

Resolution to regulate the transactions
of the business of the committee
under Rule 11 of the Gujarat
Regularisation of Unauthorised
Development Rules 2011

Government of Gujarat
Urban Development & Urban Housing Department
Block No. 14, 9th Floor, Sachivalaya, Gandhinagar.
Resolution No.PRC-102011-5319-L

Dt.05-03-2012

: RESOLUTION:

The State Government resolves to frame the following regulation for transaction of business of the committee constituted under section 10(1) (vi) of the Gujarat Regularisation of Unauthorised Development Act 2011, for the purpose of rule 11 of the Gujarat Regularisation of Unauthorised Development Rules 2011

1 Short title and commencement

- (1) These regulations may be called the regulations for the transactions of the business of the committee.
- (2) It shall come into force on date of this resolution

2 Definitions

- (1) In these regulations, unless the context otherwise requires:-
 - (a) 'Chairman' as decided by the State Government as per the notification issued under rule 11 of the Rules 2011
 - (b) 'Clear days' means exclusive of the day of issue of a notice or a intimation and of the day of meeting.
 - (c) 'Act' means the Gujarat Regularisation of Unauthorised Development Act 2011
 - (d) 'Rules' means the Gujarat Regularisation of Unauthorised Development Rules 2011

3 Meeting of the Committee

- (1) Place, Time and Agenda of meeting
 - (a) The Committee may sit either at the headquarters of the Chairman or at any other place within the limits of his jurisdiction which he

may deem convenient for the consideration and decision of any matter before such Committee.

- (b) The Member Secretary shall with the approval of the Chairman make such arrangement with respect to the day, time and place and issue notice for the meeting of the committee, as it thought proper and necessary, subject to the following provisions;
 - i. The Committee shall meet and adjourn as it thinks proper with due regard to the dispatch of business
 - ii. The Committee, may fix the day and time of the next meeting.
 - iii. The Member Secretary may at the instance of the Chairman or with the approval of Chairman or on requisition by three members call a special meeting.
 - iv. Every meeting shall be presided over by the Chairman and in his absence any member chosen by the members present at the meeting shall preside.
 - v. All questions at a meeting shall be decided by a majority of the members present and in case of equality of votes the person presiding shall exercise a casting vote. Invitees shall not have the power to vote.
 - vi. Where any member of the Committee ceases to act the Committee shall proceed with business in hand till a new member is appointed. It shall not be necessary to transact any business de-novo by reason of such change in the constitution of the Committee.
 - vii. The chairman may call invitees, not more than two, one of which shall be an expert in the field of urban planning.

(2) Notice of the meeting and Quorum

- (a) The member secretary shall send the agenda of meeting to all the members seven clear days before the meeting. In case of special meeting the time period of may be reduced to two clear days. No business shall be transacted which is not in the agenda.
- (b) No business shall be transacted by the Committee unless 2/3 of the members are present. The decision of the Committee shall be on voting and the majority votes shall be considered for the decision.

(3) Records of minutes of meetings:

- (a) The minutes of the proceedings of the preceding meeting may be circulated previously and shall be confirmed at the next meeting and shall be recorded in a book provided for the purpose.
- (b) If any member present draws attention of the chairman to any portion of the minutes of the proceedings of the previous meeting as being erroneously entered in the minute's book, such amendment

as the chairman deemed proper shall be made before the minutes are signed.

(c) Against all resolution passed at meeting a remark shall be made in the minutes of the meeting mentioning it is passed by majority or is passed unanimously as the case may be.

(d) The decisions shall be in writing which shall be final and binding on all persons.

(4) Salaries and Compensation

(a) The State Government may, for members other than the Government Officers, from time to time, by an order in writing, determine the salaries and compensation remuneration either by way of monthly salary or by way of fees or partly by way of salary and partly by way of fees.

(b) The member secretary may with the approval of the chairman, make expenses for the meetings and other expenses incidental to the transaction of business.

(c) Unless the State Government otherwise determines, the expenses for the salaries or remuneration of all other expenses incidental to the working shall be defrayed out of the funds of the concerned Designated Authority.

