

## **How Administrative Potpourri is Affecting Slow Growth in Housing and Urban Development of Punjab (India): A Study and Reflection of Two Decades**

The year 1995 made a historic landmark in the housing and urban development of the Punjab state in India by making a comprehensive legislation – “The Punjab Regional and Town Planning and Development Act” which paved the way for the establishment of *Punjab Urban Planning and Development Authority* (PUDA), which emerged by changing the status of “Punjab State Housing Board”; and “Directorate of Housing and Urban Development.” PUDA is an apex institution in the state to meet the challenges of urban growth by providing a workable framework for overall planned development. *Punjab Regional and Town Planning and Development Board* also known as “High Powered Board”, is entrusted with the objectives of guiding and directing state level urban planning or setting up of new township authorities, both at the macro and micro levels (region, area, or city wise development etc.) in the state. A broad explanation can be kept in view that the so called High Powered Board is a policy making body and the implementation of the policies so framed rests with PUDA. It must be mentioned here that the state “Department of Housing and Urban Development” also has its own role in various considerable matters. The period between the last two decades bore witness to the set up of six regional or district level authorities also, vested with the implementation of different policies, master plans, mega-housing projects etc. The delegation to district level authorities was intended for better housing and urban development infrastructure in the state, however, various factors emerged alongside which impeded growth in some parts of the state. One of the major reasons was the reverting of major powers of the High Powered Board to the state department in the year 2006, and from this year onwards some other changes had also taken place which resulted in slow growth. This investigation reveals that organizational structure of the various bodies has created an administrative potpourri, thereby resulting in the slow growth of housing and urban development in the state. Since policy makers at the higher level may not have the necessary information or are aware of the local problems, apart from little or no technical know-how etc. Thus, implementation gets hindered by non-coordination causing delay in decision making; non-completion of projects within due time; litigation in some parts of the state etc. as revealed by the resulting data. Suggestions for bringing innovation in the practices and structuring have also been made in the present paper.

### **Introduction**

Town and Country Planning Organization described the plan as the one which reflects the main lines of housing policy for the areas; for the balance between conservation, improvement, redevelopment and new development and the timing of making housing schemes under any of these heads having important effects on the provision of land that needs to be made and on the pattern of communication.<sup>1</sup>

Describing the role of planning in development, various studies termed plans as the foundation of the superstructure of development comprising land, housing, infrastructure and construction, which can either act as a barrier to the new initiatives or can become a catalyst

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<sup>1</sup> Town and Country Planning Organization (1997). Master Plan Approach in India and Other Countries. *Master Plan Approach : Efficacy & Alternatives*, New Delhi: Government of India, pp.37-38.

for a new generation of changes.<sup>2</sup> Urban planning occurs at not only at the city, metropolitan, state, regional, national levels but also for smaller areas within cities. These include residential neighbourhoods, institutional complexes such as hospitals and universities, and public plazas and buildings. In the twentieth century Delhi, Chandigarh, Bhubaneswar and several other new towns such as Jamshedpur are some of the important towns built according to well conceived Master Plans.<sup>3</sup>

But it has been lamented that planning usually begins after much of the physical layout has been set and after the pattern of land use been affected by uncontrolled developments. Thus, the accomplishments through planning are greatly circumscribed as a result of costly mistakes of the past. However, contextualism substitutes such pattern of development for another that is timely, more gentle as the planner tries to understand, cure, and improve what already exists. The presence of the past is a character which transfers immediately to the spiritual.<sup>4</sup> In brief, this is an exercise of state's inherent authority to have recourse to such measures as may serve the basic common moral and material needs. Planning to this end is as old as the government itself and is the very essence of an orderly and civilized society.<sup>5</sup>

Throwing light on the advent of urban planning in India, Town and Country Planning Organization maintained that although planning of towns and cities in India dates back to Vedic times, town planning as a conscious and accepted government responsibility and as a specific professional discipline is of relatively recent age.<sup>6</sup>

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<sup>2</sup> Jain,A.K. (2003, April). Making Planning Responsive to and Compatiable With Reforms. *The International Journal of Urban Policy'*CITIES', 20 (2) , Great Britain: Elsevier Science Ltd, pp.143-145

<sup>3</sup> *ibid.*, p.807.

<sup>4</sup> Mapelli, G.Elizabeth (2001). *Urban Environments*. United Kingdom, Chichester :John Wiley &Sons Ltd.

<sup>5</sup> *The Encyclopaedia Americana*(2003). International edition, Volume-27 of 30 volumes set, U.S.A.: Groler Incorporated.

<sup>6</sup> Town and Country Planning Organization(1997). Master Plan Approach in India and Other Countries.*Master Plan Approach: Efficacy & Alternatives*, New Delhi: Government of India, pp.23-24.

The broad categories of key actors who are involved in the planning process can be identified as the State, the professionals (planners, architects and contractors), the interest groups (economic development agencies and community representatives etc.), the development industry (the land, property and construction sectors), the wider stakeholders (citizens, business and cities). The interaction between these actors, and between them and the context within which they operate, shape the highly political process of planning.<sup>7</sup>

### **Housing and Urban Development Policy Framework**

In the early history of our community, majority of the houses were built by the people themselves, and were built with reference to their personal needs and the needs of their families without any profit motive. Later, small building firms entered the field with profit as their primary motive and service to the purchaser or community usually was secondary.<sup>8</sup> With shift in approach, the present global strategy aims at promoting socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all as housing now is being considered a main engine of domestic growth and the anchor of social as well as financial stability, thus is important part of the macro-economic policy.

