'Land' and 'Colonisation' are State subjects, therefore it is the primary responsibility of State Governments to provide affordable houses to all citizens. However, in order to complement and supplement the iniatives of State Governments and to incentivize and promote the construction of houses, the Ministry of Housing and Urban Poverty Alleviation has been implementing various housing schemes like:—

(i) Jawaharlal Nehru National Urban Renewal Mission (JNNURM) with its two sub-mission *viz.*, Basic Services to the Urban Poor (BSUP) and Integrated Housing and Slum Development Programme (IHSDP);

(ii) Rajiv Awas Yojana (RAY);

(iii) Interest Subsidy Scheme for Housing the Urban Poor (ISHUP);

(iv) Affordable Housing in Partnership (AHP); and

These schemes coupled with other macro economic policies and with the involvement of State Governments, Banks and other Primary Lending Institutions (PLIs) have resulted in reduction of housing shortage in the country.

(d) Government of India does not maintain any annual time series data on allotment/construction of houses for the people of lower category, medium category and prosperous category.

Formation of Regulatory Body for housing sector

3930. SHRI BHARATSINH PRABHATSINH PARMAR:
SHRI MANSUKH L. MANDAVIYA:
SHRI PARSHOTTAM KHODABHAI RUPALA:

Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

(a) the action taken by Government in consultation with State Governments and various stake holders for formation of Regulatory Body for housing sector as on date;

(b) whether Government has sought opinion from State Governments in this regard; if so, the details thereof, State-wise; and

(c) when Government intends to shape out Regulatory Body in this regard, if so, the specific time limits?

THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION (SHRI AJAY MAKEN): (a) Ministry of Housing and Urban Poverty Alleviation has drafted a Real Estate (Regulation and Development) Bill in consultation with all stakeholders *viz.*, Central Government Ministries, State/Union Territory Governments, Consumer Welfare Associations, Real Estate Developers' Associations, etc. for formation of Regulatory Body for housing sector. The said Bill provides for establishment of a 'Real Estate Regulatory Authority' and 'Real Estate Appellate Tribunal' in each State with specified functions, powers, and responsibilities to ensure transparency, quick redressal of grievances and resolution of disputes.

(b) Yes, Sir. This Ministry has taken opinion from State Governments on the said Bill and the same has been considered based on their merits. State-wise comments/suggestions received, are given in the Statement (*See* below).

(c) The Bill is under consideration. However, no time frame for shaping out the Regulatory Body as envisaged in the Bill can be assigned at this juncture.

Statement

State/UT's comments/suggestions on the Real Estate (Regulation and Development) Bill, 2013

States who have supported the Bill

(1) **Madhya Pradesh:** Expressed the view that having a law of this nature is very important and the State will fully support its enactment. It expressed satisfaction that Section 78 (proviso) provides flexibility to the States to enact their own laws. It suggested that the second proviso in Section 78 should be modified accordingly, which has now been deleted.

(2) **Karnataka:** Supported the Bill and written comments on certain clauses of the Bill had been received in that regard. The same have been analyzed and suitably incorporated.

(3) **Haryana:** Expressed that the State will extend its full support for having such an Act. It made certain suggestions on the clauses of the Bill, namely:—

- The terms 'occupation certificate' and 'completion certificate' are needed to be defined separately and distinctively to avoid confusion with such terms used in State enactments.

- The advertisement should specify the cost of the apartment as inclusive of all other costs like parking charges, membership fees and EDC etc. It is suggested that costs must be disclosed as per square foot carpet area to the buyers.

(4) **Bihar:** Expressed support for the enactment of the Bill. It made certain suggestions on the clauses of the Bill, namely:—

- The terms 'occupancy certificate' is to be defined separately and not as one term under 'completion certificate'.

- Addition of the words 'plot or building' to the phrase 'cost of the apartment' for the promoter to accept a sum of not more man 10 per cent of such cost needs to be added in section 12.

- Provision for ten State representatives with rotation of two years should be made for the Central Advisory Council.

(5) **Arunachal Pradesh:** Expressed that there is no objection to the draft prepared by Mo/HUPA and finalization and enactment of the Bill is encouraged for the State which has 26 notified urban centers with rapid growth of urbanization. The State views the enactment of the Bill as a crucial way of regulating its urban areas in a systematic manner.

(6) **Kerala:** Expressed full support to the Bill and some of the suggestions made are:—

- Project size for registration should be further reduced to 1000 square meters or the number of apartments to be constructed does not exceed four.

- The Bill can make a provision to make it mandatory for promoters to be registered. Once they get registered they must be permitted by the Real Estate Authority to update the web sites on real time basis with actual information on company and projects.

- Provision for an Appellate Tribunal at the Centre is not an affordable solution to take up local problems and micro level issues of the State. It is suggested that one bench can be formed at each State to make such decisions more effective.