4 Duties of Committee

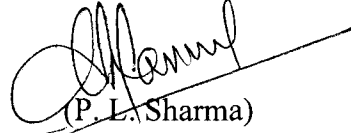
(1) As soon as possible, from the receipt of the particulars and documents from the Designated Authority, the committee shall examine the papers. and based on which, the committee shall decide the names of the persons to be called for an hearing. However in development where more than one owners or occupiers have applied to regularise the unauthorised developments, then in such cases, the committee may decide to call for hearing all the owners or occupiers in a group hearing. The committee may also decide, as deems fit, to call any other person for hearing.

(2) The member secretary of the committee shall, in consultation with the chairman, decide the date and time of the hearing for the cases which are referred by the designated authority for non-compliance of direction to provide parking within such distance not exceeding 500 mtrs. from the unauthorised development and issue a notice or notices to the owner or owners or occupier or occupiers or to any other person, decided in (1) above asking them to produce before the committee the evidences, documents, reports with regard to the genuineness of the efforts put by them to provide required parking facility within the unauthorised development or within its 500 meters.

- (3) On the instance of the notices the committee shall give hearing and examine the efforts made by the owner/occupier to purchase or acquire land for parking. The Committee may make such hearing by clubbing one or more applicants for unauthorised development and conclude the extent of deficit parking which could not be provided within the unauthorised development or any other land within 500 mtrs. from said unauthorised development.
- (4) The Committee may also examine the additional parking requirement within area. Such area may include a stretch of street or any other area within its vicinity which is facing problem of traffic congestion in general and parking in particular. This shall be in addition to the estimated deficit parking.
- (5) While giving recommending options to provide parking, the Committee shall look into the following factors and suggest as it deems fit:-
- i. Constructing high density mechanized vertical parking or satellite parking or any other innovative parking mechanisms.
 - ii. Availability of suitable plots within 500 mtrs from the unauthorised development or beyond. If necessary, make site visits, call on the officials of revenue department.
 - iii. Suggest to acquire land which may include private ownership or may be a government land or to reserve the land required for parking if required to be developed in phased manner.
- Provided that, in case where the deficit parking does not exceed 25% of the required parking for that building unit or 200 sq,mtr whichever is more, the committee may opt to recover the fee at twice of the jantri rate for such deficit parking.
- (6) The Committee shall conclude to give option which shall include the location of the land, extent of parking which can be provided and estimate cost of such option which shall include the cost of land acquisition or jantri whichever is higher and construction cost of parking. Such cost shall be calculated as if it was to be created at the place of unauthorised development.
- (7) The committee shall conclude the proportion of the rights for the parking of each of the owners or occupiers of the unauthorised development which such parking facility and decide the amount of fees to be charges. Such fees shall be calculated based on the rates notified.
- (8) The committee shall, while recommending options to the designated authority, in its report mention the names of owners or occupiers, their proportionate rights in the parking facility, the fee they are required to pay, the estimate cost of parking facility, location and area of the land

to be acquired or to be reserved. Also in its report mention any aspect other than specified parking facility.

By order and in the name of the Governor of Gujarat,



(P. L. Sharma)

Officer on Special Duty & Ex-Officio Joint Secretary to
Government of Gujarat
Urban Development & Urban Housing Department

To,

- Secretary to H.E the Governor of Gujarat, Rajbhavan, Gandhinagar (by letter)
- P.S. to Hon. Chief Minister, Gujarat State, Gandhinagar
- P.S. to Hon. Minister (UD & UH Deptt.), Sachivalaya, Gandhinagar
- P.S. to Hon. Minister (Panchayat Deptt.), Sachivalaya, Gandhinagar
- P.S. to Hon. Minister (Revenue Deptt.), Sachivalaya, Gandhinagar
- All department of Schivalaya, Gandhinagar.
- The Chief Town Planner, Gujarat State, Gandhinagar
- The Senior Town Planner, North Gujarat Region, Multistoried building, A wing, 6th Floor, Ahmedabad.
- The Senior Town Planner , South Gujarat Region. Vadodara. Kuber Bhavan, I-Block, 8th Floor, Room No. 802, Kothi Compound, Vadodara.
- The Senior Town Planner , Saurashtra-Kutchh Region, RUDA Building, 6th Floor, Rajkot.
- All Municipal Corporations
- All Urban/Area Development Authorities.
- All District Collector & Prant Officer
- The Director of Municipalities, Gujarat State, Gandhinagar (to inform all the Municipalities which are designated as area development authority)
- All The District Development Officer
- All Branches of UD & UH Department
- Select file
- DSO select file