#### **Position in India**

The beginning of governmental interest in housing legislations can be traced back to the 19<sup>th</sup> century when the problem of sanitation and control over diseases began to impress themselves upon the national conscience. Sanitation and housing were regarded as twin problems which oppressed the homeless poor. Poor sanitation was direct consequence of poor housing. Therefore, the earliest legislation on housing was concerned with sanitation

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<sup>7</sup> Ibid.

<sup>8</sup> Beyer, H. Glenn(1966). *Housing and Society*. New York : Macmillan Company.

conditions. Law is important in planning and planning to be effective, requires the support of law. Legally, the State Legislatures are authorized to enact town planning legislations. Similarly, the National Parliament has the authority under the Concurrent List to enact town planning legislations. The various legislations can be categorized as Municipal Acts, Improvement Trust Acts and Town Planning and Development Acts.

In the early part of the 20<sup>th</sup> Century, town planning was considered a part of the municipal administration but as problems assumed greater proportion, both with regard to the scope and complexity, Improvement Trusts were set up (Mysore : 1903; Bombay : 1908; Calcutta: 1911). These Acts did not intend nor did they provide for comprehensive planning which has come to be accepted as most necessary for directing and regulating urban and regional development. A striking feature of these Acts was that these not only lacked in intent and purpose but also did not feel the necessity of comprehensive planning which has been accepted as an essential requirement.

Although the development schemes for urban areas were drawn up and implemented from the beginning of the five year plans, the need for planned urban development was recognized for the first time in the Third Plan by the Indian Government. Till 31<sup>st</sup> March, 1969, urban development continued as centrally sponsored programme. From 1<sup>st</sup> April, 1969, the responsibility of preparing the Master and Regional Plans was transferred to State governments and the central government was to act only in the advisory capacity as per the statement made in fourth five year plan document (1969).<sup>9</sup>

Recognizing the neglect of integrated urban development planning by the local authorities, the Constitution (74<sup>th</sup>) Amendment Act has included 'urban planning including town planning' and 'planning for economic and social development' among the legitimate municipal functions. It is mandatory for all the States to constitute District and Metropolitan

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<sup>9</sup> Planning Commission(1974).Sectoral Programmes of Development. *Fourth Five Year Plan*, Vol.II. New Delhi : Government of India.

Planning Committees.<sup>10</sup> However, after almost two decades of this Constitutional Amendment very few states have shown earnestness in creating such committees. Thus, integrated urban planning and development with a view to achieving desired social and economic development goals had not received sufficient impetus as desired under the Act.

In the light of new economic and industrial policies; guidelines under various Five Year Plans; 74<sup>th</sup> Constitutional Amendment and consequential legislative changes in the State Municipal and Town Planning Acts, the relationship between the Urban Development Authorities and the local bodies needs to be re-defined as the role and duties of these organizations requires a fresh examination.<sup>11</sup>

### **Research Problem**

In the present paper , an attempt has been made to study the administrative setup in the State of Punjab with regard to urban development and housing. Multiple governmental bodies are leading to haphazard and chaotic planning and implementation in this regard.

The secondary data was collected from various sources like thesis, books, journals, reports, pamphlets, newspapers and information made available on website having either direct or indirect relevance with the present research. Principal published documents like Census of India including Housing; Household Amenities and Assets, relating to different periods; Reports of the Ministry of Urban Development & Poverty Alleviation; Report of Planning Commission(up to eleventh plan); National Housing & Habitat Policy, 1998, revised policy 2005 and 2007; Smarpan; Five Year Plans; relevant material of HUDCO; Punjab State Gazetteer, Punjab Statistical Abstracts for various years; Relevant Acts and Rules & Regulations made there under; Annual Administrative Reports and Annual Accounts Statements of PUDA; Reports of various commissions and committees appointed from time to time by Govt. etc. had also been consulted. The principal source of study had been Punjab

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<sup>10</sup> Town and Country Planning Organization(1997). Town and Country Planning Legislations. *Master Plan Approach: Efficacy & Alternatives*. New Delhi: Government of India.

<sup>11</sup>Planning Commission (1992). *Eighth Five Year Plan Document*. Government of India.

Regional and Town Planning and Development Act, 1995 and also Amended Act, 2006 and various rules and regulations made there under.

## **Position in State of Punjab (India)**

### **General Overview**

In the State of Punjab, under the overall guidelines of central government's housing policy, State Department of Housing and Urban Development alongwith Improvements Trusts, High Powered Board , Punjab Urban Planning and Development Authority , six Regional Development Authorities, 123 municipal councils and 10 municipal corporations<sup>12</sup> and metropolitan committees is engaged in providing housing services and is also responsible for bringing about urban development throughout the State. The composition, powers and functions of each institution had been discussed in the following paras:

- a. The National Housing and Habitat Policy 1998<sup>13</sup> was formulated which envisaged the role of the Central Ministry as a facilitator, enabler and guides and advises the State level agencies in bringing about balanced regional development and developing ecologically sound habitat because State Town Planning Departments are considered to be in a better position to visualize the spatial dimensions of planning and development. The policy was improved upon in 2005 and then in 2007.
- b. Central Ministry of Housing and Urban Development from time to time keeps initiating housing and related schemes particularly for the upliftment and betterment of the socio-economically poor strata of the society

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<sup>12</sup> [pmidc.punjab.gov.in/](http://pmidc.punjab.gov.in/)---Amritsar, Bathinda, Hoshiarpur, Phagwara, Jalandhur, Ludhiana, Moga, Mohali, Patiala and Pathankot districts. Site accessed on 17 june, 2017.

<sup>13</sup> Ministry of Urban Development and Poverty Alleviation(1998). *Housing and Habitat Policy*. New Delhi : Government of India.