(7) **Goa:** Expressed full support for the Bill, and made the following suggestion:—

- The provision in the Bill involves urban authorities like Municipalities and Municipal Authorities. However, if the bill has to be enacted in the entire State then it must involve in its jurisdiction both urban and rural areas alike. For this reason, the Bill must cover other authorities like Rural/Village Panchayats to have an effective enactment of the Bill.

(8) **Andhra Pradesh:** Expressed full support on the need for the Bill, and made the following suggestions on its provisions:—

- It was suggested that regional benches can be set up instead of a single Central Tribunal or individual State Tribunal; location of the same can be mutually decided, for example one regional bench for North India and the other for South India, etc.

- It was suggested that the developer must declare to the applicant all items like parking and other common areas along with the cost of the unit; however the developer could be allowed to revise cost subsequently.

(9) **Himachal Pradesh:** Expressed full support to the Bill, and made the following suggestions:—

- The difference between 'advertisement' and 'prospectus' is required to be reflected clearly in the main body of the Bill, as it seems that these terms are used interchangeably at places.

- The Bill does not cover adjudication of disputes with the real estate agents and it is required to make provisions to control their activities since they carry out a majority of real estate transactions.

- It's a possibility that the penalty imposed on the promoter in the case of default can he passed on to the allottee under the guise of costs and overheads. This possibility has to be controlled beforehand.

- Additionally, the State indicated that the State was already fiscally drained and may not be in a position to set up an independent regulatory authority with its own resources, and stated that a clause allowing 2 or more States to set up an Authority together may be: added.

(10) **Rajasthan:** Expressed full support on the Bill and made the following suggestions:—

- The term of the office for the Real Estate Regulatory Authority (Chairman and members) may be limited to three years or sixty years of age, whichever is earlier, with the Government having the power to reduce the term at any time.
- Power of Authority for amicable settlement of disputes between allottees and promoters and allottees themselves has to be provided with a non-obstante clause to make it prevail over agreements signed between parties.
- State representative participation can be further increased in the composition of the Appellant Tribunal by establishing a Bench at every State.
- State representation should be increased in the Central Advisory Council.

(11) **Odisha:** Fully supported the enactment of the Bill and made the following suggestions:—

- Penalty provisions should be made more stringent.
- Appellate Tribunal should be provided to be established at the State level to help address local cases and the draft provisions may be modified appropriately to reflect the same.

(12) **Gujarat:** Expressed full support to the enactment of the Bill and made the following suggestions:—

- As the High Court's exercise jurisdiction above the Tribunals, the first appeal can be allowed in the High Court itself instead of setting up a separate Appellate Tribunal.
- Having Appellate Tribunals would lead to duplication in efforts and further lead to power conflicts in the future. Additionally, anyone failing to comply with the directions of the Tribunal should be levied with heavy penalties especially in Section 51, 55 and 56.
- Capacity Building of professionals like architects, engineers, brokers and developers are required to ensure and enhance professional practice standards.

(13) **Jammu and Kashmir:** Expressed full support to the Bill however indicated that as per the law of the State, this bill cannot be enacted especially the central appellate tribunal, and made some broad suggestions on the clauses of the Bill.

(14) **Assam:** Expressed full support for the Bill and indicated that the Act should be made applicable outside the local body/municipal areas limits as well in peri-urban areas.

(15) **Mizoram:** Expressed full support for the Bill, and expressed that real estate activity in the State is still taking shape and may not be of grave concern as it would be in other developed States. Firm footing in such direction is possible only when the Real Estate sector becomes strong in the State.

(16) **Nagaland:** Expressed full support for the Bill; however it indicated that the State needs some more time to review the revised Bill. The representative indicated that the State will communicate in writing their concerns, if any. It stated that keeping in mind Article 371A of the Constitution of India, it is necessary to review the applicability of the Bill in the State of Nagaland.

(17) **Manipur:** The State representative expressed their full support; however he indicated that large scale real estate development and promoters/developers were not active in the State. Similarly, the size of the land specified in Section 3 proviso (a) for development is yet to take place in Manipur.

(18) **Chandigarh:** Expressed full support on the need for the Bill, and made the following observations on the clauses of the Bill:—

- All areas like Panchayats and other haphazard areas of development (outside municipal boundaries) should be included under jurisdiction of the Authority under Bill.
- Initial, disclosure of the cost of the unit to the buyers is highly essential while registering with the Authority and the same should be stated during the registration stage.
- Real Estate Agents should also be included under the purview of this Act.
- In section 15(2) it should be mentioned that while handling over the physical possession of the area, all common properties (including open

spaces, club houses etc.) must be handed over to the buyer completely, since there is a tendency of developers to keep these areas occupied and impose some charges on the buyers later.

