases, demolition orders were issued. It is a matter of concern that on the remaining 420 (40%) cases no action has been taken so far. During 2009-2010, 364(32.8%) cases were pending.

In 2001, Punjab Government granted general amnesty to all such structures which had come into existence up to 7th December 1998. Moreover, keeping pace with the changing times, New Periphery Policy, 2006 was drafted, which permitted certain low density areas to take care of essential needs and to develop new urban centres in identified areas of the periphery. An area of 10,000 acres in the periphery has also been declared as a free enterprise zone, thereby, permitting change of land use from agriculture to industry.¹³

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Similarly, Table 4 shows the number of applicants for registration as Estate Agents for the years 2004-05 to 2009-10.

TABLE 4. INFORMATION REGARDING LICENSES ISSUED TO ESTATE AGENTS

Name of the Zone	Receipt of Applications		Licenses Issued	
	2004-05	2009-10	2004-05	2009-10
SAS Nagar	423	525	423(100%)	525
Patiala	57	79	57(100%)	79
Bathinda	47	58	45(96%)	56
Ludhiana	292	292	292(100%)	292
Jalandhar	62	72	62(100%)	72
Total	881	1026	879(99%)	1024

SOURCES: PUDA Annual Report, 2004-05, 2009-10.

It is evident from Table 4 that out of 881 applications received, 879(99 %) applicants had been issued licenses up to 2004-05. In 2009-10, the number rose to 1026 applications and 1024 applicants were issued licenses. In all the zones except Bathinda (96%), all(100%) applicants have got the licenses. Table 5 reveals the number of cases of detection of violations.

Table 5 shows significant number of violations. On inquiry, the authorities told that legal action had already been initiated in such cases. In 15 per cent of such cases, penalties imposed had been paid by the violators. 40 per cent of the cases were sub-judice whereas in the remaining 45 per cent cases, show cause notices have been served.

In 2001, under the Punjab Apartment and Property Regulations Act, 1995 norms (for Group Housing/ Multi-Storeyed Flats and for framing Architectural Controls of Commercial Buildings / Sites falling in Approved Colonies within Municipal Limits) were laid and guidelines for examination of Layout Plans of colonies up to 10 acres were issued and were revised in 2004.

In 1995, Punjab Apartment Ownership Act¹⁸ was framed aiming at providing the ownership of an individual apartment in a building together with an undivided interest in the common areas and facilities to make it heritable and transferable and to enforce obligations on promoters and apartment owners. The Act provides for protection of the interests of apartment owners; formation of Association with

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TABLE 5. NUMBER OF UNAUTHORISED COLONIES DETECTED

Name of the Zone Unauthorised Colonies	2004-05	2009-10
SAS Nagar	245	334
Patiala	512	635
Bathinda	330	404
Ludhiana	292	762
Jalandhar	798	620
Total	2177	2755

SOURCES: PUDA Annual Report, 2004-05 & 2009-10.

apartment owners as its members for administration of the affairs of the apartments; management, upkeep and maintenance of the building and also prescribes a simplified procedure for settlement of disputes between promoters and apartment owners. It became operational in June 2005, which reveals sorry state of affairs i.e. it took ten years for the Government to operationalise the Act framed in 1995.¹⁹

PUDA has been encouraging people to form Co-operative Societies for undertaking multi-storied housing projects. Land under such projects is provided at subsidized rates. Private participation in the development of prime sites under Optimum Utilization of Vacant Government Land Scheme (OUVGL) has also been encouraged. A proposal for policy framework to create high quality urban infrastructure including real estate components such as integrated townships, shopping malls, luxury hotels, IT parks, leisure and entertainment facilities, etc. is also underway.

Analysis

On analyzing the various policy measures taken by Punjab it can be inferred that though Punjab Government has not evolved any Housing and Habitat Policy at the State level so far but the Act serves as a guiding force for planning as well as implementation of the plans. PUDA had been created to resolve the problem of overlapping roles and functions of the multiple authorities engaged in enforcing urban laws and carrying out the related policies of the Government.

Various legislations discussed above have failed to fulfil their objectives as these have mainly concentrated on development of plots

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and not houses for EWS/LIG sections. It was after 10 years since its inception, i.e. in 2006, the Guidelines for Planning of Mega Residential Townships Projects have been introduced stressing on demarcating the land for EWS houses in the Residential Development Projects. But these houses/flats have failed to attract the common man because of their exorbitant price, thus, most of these projects are facing resource crunch and are running into losses. Some of the societies had been able to attract the clients but lack of sewerage and other facilities as no developmental work has been carried out and the areas become virtual hell during rainy seasons.

Punjab New Capital (Periphery) Control Act, 1952 has not been able to check unplanned construction around the Capital, Chandigarh. Population of the city is ever increasing and majority of the people are unable to afford housing on account of its high cost and have shifted to villages in the vicinity of the city as well as had created several unplanned and unauthorized colonies. In 2006, new Periphery Policy has been notified²⁰ permitting the setting up of institutions related to education, health, etc with low density of built-up area, within the Periphery, apart from permitting activities related to leisure and tourism.