A large number of States enacted legislations like Periphery/ Ribbon Development Control Act, Restriction on Land Use Act, Regulation of Building Operations Acts, Prevention of Water Pollution Acts, Urban Land Ceiling Acts, Electricity Board Acts etc. and created special purpose bodies such as Housing Board, Slum Clearance Board, Water Supply and Sewerage Board etc. to tackle the issues related to housing & urbanization. Since, Punjab also had an array of legislations to deal with one or the other aspect of town planning/ development activities, but had no comprehensive planning development law, thus, the need for a comprehensive law was felt but could not be materialized till 1995.

Punjab State consists of five Divisions and twenty two Districts.<sup>14</sup> There are 143 towns, 74 cities and 12278 villages.<sup>15</sup> The density of population covering 1.54 percent of India's total area, Punjab had 2.4 percent of India's population. Comparatively a small state, it is more thickly populated with 484 persons per sq. kms. than the country as a whole which has 264 persons per sq. kms.<sup>16</sup> The total area is of 50,362 sq. kms., out of which 2097 sq.km. is urban area and 48265 sq. Km. comes under rural area. Of the 2,43,59,000 persons in the state, 82,63,000 lakhs i.e. 33.92 percent resided in the urban area . Thus, nearly three persons out of ten persons in the Punjab were city-dwellers and total number of occupied houses were 13,76,189.<sup>17</sup> As revealed by the data, the housing shortage in Punjab had been 0.69 million or 6.9 lakhs.<sup>18</sup>

- c. Since reorganization of the State in 1966, **Department of Housing and Urban Development** is governed by Minister in charge , Special Secretary and Director. Department of Town and Country Planning also works under it.

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<sup>14</sup> Twenty two Districts namely Amritsar, Gurdaspur, Tarn taran sahib (in Majha belt), Jalandhar, Hoshiarpur, Kapurthala, and Saheed Bhagat Singh Nagar (Nawanshahr),(in Doaba belt) and Ludhiana, Ferozepur, Faridkot, Fazilka, Muktsar, Pathankot, Moga, Sangrur, Barnala, Bathinda, Fathehgarh Sahib, Mansa, Patiala and Rupnagar, Mohali (in Malwa belt).

<sup>15</sup> Ibid. Statistical Abstracts of Punjab, 2011-17.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Taken from the website - <http://mhupa.gov.in> . Ministry of Housing and Urban Poverty Alleviation( 2011). Report on Housing Shortage. New Delhi : Government of India .

**It is responsible for <sup>19</sup>:**

- Formulation of regional & urban Development Strategy.
- Preparation of Regional Plans under "The Punjab Regional & Town Planning and Development Act, 1995" for various towns and cities for their orderly growth and development.
- Surveying & Mapping of Regional Planning areas of cities & towns including aerial photography by remote sensing techniques.
- With a view to include private sector for active participation in the urban development State Govt. has approved a number of mega Housing Projects.
- To simplify and quicken the approval of CLU, the Department of Town and Country planning has been designated as the nodal agency.
- In order to encourage and provide social and economic infrastructure the state govt. formulated a policy regarding establishment of hospitals, Hotel and Industry, the department also provides assistance for clearance of such projects
- The department also provides assistance for clearance if sites of industrial units with regard to Master Plan proposals for creating a healthy environment.
- For setting up of Mobile Network towers site clearance is being accorded to various mobile companies.
- Scrutiny of Layout Plans of colonies under The Punjab Apartment & Property Regulations Act & Rules 1995 for promoting growth & Development in the private sector.
- Providing technical assistance to the Department of Industries, Punjab Small Scale Industries & Export Corporation, Punjab Pollution Control Board and the Department of Science, Technology and Environment regarding setting up of Industrial Focal Points and

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<sup>19</sup> Department of Housing and Urban Development , functions, [www.punjabgov.nic.in--site](http://www.punjabgov.nic.in--site) accessed on 18<sup>th</sup> June,2017.



scrutiny from environment angle of cases/projects involving establishment of Industrial units.

- Selection of sites for projects of various Govt. Departments/Agencies and processing of related cases for consideration by the State Land Acquisition Board.
- Planning of surplus Govt. land and properties lying unutilized under OUVGL schemes.
- Preparation of traffic improvement operation schemes of urban areas.
- Providing technical support to the District Administration and Govt. on matters relating to planning and execution of various schemes and projects.
- Advice on building applications referred to by the municipal Authority, Development Authorities, and the scrutiny of cases for sitting of brick kilns, petrol pumps and cinema houses referred by the District Administration.
- Approval of building plans of standalone projects falling out side Municipal Committee / Municipal Corporation limits.

Alongwith the Department development activities were undertaken by various agencies also under the provisions of the following Acts till 1995 :-

- i. Punjab Development of Damaged Area Act, 1952
- ii. Punjab Housing Development Board Act, 1972
- iii. Punjab Municipal Act, 1911
- iv. Punjab Regulation of Colonies Act, 1975
- v. Punjab Slum Areas (Improvement & Clearance) Act, 1961
- vi. Punjab Scheduled Roads and Controlled Areas Act, 1963
- vii. Punjab State Board for Prevention and Control of Water Pollution Act, 1974
- viii. Punjab Town Improvement Act, 1922
- ix. Punjab Urban Estates Development and Regulation Act, 1964

- x. Punjab Water Supply and Sewerage Board Act, 1975<sup>20</sup>
- d. There are seven **Town Improvement Trusts** for cities of Amritsar, Hoshiarpur, Jalandhur, Ludhiana, Patiala, Pathankot and Sangrur. These had been established under the Punjab Town Improvement Act, 1922. Each is headed by a Chairman, members and associate members.
- Functions of the Improvement Trusts:
1. General Improvement Scheme
  2. Street Schemes
  3. Development and Expansion schemes
  4. Housing schemes, Housing Accommodation scheme and Rehousing Schemes
  5. Street alignment and other related matters
  6. Inclusion of localities in the various schemes
- e. Keeping in view the fact that the State Government Departments, autonomous local bodies and Improvement Trusts connected with improvement of housing stock were not in a position to ensure continuing construction activities and spare adequate funds for housing in their budget, **Punjab Housing Development Board** was established in May, 1973 under the Punjab Housing Development Board Act, 1972.<sup>21</sup> It aimed at the speedy implementation of housing

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<sup>20</sup> NCU Report(1988). *National Commission on Urbanization*. Vol. III. New Delhi : Government of India. According to National Commission on Urbanization Report, 1988: The urban development in the state is dealt with by the following departments directly under the charge of Secretary, Local Government and Urban Development Departments namely Town and country Planning Department; Housing and Urban Development Department; Punjab Housing Development Board; Punjab Water Supply and Sewerage Board.

