

From

The Chief Administrator,
Haryana Urban Development Authority,
Sector-6, Panchkula.

To

1. All the Administrators of HUDA.
2. All the Estate Officers of HUDA.

Memo No. A-Pwn-2009/UB-II/ 21403-25

Dated: 11.06.2009

Subject: CWP No. 3199 of 2008 –Formulation of Policy under section 43 of the Persons with Disabilities Act 1995.

In compliance of directions dated 21.01.2009 passed by the Hon'ble Punjab & Haryana High Court in CWP No. 3199 of 2008 titled as Handicapped Welfare Group Housing Society Ltd. Panchkula V/s State of Haryana. The Hon'ble High Court has directed to formulate an appropriate Scheme under Section 43 of the persons with disabilities (Equal Opportunities, Protection in Rights and Full Participation) Act, 1995 casts which reads as under:-

*“43. Schemes for preferential allotment of land for certain purposes:
- The appropriate Governments and local authorities shall by notification frame schemes in favour of persons with disabilities, for the preferential allotment of land at concessional rates for-*

(a) house

(b) setting up business;

(c) Setting up of special recreation centres;

(d) establishment of special schools;

(e) establishment of research centres;

(f) establishment of factories by entrepreneurs with disabilities.”

2. It is intimated that HUDA has already formulated Policy guidelines for reservation of 1% residential plots upto 8 Marla category for Blinds and 1% for Disabled Persons. 10% subsidy is also provided in the rate of allotment of such earmarked plots. As per provisions of EMP-2005, 2% of Industrial Plots upto 500 sq. mts. are reserved for the Entrepreneurs with Disabilities. 10% subsidy is also provided in the rate of allotment to such persons. Further, HUDA has formulated a policy for leasing out of Creche/School Buildings constructed by HUDA in various Urban Estates and community buildings constructed by HUDA in villages within HUDA sectors to reputed NGOs for running of

Creche/School for special children and for undertaking welfare works in villages. The policy was circulated vide memo.no.4611 dated 20.02.09.

3. However, there is no policy of HUDA to earmark commercial, institutional and recreational sites for the persons with disabilities. Therefore, following policy decisions have been taken:-

A. **Commercial sites:**

- (i) 2% of commercial sites designated as Kiosks and Booths in Shopping Centres shall be reserved for the persons with disabilities.
- (ii) The above reservation of sites shall be done in all the Shopping Centres in all the Urban Estates where more than 50% of total commercial sites designated as Kiosks and Booths are un-sold and are available for allotment.
- (iii) The commercial sites so reserved for persons with disabilities shall be allotted on the reserved price fixed by HUDA.
- (iv) The applications for allotment of commercial sites earmarked for persons with disabilities shall be invited through advertisement and in case of more than one applicant for a particular site, the site shall be offered through draw of lots.
- (v) Milk Booth and Fruit & Vegetable shops are earmarked by HUDA in various Shopping Centres which are offered to Government agencies like Haryana Dairy Development Corporation, Mother Dairy etc. 25% of such sites allotted to above agencies shall be offered to the persons with disabilities and a condition to this effect be incorporated in the allotment letter.

B. **Institutional sites:**

- (i) Since, Institutional sites earmarked as Social and Charitable sites are allotted by HUDA only to registered organizations, such sites can not be allotted to individuals. Therefore, no reservation of sites earmarked for social and charitable purposes can be made for persons with disabilities. However, preference should be given in allotment of such sites to the organizations constituted with the persons with disabilities in case of 10% of the advertised sites.
- (ii) In the institutional plots carved out by HUDA in exclusive institutional sectors, 2% plots shall be reserved for organizations of persons with disabilities.

C. **Recreational sites:** Recreational sites such as community centres, Gymkhana Clubs, Auditorium, Sports Complexes, Stadium, Parks etc. are not allotted by HUDA to any of the organization. Therefore, no

reservation can be made in such sites for organizations of persons with disabilities. However, it has been decided that:

- (i) HUDA shall create barrier free environment in buildings constructed by HUDA where handicapped/persons with disabilities can move easily.
- (ii) The entry of persons with disabilities shall be free in the Auditorium and the parks being developed by HUDA.
- (iii) The persons with disabilities will be given 10% concession in the fee prescribed for membership of Gymkhana Clubs and sports facilities developed by HUDA in Sports Complexes/Stadium.

D. **General conditions:** The above mentioned concessions to persons with disabilities shall be allowed to:

- (i) Only the domiciles of Haryana with 70% or above disability;
- (ii) On submission of disability certificate from the Chief Medical Officer of a Govt. Hospital.
- (iii) The allotted sites shall not be transferred by the persons with disabilities for a period of atleast 10 years. Execution of Power of Attorney in favour of any persons for consideration paid either to such persons with disabilities or to any persons on their behalf shall be construed as sale which will result in resumption of plots/sites.
- (iv) The allotment of the sites shall also be governed by the provisions of Haryana Urban Development Act, 1977, Rules and Regulations framed there under.

4. You are therefore, requested that the above decision may be implemented letter and spirit and compliance thereof may be sent to this office.

This issues with the approval of Hon'ble Chief Minister, Haryana-cum-Chairman, HUDA.

(Nadim Akhtar)
Incharge Urban Branch-II,
for Chief Administrator, HUDA

Endst. No. A-PWN-UB-2009/21426-33

Dated: 11.06.2009

Subject: CWP No. 3199 of 2008 –Formulation of Policy under section 43 of the Persons with Disabilities Act 1995.

Copy of the above is forwarded to the following for information and necessary action:-

1. The Chief Controller of Finance, HUDA, Panchkula.
2. The Chief Engineer, HUDA, Panchkula.
3. The Chief Engineer-I, HUDA, Panchkula.
4. The Chief Town Planner, HUDA, Panchkula.
5. The Legal Remembrancer, HUDA, Panchkula.
6. The Senior Architect, HUDA, Panchkula.
7. The Enforcement Officer, HUDA, Panchkula.
8. The Dy. ESA, HUDA, Panchkula.

(Nadim Akhtar)

Incharge Urban Branch-II,
for Chief Administrator, HUDA