(19) **Tripura:** Expressed full support and indicated that the State has recently finished reviewing the revised Bill. He further added that the State will communicate in writing their concerns/views on the clauses of the Bill, if any.

(20) **Puducherry:** Expressed support for the Bill and stated that that the revised draft Real Estate (Regulation and Development) Bill will regulate the Real Estate sector in a transparent manner and also protect the consumer against unscrupulous developers.

(21) **Meghalaya:** Expressed support for the Bill and stated that the Bill covers all the aspects relating to planning a healthy real estate development in order to increase the housing stock in urban areas and most importantly protecting the consumer interest. However in Meghalaya, housing development by promoter/developer/real estate agent has so far been insignificant and hence there is no specific suggestion to offer. In the present context, there is no need for enforcement of the Act in Meghalaya. However, as and when the need arises, appropriate step will be taken for its legislation.

(22) **Andaman and Nicobar Islands:** Expressed support for the Bill, with some minor suggestions of the clauses of the Bill.

States who have supported the Bill with conditions:

(23) **Uttar Pradesh:** Stated that it would want to strengthen the existing Acts applicable to the State namely, the Apartment Ownership Act.

However, the State has made detailed suggestions on the clauses of the Bill, which has been reviewed and the draft Bill modified to reflect the changes suggested. Important among them being changes in the definition of 'internal development works' and a clause 'power to give directions', which has been modified as suggested.

(24) **Maharashtra:** Stated that it would want to implement its own enactment as a new regulatory Bill has been passed in their Assembly.

The State has been informed that a Proviso to Section 78 of the Draft Bill had been inserted to allow States that have enacted a law for regulating the

real estate sector, and is not inconsistent with the Central Bill, to implement their own enactment.

(25) **Jharkhand:** Shared detailed comments on the various clauses of the Bill, which have been reviewed and the draft Bill modified to carry out the changes as suggested.

Though initially the State had certain reservations on the jurisdiction issue, it expressed support for the Bill during the National Consultation held in April, 2012 (after the insertion of a Proviso to Section 78, allowing States to implement their own enactment), and stated that they would revert back with their detailed suggestions/conditions.

(26) **Punjab:** Suggested that the enactment of this legislation shall result in needless multiplicity of laws overlapping with each other on the same subject. As the proposed Bill itself says that the provisions of the Bill shall be in addition to and not in derogation of the provisions of any other law, it would mean that two laws would be simultaneously applicable to the same subject. It stated that in Punjab, the Punjab Regional and Town Planning and Development Act, 1995 has been enacted and is in operation for comprehensive planning and regulated urban development. For the regulation of real estate sector, the Punjab Apartment and property Regulation Act, 1995 and Punjab Apartment Ownership Act, 1995 are in operation.

However, the State has been has been informed that a Proviso to Section 78 of the Draft Bill had been inserted to allow States which have enacted a law for regulating the real estate sector, and is not inconsistent with the Central Bill, to implement their own enactment.

(27) **West Bengal:** Stated that the West Bengal Building (Regulation of Promotion of Construction and Transfer by Promoters) Act, 1993 takes care of the local diversity, and after careful consideration of the Draft Bill it has decided that West Bengal will continue with its own legislation instead of adopting any Central Act in this field.

The Proviso to Section 78 of the Draft Bill has been inserted to allow States that have enacted a law for regulating the real estate sector, and is not inconsistent with the Central Bill, to implement their own enactment.

States who have not supported the Bill

(28) **Chhattisgarh:** Stated that the subject matter of the proposed Bill is more closely related to 'Land' and 'Colonization' which are included in Entry 18 of the State List. It will therefore be proper if State Governments are allowed to exercise the rights vested in them under the Constitution.

However, the State has given detailed suggestions on the clauses of the Bill, which have been reviewed and the draft Bill suitably modified to incorporate those suggestions.

Also, the State has been has been informed that a Proviso to Section 78 of the Draft Bill had been inserted to allow States which have enacted a law for regulating the real estate sector, and is not inconsistent with the Central Bill, to implement their own enactment.

States not responded to the Bill

Tamil Nadu
Uttarakhand
Sikkim
Government of NCT of Delhi

Instances of migrant grooms abandoning Indian wives

†3931. SHRI MAHENDRA SINGH MAHRA: Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:

(a) the number of the cases in cognizance of Government wherein Indian migrants have married the girls of Indian origin during the last five years;

(b) whether such complaints have also been received wherein the migrant grooms had left behind their married wives in India itself, the details thereof;

(c) whether there is a provision of legal action under the constitution of India against these migrant grooms who have left their wives in the lurch after the marriage;

(d) if so, the number of the migrant grooms against whom action has been taken, the details thereof; and

(e) whether Government has requested the High Commissions of the other countries to track down these migrant grooms?

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†Original notice of the question was received in Hindi.