<sup>21</sup> Government of Punjab (1972), Punjab Housing Development Board Act, 1972, Chandigarh : Punjab Law Agency, p. 1. In the statement of objects and reasons it has been mentioned, "The problem of housing is more acute in urban areas.....with the object of tackling this problem the government of India had sponsored a number of housing schemes such as EWS, LIG, MIG. It was however felt that inspite of these schemes, much headway was not being made in the field of Housing. With a view to achieve the aforesaid objects the

programmes. The major task of the Board was to construct houses especially for weaker sections of the society.

Moreover, for generating the required funds for a massive house building programme, it was felt there had to be a close interlink between land development and house construction so as to facilitate optimum exploitation of the valuable asset of urban land.

The overlapping roles and functions of the multiple authorities enforcing various laws and carrying out the policies of the Government without proper direction and control from a central agency had only aggravated the situation.<sup>22</sup> Initially, the State Government attempted to frame a comprehensive Town and Country Planning Bill in 1994.<sup>23</sup> But ultimately Punjab Regional and Town Planning and Development Act was passed in 1995 in order to make urban planning and development a unified 'single business' so that planned development of urbanization in the State could be ensured.<sup>24</sup> In accordance with the provisions of the Act, the Punjab Regional and Town Planning and Development Board<sup>25</sup> and Punjab Urban Planning and Development Authority(PUDA) were established with effect from 1st July, 1995.<sup>26</sup> PUDA is an apex institution meant for meeting the challenges of urban growth and to provide for a workable framework for comprehensive planned development of regions and urban areas in the State.

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conference of Ministers of Housing, Urban development and Town and Country Planning held at Bangalore in June 1979 recommended the statutory State Housing Boards.

<sup>22</sup> Ibid. pp.1-3

<sup>23</sup> NCU (1988), Report of National Commission on Urbanization, 1988, vol.III, New Delhi : Government Of India.

<sup>24</sup> Government of Punjab (2009), In the Statement of Reasons and Objects, The Punjab Regional and Town Planning and Development Act 1995, Chandigarh : Punjab Law Agency, p.1.

<sup>25</sup> Ibid. section 3, The Punjab Regional and Town Planning and Development Act, 1995, Chandigarh : Punjab Law Agency, p.7.

Board consists of a Chairman, Vice-Chairman, a Member Secretary and 12 members nominated by the State Govt. from amongst the ministers including the Minister-in-charge of Housing and Urban Development and Local Govt. and the Secretaries to Govt. of Punjab and other officials and three non-official members nominated by the State Govt. from amongst the persons having special knowledge or practical experience in matters relating to housing, engineering, regional and town planning, development and management thereof.

<sup>26</sup> Government of Punjab (2009), section 17, The Punjab Regional and Town Planning and Development Act 1995, Chandigarh : Punjab Law Agency, p.11-13.

f. **Punjab Regional and Town Planning and Development Board** was set up as a policy making body with a wide base and multi-sectional representation so as to advice the State government, on one hand, and to guide and direct the planning and development process in the State, on the other.<sup>27</sup> The Punjab Regional and Town Planning and Development Board is a policy making body.<sup>28</sup> Twelve ex-officio members<sup>29</sup> from amongst the Ministers and Secretaries of the Departments<sup>30</sup>

The Board, since its inception, had been functioning with the help of one of the Branches of the Department of Housing and Urban Development and the premises and the

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<sup>27</sup> Government of Punjab (2009), section 3, The Punjab Regional and Town Planning and Development Act 1995, Chandigarh : Punjab Law Agency, pp. 7-10.

<sup>28</sup> Ibid. Section 4, p. 7-8.

(Constitution of the Board) 1. The Chief Minister, Punjab and the Minister-in-Charge of Housing and Urban Development respectively acts as the Chairman and the Vice- Chairman of the Board. In case of absence of the Chairman and the Vice Chairman any member can be nominated by the Chairman to preside over the meeting of the Board. 2. The Secretary to Government of Punjab, holding the charge of Housing and Urban Development is Member Secretary of the Board. 3. Provisions regarding the appointment of the members under the sub clauses (a) and (b) of subsection (1) of this section had been notified by the State Government. They shall be entitled to receive such as the State Government prescribes remuneration or allowances or both for the members. 4. The members hold the office at the pleasure of the State Government. Section 5, p.8 of the Act contains the conditions of disqualification for nomination as the member of the Board and Section 6, p.8 describes circumstances under which nominated member have to vacate the office; Section 7, p. 8 describes the powers of the Board to remove the nominated members; Section 8, p. 8, is regarding tendering resignation from the membership of the Board by the nominated members; Section 9, p. 9 is regarding filling up the vacancies.