Punjab Apartment Ownership Act, 1995 was made operational only in 2005. The progress under Punjab Apartment and Property Regulation Act, 1995 has been very slow as no colony has been completed till date. The power to plan initially was with the High Powered Board but now the State Department of Housing and Urban Development has been entrusted with this power. The enforcement function is of the PUDA, which makes it over dependent for want of directions and guidance. Moreover, within PUDA, all the powers are vested with the top functionaries, who are mainly bureaucrats on deputation with an uncertain and often short tenure. They are unable to understand the functioning of such highly technical organization dealing with planning and development of urban areas, which often leads to conflict with technocrats manning various positions. Dearth of adequate staff particularly at the lower level has further aggravated the problem as the government is reluctant to fill up the vacant posts. Thus, it shows apathy on the part of Authorities towards implementation of the Acts effectively.

Suggestions

It is suggested that housing policy be made an integral part of the overall urban development so as to evolve a multidimensional approach aiming at providing affordable houses to all, particularly

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for the economically and socially weaker sections of the society as has been mentioned in the housing policy of the Government of India.

Exhaustive, innovative and need based planning and management measures with flexible approach are required to cope with the pressure emanating from urban expansion, changing lifestyles and population growth. Realistic and feasible rather than idealistic and value-loaded objectives be framed.

Many legislations either have not been strictly implemented or still waiting government's approval. Such a delay is seriously hampering the successful completion of many projects aimed at triggering housing and urban development in the State. Thus, time frame and responsibility be fixed, penalty or appropriate action be chalked out to ensure the strict adherence to such policies, Acts and rules-regulations made thereunder.

Consolidation of laws is needed and for that purpose laws dealing with different aspects of development need to be processed so that the provisions of many statutes dealing with one branch of the law be reduced into the compass of one statutory enactment of law.

With the amendment in the Punjab Regional and Town Planning and Development Act 1995, powers of the Punjab Regional and Town Planning and Development Board have been taken over by the State Government, thus, leaving it toothless. The Board should be given ample powers to carry out the technical functions involving planning and preparation of various plans for ensuring planned urban development in the State.

To make it achieve its mission with excellence, PUDA needs to be made a truly effective body for bringing about overall planned urban development in the State.

Footenotes

¹Planning Commission. (2002). *Tenth Plan Approach on Urban Development*. Urban Housing and Urban Poverty. New Delhi : Government of India.

²Ministry of Housing and Urban Poverty Alleviation (1998). *National Housing and Habitat Policy*. p.13-20. New Delhi: Government of India. It was revised in 2005 and re-revised in 2007

³*Ibid.* National Housing and Habitat Policy laid greater stress on the aspect of 'Habitat' as a supplementary focus to quality and cost-effective housing especially to vulnerable sections of society.

⁴*Ibid.*

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⁵Punjab Urban Development Laws (1999). Punjab Regional and Town Planning and Development Act, 1995 and Punjab Regional and Town Planning and Development (Amendment) Act, (2006). Chandigarh : Haryana Rent Reporter. Till 2005, Punjab Regional and Town Planning and Development Board approved the plans but from 2006, the State Government approves and notifies the plans.

⁶*Ibid.* Section 42. (1) (2), 43, 44 and 45.

⁷*Ibid.* Section 46, 47, 48

⁸*Ibid.* Section 91(1).

⁹*Ibid.* Section 139-142

¹⁰*Ibid.* Punjab Urban Planning and Development (Building) Rules, 1996 under Section 180 and Section 42(2) of the Act.

¹¹*Ibid.*

¹²Department of Housing and Urban Development (1952). *Punjab New Capital (Periphery) Control Act*. Chandigarh : Government of Punjab.

¹³PUDA (2004-05 and 2008-09). *Annual Report*, Mohali.

¹⁴*Op.cit.* 5, Punjab Regional and Town Planning and Development Act, p.165; National Housing Policy 2005 has also stipulated a larger role for the private initiative.

¹⁵Government of Punjab (1995, August). *Punjab Apartment and Property Regulation Act*. p.165 replaced the repealed Punjab regulation of Colonies Act, 1975.

¹⁶*Op.cit.* 5, section 289. For the purpose of this Act, a colony is defined as an area of more than 1000 square meters (sq. mts.), which is divided or proposed to be developed into plots for residential, commercial or industrial purpose. Sub division of plots longer than 1000 sq. mts., therefore, need a license.

¹⁷Punjab Apartment and Property Regulation Rules. (1995, November). Apartment building comes under the purview of this Act if the number of apartments is eleven or more.

¹⁸Department of Housing and Urban Development (1995). *Punjab Apartment Ownership Act*. Chandigarh : Government of Punjab.

¹⁹PUDA (2009-10). *Annual Report*, Mohali

²⁰Government of Punjab, 2006. *Periphery Policy 2006*, Department of Housing and Urban Development, Housing Branch 2, Chandigarh stressing on adequate provisions for public utilities and services and special care to ensure that housing needs of EWS are catered to.