

PUNJAB SCHEDULED ROADS AND CONTROLLED AREAS RESTRICTION OF UNREGULATED DEVELOPMENT ACT, 1963

Pb. Act 41] SCHEDULED RE.%RICIION or UNREGULATED DEvE.LOPMENT THE PUNJAB SCHEDULED ROADS A-ND CON. TROLLED AREAS RESTRICTION OF UNREGULAT. 2. 3. 4. S. 8. 9. 10. 13. 14. 18. 19. 21. 22. 23

24. DEVELOPMENT ACT', 1063.SVCflüNS. S.•nort tj.l.le aud Qxter,t. Dehntilæ. _ Prohibition to cr re- erect bl-ülrl-mng.s hlong se.hedu]- Ed voadE. m•alaration DE contrnllled aree. !Iuldication etc., controlled urea. Eceefion ur reærcc'-icm of oEe_, in oontE'oLtd I on use lulld cor.lra]led ureus- ant' the grant ot fov elü.- refussl -.tLLTeül-•. Pnwer nc entry •no land nr Infl{llna survey, etc- Appeali- Control by Government. Oftenees und penalties. Offences by companies. Cocnvu:ition or offences. Trial ofeuee "nd provi*ion regarding fine. Sanction of pceseeti0Q. I.Q puma rower lo amend Lhe Schedule. Delegation. Indemnity. Ear of jurisdiction eivil CCILII'U. Üemptions. ol..her Savings. Pawer ruli'i5- SCHEDULE. 193 : Ph Act 411 SCHEDULED ROADS 307 CONTROLLED 4A.XAS or OBVCLOPMZNf 'THE PUNJAB SCHEOUL,ED ROADS AND TROLIED AREAS RESTRICTION OF UNREGU- LATED DEVELOPMENT Acr, 1963. AGI No. 1933). [fleceioed the assent of the President of Indio on the 2nd Nonembe* rnd fiV*t published in the Punjab Governme.nt Gazette (Eatrcordinur.v), Legislative Suppl.earumlt., oi the 30th Nm.rember 1983.1. The Puojah Rudi and AGE. WIlletheT led or ACL 13 at ee.j•b Au 25 by FL.•n.Äb (Add.p•Lio• or acr EO preoene haphazard. and. sub-standard deuglopment \$\$hedlded roads gnd in controlled area\$ in the State of Punjab. BE it enacted bv the Legislature of the State of Punjab in the Four:teenih Year of the Republic of India as follows 1. (1) This Act. may be called the Punjab ShD'E liee and extent. Roads and Controlled Areas Restriction of Unregulated Development Act, 1%-3- of Objec'l a-nd Raas.:ms_ Gu:etta page *Fur Statement 0' GrreiTE (Ectraordinæry.i_ page 'For atld Rea.ß.arl', 19•84, pegcs aab—o. Cotermrtertr Defini 308 NE PUNJAB SCHEDULE.i[i HDA.LTS 11063 ; Pb. Act AND coxTK0LLL.n OF (2) It. extends to the whole 01 the 'Union terci- tory of Chandigarh)

2. In this Act, unless the context otherwise re.quires includes hortie dairy (1) "agriculture" farming, poultry farming and the planting and upkeep of an orchard (Z) "amenity" includes roads, watersupply, street lighting, drainage. sewerage, public parks and any *Aher convenience which the Government may by notiücationoo specify for the puu•poses of this Act , (3) "by-pass" means a t•nad provided as a mgnænt diversion to a schedu3pd road. whether such diversion is situated within at' without the Limits of a authority whether it iF canstmucted before or after the commencement of this Act ; (4) "Commissioner" means a C.qmmissianer OE a Division. and includes. any person for the time being appointed by the Governmenl. by notification to and perform all or any of the power* and functions of the Commissioner under this Ael and the rules made thereunder (5) 'IcontroUed arcs" means an declared under 5ecLion 4 to he a controllGd area (6) rneans the Dlrc•.ctor of Town and Country Planning. ' [Union Territor,• of Chandigarh], and includes: any porson for the time being appoidted h}' the ment by notification ta exerc.i?c and perform an or any of tha powers and functions of the Director under this Act tnd the rules Qrd., I•S. 1963 Pln Act 41] PUNA-B SCH.EOUL.D noajs J 09 DEVELOPMENT made thereunder in rÆpec.t of any schedl-üed foad or controlled area (7) "the Government" : means the : [Cenu•al Go- v emmen (8) "*prescribed" means prescribed by rules made under this Act ; (9) "road reservat.løn, in relation to a schedule& road" means the land whether metalled or unmetalled* which the Governnuent or the Centrel Government or a autho- Tity for the purposes of such raad and the txundacies ot which are demarcated pillars, posts or wires or in any other manner "scheduled -road?" means road stmifled in the Schedule this Act which is wholly situated within the I (Union Territory or Chandigarh], and where. any road \$0 speci- fed is not situated the• portion of such which is situated in the •rtTnion terTi- tory of Chendlgerhl, and Includes a "by- pass"; but does nqt• include any part of such road or portion, not beinr a bye-pas which i\$ in the limits of a authority the purposes of this clause local au*hocityF megns a cantonment board. municipal committee, notified area cornz mittee or an improvement trust-I. (11) "buiming" means any shop, hauge, hat, out. house, she* stable, whether used for the put-p-rse of human habitatlöh or otherwise 'Süb3titutEi worda "Slew the Punâeb eE ML "ate nd Con- current si.lbiæ•te} Be. 1984. 3] O PCN.1Aö ROADS [E%3 Act 41 AND CONT80L.L,m or whether of masonry, bricks, wood,