<sup>29</sup> Department of Town and Country Planning(1995, July), Proceedings of the Punjab Regional and Town Planning and Development Board meetings, Chandigarh : DTCP Office.

regarding composition - Minister of Local Government ,Punjab; Minister of Agriculture and Forest, Punjab; Minister of P.W.D. (Public Health), Punjab; Minister of P.W.D. (Public Works), Punjab; Minister of State for Housing and Urban development, Punjab; Chief Secretary to Government, Punjab; Secretary to Government Punjab, Department of Revenue; Secretary to Government Punjab, Department of Local Government; Secretary to Government Punjab, Department of Rural Development; Secretary to Government Punjab, Department of Environment; Secretary to Government Punjab, Department of Industries.

<sup>30</sup> Op.cit. 27. P.17. Section 15. The Board associates with itself some persons whose assistance or advice it requires in performing any of its functions under the Act. Clause (2) of the same section makes it clear that such persons have the right to take part in the discussions but have no voting right at a meeting.

staff of the office of Chief Town Planner are being used instead of establishing an independent office.<sup>31</sup>

### **Powers and Functions:**

The various provisions of the Act formally prescribe the powers and functions of the Board, which are mentioned below<sup>32</sup>:

1. Advises the State Government and guides and directs the planning agencies regarding planning, development and use of urban and rural land.
2. Determines the regions, cities, towns or a part of a city or a site, for new town.
3. Directs the preparation of Regional Plans, Master Plans and other necessary documents.
4. Ensures coordination in the planning and implementation of physical development programme.
5. Collects, maintains and publishes statistics and monographs on regional and town planning.
6. Performs any other function assigned to it by the State Government from time to time.

### **g. Punjab Urban Planning and Development Authority(PUDA)**

PUDA has a Chairman, Vice Chairman, Chief Administrator, six official and three non-official members (the maximum number of members not to exceed 12).<sup>33</sup>

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<sup>31</sup> Op.cit. 27,p.10. Section 13. State Government on request of the Board may make available staff necessary for the performance of its functions.

<sup>32</sup> Op.cit. 27,p.10. Section 14 of the Act, Functions of the Board.

<sup>33</sup> Op.cit.27, p.11-12.. Section 17,sub section (3), of the Act-The Authority consists of following members appointed by the State Government namely : Chairman, Vice Chairman, Chief Administrator (appointed from amongst the officers of the Government of Punjab having such qualification and experience as prescribed) and not more than 12 and not less than 6 official and non-official members including the Secretaries to Government of Punjab holding the charge of Local Government and Town & Country Planning. The number of non-official members is not to exceed three. Sub – section (4) The Minister -in- charge of Housing and Urban Development and the Secretary to Government of Punjab, holding the charge of Housing and Urban

## With regard to Functions of PUDA

In any large organization, the imperative of efficient management requires that higher echelons concentrate more on strategic decisions and policy making whereas the lower echelons focus on operational decisions and implementation of policies as it requires in-depth knowledge of the subject and managerial skills.<sup>34</sup> Distinguishing between the roles, it has been opined that the detailed administration is considered to be the job of the executive management whereas the board should be concerned with policy and checking results. Thus, the Board's responsibility is to make policies and PUDA<sup>35</sup> is to administer these policies.

The main functions of PUDA as envisaged in the Act are :

- Promoting and securing better planning and development of the areas of the State.
- Acquiring land for building, engineering, mining etc.
- Carrying out the directions of the State Government.
- Taking up the works in connection with the preparation and implementation of Regional plans, master plans and new township plans and town improvement schemes.
- Undertakes the work relating to the provision of amenities and services in the Urban Areas, Urban Estates, promotion of urban development as well as construction of houses. Proposals for housing schemes are prepared by the Zonal Offices and are

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Development respectively were the Chairman and Vice- Chairman of the Authority from 1995 to 2006. But with effect from October 2006, the Act has been amended and renamed as The Punjab Regional and Town Planning and Development (Amendment) Act, 2006 : Chief Minister has become the Chairman and in the composition mentioned in section 17(3), clause (i-a) a Minister, if holding an independent charge will be the Co- Chairman has also been inserted. Following had been the official members:

- ✚ Minister of Co-operation, Punjab(ex-officio)
- ✚ Chairman, Punjab Pollution Control Board(ex-officio)
- ✚ Principal Secretary to Government Punjab, Department of Finance(ex-officio)
- ✚ Principal Secretary to Government Punjab, Department of Local Government. (ex-officio)
- ✚ Chief Town Planner (ex-officio)
- ✚ Chief Administrator (executive head of PUDA)

<sup>34</sup> Second Administrative Reforms Commission (2009, April), *Organisational Structure of Government of India*. 13<sup>th</sup> Report, Chapter 4 , New Delhi: Government of India, p.71.

<sup>35</sup> Op.cit.27, Objects and functions of the Authority-Section 28, pp.14-15.

processed at the Headquarters through its various branches particularly the Technical Branch.

- Promotes research, development of new techniques of planning, land development and house construction and manufacturing of building material
- Promotes companies, associations and other bodies for carrying out the purposes of the act; and
- Performs any other functions which are supplemental, incidental or consequential to any of the functions referred above.
- PUDA is also responsible for the implementation of various laws pertaining to urban development.

#### **Zonal Offices (PUDA) :**

Since the operational area of PUDA is the whole State of Punjab, zonal offices have been established for the adequate coverage of all the twenty two districts. Each is headed by Additional Chief Administrator(ACA) <sup>36</sup> who is responsible for overall functioning and administration of the respective Zone. He is assisted by Estate Officer and Senior Engineer. PUDA had six Zonal Offices located at Mohali, Ludhiana, Jalandhar, Patiala, Bathinda and Amritsar till date.

Each zone is directly responsible for land acquisition, enforcement of regulations and income generation from the sale of plots and houses. Each Zonal Office has four basic branches which are as follows: Administrative Branch, Accounts Branch, Engineering Branch & Estate Office

## **h. REGIONAL DEVELOPMENT AUTHORITIES**

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<sup>36</sup> PUDA(2014), *Annual Reports from 1995 to 2014-15*, p-11-14. S.A.S. Nagar(Mohali) : Punjab Urban Planning and Development Authority.

Observing the annual administrative reports of PUDA from 1995 to 2014 - he is either an IAS or PCS Officer.

Till the year 2006, PUDA was the main body for implementing housing and urban development projects in the State areas other than the city areas. But in 2006, the whole of the State was divided into six regions for the urban and housing development purposes and six regional development authorities<sup>37</sup> were established with the similar composition and functions to be performed within their respective areas as of PUDA namely:

- Amritsar Development Authority
- Bathinda Development Authority
- Greater Ludhiana Area Development Authority
- Greater Mohali Area Development Authority
- Jalandhar Development Authority
- Patiala Development Authority

#### **i. Metropolitan Planning Committees<sup>38</sup>**

The Punjab Government formed 8 'Metropolitan Planning Committees' for the overall and constant development in urban belts of the state in August 2012. These committees have been formed in the districts including Mohali, Amritsar, Patiala, Bathinda, Ludhiana, Jalandhar, Moga and Pathankot.

Composition - All MLAs and MPs of the district concerned, all Presidents of the Municipalities, Mayors of the Municipal Corporations in the district, Principal Secretary to Government of Punjab of local bodies, finance and other departments would be part of the committees.

Functions-

The committees have been formed for the proper execution of development projects besides to monitor the progress of projects.

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<sup>37</sup>Government of Punjab, Punjab Regional and Town Planning and Development Act, 1995, Section 17, sub section (3), Chandigarh : Punjab Law Agency, pp.11-21.

<sup>38</sup> Constitution of India, insertion as article 243 for operating 74<sup>th</sup> Amendment Act, 1992, New Delhi : Publication Cell, Govt. of India.



- These would prepare the draft of district urban development plan keeping in view the matters of common interest between all the urban areas of the district including spatial planning sharing of water and other physical and natural resources. These would also look after the integrated development of infrastructure and environment conservation, the plans prepared at the grass-root level by the concerned Municipality and the extent and type of available resources whether financial or otherwise.
- The committees would also encourage the municipal corporations and the municipalities to expedite the implementation of development projects.

### **Analysis and Suggestions :**

1. **Department of Housing and Urban Development,** Punjab had failed to frame a comprehensive Housing and Habitat Policy till 2008. It was revised in 2016 and renamed as Affordable Housing Policy 2016 .<sup>39</sup> As such urban development and housing activities were being performed on piece meal basis by different agencies. Multiple agencies like High Powered Board and Metropolitan Committees both are engaged in planning. With regard to execution of these plans and projects, PUDA, six regional authorities, town improvement trusts and urban local bodies are doing the job but causing overlapping , confusion, in house fightings , often leading to passing the buck. For example, there is lot of mud slinging between PUDA and Municipal Corporations with regard to maintenance and upkeep of the green areas, parks and also with regard to organizing certain festivals.<sup>40</sup>

Punjab Apartment and Property Regulation (PAPRA) Act, 1995<sup>41</sup> was enforced in October, 1995 and contains provisions with regard to development of Colonies<sup>42</sup> and regulations of

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<sup>39</sup> Government of Punjab (2016), Affordable Housing Policy 2016, Chandigarh : Government of Punjab.

<sup>40</sup> Mohali Bhaskar,( 5 June,2017), *3150 crore ke Karz mein douba gamada MC KO Kaise dega 50 crore har saal?*, Chandigarh : Bhaskar Publications. p. 1.

<sup>41</sup> Government of Punjab (1995, August), Punjab Apartment and Property Regulation Act 1995, Mohali: PUDA, p.165.

Replaced the repealed Punjab regulation of Colonies Act, 1975. The Act aims at regulating the promotion of the construction, sale, transfer and management of apartments on ownership basis, regulating colonies and

Apartment Buildings.<sup>43</sup> **Punjab Apartment Ownership Act, 1995**<sup>44</sup> was framed aiming at securing the interests of apartment owners and also contains a simplified procedure for settlement of disputes between promoters and apartment owners.

PAPRA Act was immediately enforced whereas it took ten years to operationalise Punjab Apartment Ownership Act which reveals the laxity and unwillingness on the part of the government causing unnecessary delay in providing protection to the apartment owners dealing with the private builders and colonizers.

Moreover, Guidelines for Planning of Mega Residential Township Projects had also been made operational in Dec. 2006.

2. In order to promote private construction, the State Government has been allotting residential plots at reserve price so as to provide houses to lower & middle class people. In the urban areas, the **Punjab State Housing Board (PSHB)** during its span of 23 years (from 1972 to 1995) constructed **7600 houses** out of which 50% were for the lower income group and economically weaker section of society. Even after two decades, the Punjab Housing Development Board failed in bringing about a substantial increase in the housing stock especially for the Economically Weaker Sections (EWS) of the society.<sup>45</sup>

3. Under *Own Housing Scheme*, **PUDA** had been able to add housing stock of **20536 houses /flats cum plots , out of which 7434 had been houses** of various categories from 1995 to

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property transactions and provides for registration of promoters and estate agents and enforcement of obligations on promoters and estate agents and for matters connected therewith or incidental thereto.

<sup>42</sup> ibid. [www.puda.nic.in](http://www.puda.nic.in) p2. 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 .

<sup>43</sup> Government of Punjab (1995, November), Punjab Apartment and Property Regulation Rules 1995, Chandigarh : PUDA. [www.puda.nic.in](http://www.puda.nic.in).

Apartment building comes under the purview of this Act if the number of apartments is eleven or more.