mod, metal or any other material whatsoever; and includes a wall and a well; "erect or re-erect any building" includes— (a) any alteration or enlargement of any building, (73) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation; (c) the conversion into more than one place for human habitation of a building originally constructed as one such place, (d) the conversion of two or more places for human habitation into greater number of such places.. (e) such alterations of a building as effect an alteration of its drainage or sanitation arrangements, or materially its security, (f) the addition of any rooms, building, or other structures to any building, and (g) the construction of a wall adjoining any street or to the front of the wall of a door opening on such street or land. 1963 : 2b. 41] THE SCHEDULED ROADS AND CONTROLLED AREAS RESTRICTION OF UNREGULATED DEVELOPMENT ACT, 1963

Provided that nothing in this section apply (a) the repair to a building which in existence immediately before the commencement of this Act or any erection or re-erection of such a building which does not involve any structural alteration or addition (b) the erection or re-erection of a building which was in existence immediately before the commencement of this Act and which involves any structural alteration or addition, with the permission of the Director; or (c) the laying of any means of access to road with the permission of the Director (d) the erection or re-erection of a motor-fuel-filling station or a bus-queue-shelter with the permission of the Director]. 4, (1) The Government may by notification declare the whole or any part of any area, adjacent area and within a distance of— (a) eight on the outer sides of the boundary of any town, (b) two kilo-meters on outer sides of boundary or any industrial or housing estate, public institution or an ancient historical monument, situated in such notification to be controlled area for the purposes of this Act. NO 1244. 3 12 TBE. PUNJAB SCHEDULED ROADS AND CONTROLLED AREAS RESTRICTION OF UNREGULATED DEVELOPMENT ACT, 1963

or (2) the Government shall also cause the contents of the declaration made under sub-section (1) to be published in at least two newspapers printed in a language other than English. (1) The Director shall, within three months from the date of the declaration under sub-section (1) of section 4 or within such further period as the Government may allow, prepare plans in the prescribed manner showing the controlled area signifying therein the nature of restrictions and conditions proposed to be made applicable to the controlled area and submit the plans to the Government. (2) Without prejudice to the generality of the powers specified in sub-section (1), the plans may provide for one or more of the following matters:— (a) the division of any site into plots for the erection or re-erection of any building and the manner in which such plots may be transferred to intending purchasers or lessees: (b) the allotment or reservation of land for roads, open spaces, gardens, recreation ground and other public (c) the development of any site into township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out (d) the erection or re-erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around building; and the height and character of buildings (e) the alignment of buildings on any site; (f) the architectural features of the elevation or frontage of buildings to be built on any site; (g) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection or re-erection of buildings and the person or authority by whom such amenities are to be provided (h) the prohibition or restrictions regarding erection or re-erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purpose in any locality (i) the maintenance of walls, fences, hedges or any other structural architectural construction and the height at which they shall be maintained (j) the restrictions regarding the use of any site for purposes other than the erection or re-erection of buildings (k) any matter which is necessary for the planning of controlled area, and for preventing buildings being erected or re-erected haphazardly in such area. (3) The Government may either approve the plans without modifications or with such modifications as it may consider necessary direct the plans with directions to the Director to prepare fresh plans according to such directions. (4) The Government shall cause to be published by notification the plans approved by it under sub-section (3) for the purpose of inviting objections thereon. Tgt PGN.JA8 SCFIP.DULE& 1%3 Pb. Act. 1963 : 2b. 41] THE SCHEDULED ROADS AND CONTROLLED AREAS RESTRICTION OF UNREGULATED DEVELOPMENT ACT, 1963