<sup>44</sup> Government of Punjab (1995), Punjab Apartment Ownership Act 1995, Chandigarh : PUDA. Punjab Apartment Ownership Rules, 1995 were framed there under and were enforced with effect from 15 October, 1995.

<sup>45</sup> Punjab Gazetteer (Extra) (1995, Feb.22), *Punjab Regional and Town Planning and Development Act*, Chandigarh : Government of Punjab, p.314.

2015. Till 2015, total (since 1972) amounting to 28136 houses cum plots, out of which 15034 are houses and 13102 are plots of various sizes. Out of 15034 houses, only 6391(22.7%) are for EWS and 3370 (12.1%) for LIG category people. Whereas 3359 (11.9%) MIG and 1914 (6.7%) HIG houses have been constructed.

So far 85 projects had been initiated/ completed. These include green parks, shopping / commercial complexes, swimming pool, community centres/ clubs etc. No housing scheme has been assigned by the Punjab Government to PUDA from 1996-97 to 2014-15. 5652 residential plots and 1785bcommercial plots and 21 sites for infrastructural development had been sold under the the Optimum Utilization of Vacant Government Land Scheme (OUVGL).

4. As Puda and high powered board replaced PSHB, the High Powered Board made various regulations to carry out its functions.<sup>46</sup> Planning areas in ten of the twenty two districts of Punjab had been declared and Town Planning Wing of the Housing and Urban Development Department has been designated as Planning Agency since 1995.<sup>47</sup> Various regional plans and master plans had also been approved.<sup>48</sup>

Similarly, proposals like Change of Land Use (CLU) at certain places in Punjab like SAS Nagar, Sohana, Banur, Zirakpur, Bathinda etc. and Draft of Periphery Development Land Use Plan were also approved. Likewise, decisions on some new issues such as expansion of

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<sup>46</sup> Government of Punjab (1995), Punjab Regional and Town Planning and Development Board Regulations 1995, Section 181, Power of the Board to make regulations to carry out the purposes of the Act, Chandigarh : Punjab Law Agency, pp.113-134.

<sup>47</sup> Op.cit.37, Chapter VIII, pp.33-38.

It relates to Planning Areas and Planning Agencies authorises the Board to declare planning areas u/s 56, designation of planning agencies u/s 57; functions of planning agencies u/s 58, p.55. Under the Amended Act, 2006, these have become the powers of the State Government.

<sup>48</sup> Op.cit.37, Chapter IX, pp. 37-41.

It relates to powers of the Board with respect to Regional Plans (section 61 to 69). Chapter X is regarding preparation and approval of master plans u/s 70 to 78, p. 62 – 66. Under the Amended Act, 2006, these have become the powers of the State Government.

Municipal Limits and, fixation of plots sizes in the mixed land – use zone in the Outline Master Plan of some towns were also taken. Town and Country Planning Department, Punjab and PUDA were directed to implement the approved proposals.

The assigning of duties of the Chairman and Vice- Chairman on the lines of Member Secretary under section 12 of the Act<sup>49</sup>, as indicated in one of the meetings of the Board, did not seem to have materialized so far. Moreover, there was no formal functional division of responsibilities between the Members of the Board. Their responsibility was a collective one and all their formal decisions are taken by a majority of votes of the members present at the formal meetings. Though there is a provision for appointing committees under section 16 of the Act but no standing committees have been constituted so far.

5. Town Improvement Trusts also keep initiating new housing or redevelopment schemes as a parallel body .

It is quite evident from the above data that there is administrative potpourri in the State of Punjab with regard to bringing about urban development and provision of housing services. Within the city area, upkeep and maintenance and carrying out development works is the responsibility of the urban local bodies alongwith the metropolitan committees and district administration and also that of Town Improvement Trusts. Planning of urban development schemes is done by metropolitan committees, implementing housing schemes is the responsibility of the Town Improvement Trusts, provision and maintenance of infrastructural facilities is done by urban local bodies, but due to lack of coordination

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<sup>49</sup> Op.cit.37, Section 12, pp.7-10.

Duties of the Member Secretary – He is to arrange for the transaction of the business of the Board, authenticates orders and decisions of the Board and discharge such other functions as may be assigned to him by the Board under section 181 and its regulations,

between these agencies, there is often overlapping and delay in implementation of the schemes.

The composition of the Department, Town Improvement Trust, High Powered Board, PUDA and Regional Authorities reveal that politicians and bureaucrats have been given the maximum representation and are getting undue advantage with the voting rights but the experts in the related fields like Town and Country Planning, architects etc. who are capable of contributing in the discharge of the functions have been given negligible representation [for example-only one or two members out of a total number of eighteen (fifteen permanent and three associate (temporary) members of the Board] and that too without any right to vote.

It was considered that composition should comprise of some political heads/ officials as the majority of the matters have financial implications and an impact on government policies. Undoubtedly, the civil servants constitute a group of trained and experienced persons in various spheres of administration. But their deeply ingrained bureaucratic outlook comes in the way of managing a public enterprise that has to function along commercial lines of operation.<sup>50</sup> The association of civil servants is said to bring about a bureaucratic approach to the problems of the public enterprise, delay in decision making and absence of adaptability. Although significant changes have taken place to professionalize the managing boards of the public enterprises at the national level but the above discussed practice is still prevailing in the state level public enterprises including the organizations under investigation.

In the above set up, Chief Minister of Punjab is not only the political head, who is accountable to the State Legislature for general policy pursued by the Government, but , also, is the political head of the government department, Chairman of the High Powered Board and urban planning and development agencies. In addition to this, from 1995 to 2005,

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<sup>50</sup> World Bank study( 1995), *Bureaucrats in Business: The Economics and Politics of Government Ownership*, London : Oxford University Press, p.1.

for most of the period, he kept the Department of Housing and Urban Development with himself thus, was the Chairman of PUDA also. However, with amendment of the original Act in 2006, Chief Minister has automatically become the Chairman of PUDA.<sup>51</sup> Moreover, the Secretary of the Housing and Urban Development Department is the Member Secretary of the Board and also holds the charge of Vice Chairman, PUDA and regional authorities under the Act. Similarly, five senior ministers including Chief Secretary to Government, Punjab and senior civil servants as its nominated members act as a common link between these bodies. Apparently the above discussed arrangement helps them not only to be in close contact with policy matters (which, of course, they either participate in or decide), but also of the up-to-date progress made in the matters of planning, development and use of urban land in the State. Naturally first hand information on these theoretical and practical aspects of the matter can help in creating in them precision for advising the State Government on one hand and to guide and direct the planning agencies on the other in matters of planned development and use of scarce urban land.

But such a hierarchical arrangement often leads to confusion and chaos. The main drawbacks in the hierarchical channels observed were :

- Insistence on having all information channelled through a single executive preventing the speedy flow of information, and causing delay in the decision-making process. The channel of communication has proved to be an impediment to accurate and free flow of information.
- The principle of hierarchy can be effective if adopted in its true sense with full trust and confidence, but, the climate of trust and confidence appeared to be missing because of lack of harmony and coordination among various agencies both at the HQ

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<sup>51</sup> Op.cit.37,pp11-12..

and between HQ and field offices. Too much reporting to the HQ often leave the field officials constantly worrying with the result that little attention is paid to the actual activities.<sup>52</sup>

- The activities have been grouped together on functional basis. But this has led to generalist versus specialist conflict. Though it is not that grave but at times it does hamper the smooth functioning and also adds bitterness into the relationships.
- Cases of rampant corruption have also been reported . 300 house and plot owners were interviewed and 60% admitted that there was corruption at the lower level of administration whereas 20% said that it was at the middle and higher level. Only 20% either didn't want to say anything as they themselves had never gone to the offices but mostly got their work done by others.

Line and staff conflict also exists though, it is not very acute. The basic cause of friction is that it is difficult to measure the contribution of the staff in comparison to line (which is measurable).

The scheme of delegation of powers has been introduced specifically mentioning the authority and limit on the financial powers. The study indicated that the approach of over-cautiousness by the management was against the basic concept of delegation of powers, which should provide initiative and enthusiasm to the officers. The lower the level of authority, the greater are the restrictions, while the higher the level, the lesser are the restrictions. The main reasons for such a situation are superior's desire for more authority and lack of confidence in the subordinates. It is clearly revealed from the above discussed organizational set up that though administrative principles have been applied aiming at the smooth functioning of these organizations, however, there is visible strong tendency of

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<sup>52</sup> Based on interview with the field officers/officials.

centralization of power and authority at the top. Such an arrangement has restricted the role of lower officials to provide advice and assistance as the opportunities for participation in the decision-making are almost lacking.

On being interviewed, most of the staff members showed helplessness in achieving the goals of the Authority on account of too much of political interference, lack of land or depleting land bank, corruption, lack of promotional avenues, maladies in the bureaucratic system etc. There is a strong need to bring about considerable change in the organizational behaviour of PUDA officers and other functionaries with a view to facilitating the attainment of organizational goals<sup>53</sup>. It can be brought through training, skill development workshops etc.

Moreover over staffing has lead to difficulties in disbursing the salaries and pensions to the extent that government had to sell off/ mortgage some of its buildings including PUDA HQ at Mohali to the bank to raise funds and loans.<sup>54</sup>

Association of powerful functionaries and authorities of the State administration can ensure that the decisions taken by Board and PUDA are likely to be properly and timely implemented and proper co-ordination can also be ensured though too much political interference at times hampers its democratic functioning.

To operationalize the intent of 74<sup>th</sup> Constitutional Amendment Act, 1992 some initiatives are forthcoming in some of the States, but spirited , willfull and concerted efforts are required for ensuring integrated urban development planning.

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<sup>53</sup> Based on interview with the field officers/officials.

<sup>54</sup> e-The Tribune (2013,25 august), **Mohali's PUDA Bhavan mortgaged for Rs 500 cr.,**  
**[wwwhttp://www.tribuneindia.com/2013/20130825/punjab.htm](http://www.tribuneindia.com/2013/20130825/punjab.htm)**



Lack of political will in framing proper policies and faulty implementation on the part of administration has also been blamed for inability to understand the gravity of the housing and required infrastructural problems. The issues associated with slums and slum dwellers, a direct outcome of urbanization have been burgeoning but local bodies as well as state and central agencies are afflicted by a myriad of constraints in meeting out the same.

There should be need based planning rather than to seek political mileage out of such decisions as is often seen that the political boss wants all the developmental work to be carried out only in his constituency and other areas are often neglected. Moreover the official sites of GAMADA, GLADA, ADA shows that there are 318, 2770, 205 unauthorised colonies existing for the past thirty years but no action has been taken so far due to the political reasons.

National Urban Development Policy must be framed in order to resolve the problems of lack of infrastructure and housing leading to creation of squatter settlements. States should also be encouraged to frame their respective policies so as to bring uniformity in the goals, fixing targets, setting their priorities and funding of such projects. Active and continuous involvement of the professionals (planners, architects and contractors), the interest groups (economic development agencies and community representatives etc.), the development industry (the land, property and construction sectors) and the wider stakeholders (citizens, business and cities) with State agencies in both planning and implementation process is required to bring about transparency.

### **Conclusion**

To strengthen urban housing planning and development needs uniformity and streamlining of the policy formulation and implementation throughout the State. There should be a single body guiding and supervising the whole process with other bodies assisting and

supplementing it. There needs to have a balanced mix of the policy framing centralization and area - specific decentralized implementation.