(5) Any person within, thirty from the date of publication of the notification under sub-

section send the his Id.)jectiona and sugges- tion in writing. jf any, in :especi. such plans and the Director shali the sarne and forward thero Wi Lh his reeornrnendations to the Government. within a *riod o! sixty days frotn tha aforesaid date. (6) The Direr: lor Sha]] gjt'C regsonable oppar. tunities Io every local authnt•jly. within whose loeal lirn.its any land -included in the controlled area is situated, to nuke any representation with respect. to the plans. (7) After considering tho objecuon.E, suggestions and representations, if any, and the or the Director thereon: the Gm:ernrneat shall decide as to the final plans showing the controlled and signifying therein the nature of restrictions and con- ditions applicable to the contt•r.lled {Pea and publish tha same in the Ofieidl Gazet.::- and in suoh other manner gs may be preserihed. (8} Provision rr•ay be mar-1<! by tules made in this behalf with respect to the fomn and content of the plans and with t.o the to be tullowed, and any 'thec matter in with the preparation, bubmission ancl approval of Lhe pkms. (9) the foregoing this section, the Governmenl.. mav direct the Director to furnish such information as the Government. rmay re- quire for the porposc• of approving the plans submitted to it. under this section

6. Except GS ptovided hereüafter.no person shall or bu.dld.i.ne: i..n erect any buiid:ng or make or extend any excavation or lay OLIt an_'lr moans c..f io a road in o. area in accordance wit)! the plans and the (••or.dit.ions referred to in sec- tic-m 5 and with the prepilOL1:; nerrnission the Direc- tqr 1963 Pb. Act 41] PUNJA,b ROADS 315a AND CONTROLLED CNREGVLATSD DEVF.LOYMENT ovided that such permission shah be nees- sery ror erection B)' any budding if such building is used or is tn be used for agricultural pur- pose: . IR purposes subservient to agriculture. (1) No fand the c.ontrolried area shall oa 7. except With the permissicm. of the Director, be used ot land r.contec,tkd areu- purposes other than Ihoso which it was used on th date of publication of il•-e under sub-sectio (1) of section 4. and land w•ähin such controlled area shall be used for til? purposc:s of a charcoal-kiln, potteryuki]n: hmevkiln, brick-kiln or brick field or fo quarrying stone, ba.irt, 31.ul:hi, kankar or for othe similar extrac:tive or ancillary oparation except unde and In accordance with the eonditions of a license from the Director rm payment of such fees and under guc. conditions as may be praseribed. The 01 suoh licences may be made annually on paytr-L..•nt of such fees as may 'be proscribed. Every pet-yolk desiring obtain the per. mission referred {a in section 3 or sectionæ 6 or the Or a licence under y:etiDT', 7 *hall make an application*r. retusaL iri writing the Director in uch and containin such information in respect the land. building, ex. cavation or mean* of acc:ess to a road i.l_) which the applicg bion 75 may be prescribed. Qn of *uch application the Director, after making suoh enquiry as cor.side:23 necessary, Ehall by order in writing either— (u) gram lhE licencc:. subject to such eonditions. if ary. may be specified in the 01 (b) refuse to s.:ea permi:siDfE or Itcnee (3) The shall nct refuse perruissian to th erection or re-erectiun a blâding which was in existenee ih u the date on v;hich a 1 6 SCHEDULÜD (19" Act 'I AND OF the notification under sub.section (1) of section 4 was published, nor shall he any condition in respect of such ergction or unless he is satisfied, after effarding to the applicant an Opportunity ot being heard, that there is a probability that the build- ing will be used. for a purpose, or is designed in a manner* other than that for which it wes used or designed on the date on which the said nattßcation was publhed- (4) kf, at {he expiration of a period of three months after an application under sub-section (D has been made Io the Directoe•, order in writing has beeh passed by the Director, the permtssioh sht!.l: Nithout prejudice to the restrictions and corudit.iens signified in the plans published in the Ohcial Gazette I-mder sub- section ot' section 5, be deemed to have been given without the imp•.sition OK any conditions. The Director shall: maintain such register as may be prescribed with sufficeint particu]ers of all such cases in. which permission or lieenec is given m deemed to have been given or refused by him under this gection, ancl the gaid register be avâilåble for inspection without charge by all persons interested and such persons shall be entitled to take extrae.t6 therotrom. The Director may authorise any per-son to lmd c.t entet into or upon any and or building with ot' with- W,d.ld.mg su.mw, etc- out assistants or workmen for Che purpose of making any enquicv inspecliül], measurement or survey or taking levels Pt•nvided that no entry be made except bet- ween the hours of sunrise and sunset and without giving Iwen!y-f0LIT hours notice to •the! aceupier or owner of such land or boileling. I'. Any parson aggrieved or affect.ed by an order (2) of section 8 of the Director unded gub- seel.ion : Pb. Act 41] THE PUNJAB sz•HEüUT.p.o KNO kHEAB or UNREGI-IL.ATEO granting permission or licence 511bject to conditions or refusing permission or License may with.iz sixty days from the dat* nf such vrdC*., prefer an appeal to Lhe Commissioner of the Division in tho schedul- cd road or

rules made thereunder LO such other officer to him 85 may specified in each order. No suit, prosecution or other legal pro. 20. ceedillg shall lie against any person in respect of - thing which is in faith done or intended ta be done in of this Aet or the rules mado there. under. suit or other legäk proceeding shall lie against the Govcc•nment for any damage caused by anything which is goad faith done or intended to be done in pucsuan> of this Act or the rules made thereunder. 21, No civil court shall have any jurisdiction to enariain décide any question relating to matters falling under [his Ac•t or the rules made thereunder

22. Nothing in this Act shall apply to—the area comprised in the tbad.i deh of any village (b) l.ht! ereelion ar re-evec1ictl-L nf i-.jace af DI' a tomb or cenotaph of a wall enclosink.ea graveyawd. place of worship, cenotaph or 5äl1t1&dh;- land l.vhieh, on the date of publication the notification under sub-•.gec.iion of 4, is mc.uvied by the enrpose such worship, tomb. cenotaph. sm-oadhi: IS\$3 Vb. Aoi 411 ROADS 32 [&RZ.AS R.EStmc.TLON OP DEVELOPMENT (e) excav*tions (including wells) or other ape. rations made jn the ordinary course of aeri culture; and (dj lbe construction of an unmetalled read intended to give access to land for agricultural purpose Oi' subsvervient to agri- culture. 23. (1) Nothing in this Art shall affect Ot operation of— the Punjab New Capital (Periphery) Control Ad, 1953 (Punjab Act 19.53); the Punjab Slum Areas (frnpnuement and Clearance) 1961 Act 24 of and (2) Save as aforesaid, the prmrisfons of this Act and the rtiloe made thereunder Ahau have effect ruN,, withstanding anything inconsistent therewith con- tained in any other Eaw. (3) Not.q.rithsta nding anything can*ained in sueh other law— (C) when permission under this Act doing any act or (aking any action in respect of any land has been obtained, such act action shali not be deemed to unlawfully done OT taken by re'son only of the fact tbät permissiom approval or sanction re- quired under such Othell law for doing such act or taking such action has not been obtained: LClauæ:i Ch) hy the Funiab Reor8anis*tiOT' i Adsp*a'lon Ot t *w'. %neurrrer.l Saving- 322 TRE PVNJAB SCRE>LILEO ROADS [1363 ; Pb. 41 AND CONTROLLED DREAS r_mREGt.rwærn mvxuorrvTENT (b) when permission required under this Act for doing such act or taking such action has t}€en abl.ained. act or action shall not be deemed to be Eawfully done or taken by reason only of the fact that permission, approval or sa-nct:on required nuder such Other law for the doing of such aet or the taking of such octicm has been obtained

24. Nothing this Act shall affect the power- of the Government or any other authority to acquire to impose restrictions tipon the use and deveiqpraent (If land comprised in Elle area under any other law tor the time being in foree- permit the settlement of a claim arisjne out or the exercise of powers under this Act by mutual *grecment- 25, â'he vernmcnl. may, by notification ancl Power to ma.ke subject (he condj tian of previous publication. make n.Jæ. yules for earrying out the purposes nc this act (2) particugar, end without plejuöice to generality the foregoing power: such roles may pro- vide far all. or any of the folkFUiit-kEä matters. namely (N' the tnanncr whje lL the plans in Ei'.•spect a controlled Shal] prepared under sub-section (1) of Séetion 5: (b) the other manner io which the final plans m respect of a area seta?] bc pube li\$hed; (c) {mm céntents of the plans re.'ipect Df a controlled area and the p19GC'.dure til followed and any other ED atter in eotlTtec• tion with the. preparation. submission ant! approval Qi the platy, (d) conditions nn which the läcenc.es seetjun shall he granted or renewed aad Pb, Act 41] PUNJAB SCHEDULED ROADE 321 dNü CONTROtU.D ARNS RESTRICTION OF - bEtF.LOPMMT1• tbe to bc: ehargod for [he grant; renewal thereof; (e) the



form in which applications for permission shall be made under sub-section of section 3 and the information shall be furnished therein; (f) the principles and conditions under which applications for permission or licence under this Act may be granted or refused; (g) the form and manner in which the register maintained under sub-section (5) of section 3 shall be maintained; (h) the procedure to be followed in hearing appeals under section 10, the fees to be paid in respect of, and the document which shall accompany, such appeals; and (i) any other thing which may be prescribed - 324 PUNJAB SCHEDULED ROADS AND DEVELOPMENT RESTRICTION ACT, 1963

