

PEPSU TOWNSHIPS DEVELOPMENT BOARD ACT, 1954

2, ACT provide the Development Board for purposes developing {fi the Stato CHAPTER may be called Eke PEPSt.} Developawni Board i9S4 in this Act, unless (he context otherwise die. PaG*ia & East Punjab thioti Developmex7t Board Otaldished undet Section the Cha*nnan OiY the boasd. -*thspixeed rncaos any person who. on account the of the of and or the fear of such disturbances in any area paxt of any state which acceded to been. displaced left his placa of residence in arca azzd has subsequgmly in any part of India. the iihd by •Town*ap• mean». any iowu to be and developed by thc Board in any of the Stale for the ettiement of displaced thcrim Contd. C) Wor& usai and in this but &fined in Pu*b 191 i CPuqjBb Act, of i9i same as ed to in. Aet, axe respetively CHAPTER (2) 0) (2) (1) (2) (3) THE State may, by notification in the ectabiiAx a Board be •ailed the East Union Townships Development Board* the purposes Of constructing townships such places in the Smie as i\$ deems fit* settiing dierein displaced exeteismg other powers ned discharging fig*Gtion\$ as arc conferred or may be assigned Board or this Board bc a body corporate by die aforesaid havmg perpetual succession and a common seal. subject the provisions Act and the rules made übereuoder. to acquire. own Ot pr*m 'both movable and immovable. and •may the said narne Sue be sued. The Board. consist Of six members te be GovemmenC of at least, shall in Township. The Of appointed Wb-ceedtøn (1) Shan be in the Oke from the date on whikb it is so published« The terms of of Chairman and members shall be such as be or any omet member his by writing under hand addressed to State his resigngtion fiüil the date on it is aeecepted and .nødfied in omc.,iai Gazere. A Shall hold office during me Of tlE State (4) (1) 3 A casual vacancy c.au*d by resiyuadon, or of a manber or for any other reason filled by fresh appoinüent in accordance with the of Secdon 4. The Boudrmay* from time to Ume, wiâ view to give effect to ate Of this Act one or more committees consisting of such persons as it thinE fit. (a) O) (c) (d) refer to such committee for inquiry and report any matte? sclating {0 any Of the pu.qoses of this Act, delegaté such Commitcq by a specific resolution and subject to any rules made in this behalt any of the powers or duties of the Board relating to die subject mater for which such Committee has been appointed* Tbe at any dme, reUons to recorded* dissolve or consÅmtion of any such Evey shell cany out any instruction given to it by the Board. of such CanmitOe shall* Subject any rule to contrary, be laid before Board for confirmation. No act or of âe Board or of uy of its Comminees shall be invalid by only of existence of any vacancy amongst members or any daect in the constimdon thereof, 8. (1) No pasonwhd or indirectly, by himself or by any paltner, has my share .inte# in any gontræt withs by or on -behalf of the Board, or in any businé\$\$' industry or concern* wiüi the consuuction utd development of a undet this Act except as a shareeholder (other than a ditector or managing aFt) in company, or holds any omce profit âe shall become Or to be membe of khe Board, Cond. , Provided that no such shall be deemed to have any share or any suelh contrabi reason only of his bexngv* (a) 'in, or a member any tncorporated 0/ company with which any contract has been entered into by the Board, or (b) A to whom the has solds leased* let Out an hire or allotted any propety (2) Subject to the provisions to sub-section (3) of section 5, the State O) (2) (3) (4) Government by notificat'ion the offici•l Gazette, remove from any Member of the its Board shall meet at such and places, aad shall* subjecl provisions of this section observe such gules of procedure in regavd to transaction of busgtes\$ dt its mcgtings as may be prescribed* Provided that the Chaimau may. whenever he thinks fit* aud upon the written request of not less than two call a special quotum necessary for me \ransaction of business at a meeting of the Boud shan be three members, Provided that where busxness io be transacted any such meeeiug involves the preparation of any under Chapter-ill the quorum shall be fourx The chairman or in his any member ehosen by the meitibers present Rtnoog themselves Shail preside at a meeting of the Board,, All questt0üS at any meeting of the Beard Shan be decided by a of the voges of the members presetit and voting in the ease Of equality of tmv Chatmtzn or in his the person presiding, have exercise a second or casting vote Minutes of the of each meeting (together with the names ot" members presa*t) *bait be recorded in book to bc provided for the purpose, and shan be by the person pre*iding at the nexÆ ensuing meeting, and the minutes shan be circulated to each member and shall* at ail reasonable times. be open to inspection by any member during office hours free of charge 5 10. PO BOARD TOAS OCiate OTHERPE ONS: - The Board may associate with itself, in such manner and for such purposes as may be .prescribed, any person whose assistance or advice it may desire in carryiug put any of the provisions of

this act or rules made thereunder; and such person shall have a right to take part in the discussions of the Board, relevant to the purpose, but shall not have a right to vote

11. Subject to the provisions of this Act and any rules made thereunder the Board, may appoint such officers and servants as it considers necessary for efficient performance of its functions on such terms and conditions of service as it may consider proper. (1) (2) (3) There shall be an Administrator of the Board who shall be appointed by the State Government on such terms and conditions as may be prescribed. The Administrator shall be the ex-officio secretary to the Board and shall have the right to speak at, and otherwise take part in, any meeting, but shall not have the right to vote. (4) The Administrator shall be the principal executive officer of the Board. The Board and all other officers and servants of the Board shall be subordinate to the Administrator. (5) FUNCTIONS AND POWERS OF THE BOARD. (1) (2) The jurisdiction of the Board shall extend to every township and developed by the Board under this Act and the State Government may, by notification in the Gazette, specify the territorial limits of every such area so specified shall be called the area of operation of the Board. (3) The State Government may, from time to time, by a like notification, extend or vary the limits of such area of the Board. (4) The Board shall, from time to time, prepare a scheme in accordance with the provisions of section 13, for the constitution and development of the township for the purpose of rehabilitating displaced persons and taking such measures as may appear to it to be necessary for carrying out (a) a scheme to be prepared by the Board under sub-section (1) shall, among other things, provide for; (b) the laying out of the locality to be developed. The for which portions of such locality are to be developed. The laying out of buildings, roads, drainage, sewerage and water-supply, lighting of streets and public places of residential or other buildings, matters may be referred to the Board for carrying out purpose of this act (3) may at any time alter or vary a scheme prepared by it under sub-section (4) Any scheme for the development of a township by the Board under sub-section (2) or any in or modification such scheme under sub-section (3) shall, if so, required by the State Government be submitted by the Board to the State for approval. (1) Subject provision of this Act and rules made thereunder the Board shall have power to do anything which may in opinion be necessary for carrying out its functions. (2) Without prejudice to the generality of the foregoing provision, the Board shall have power: (a) to acquire and hold such property, both movable and immovable, as the Board may deem necessary and to sell lease or otherwise transfer any such property (b) to construct residential or other buildings. (c) subject to such rules as may be made in this behalf by the State Government to advance to a displaced persons or to any other person loan for industrial or business purposes (d) to sell lease or let out on hire any building or site belonging to the Board to any person on such terms as may be prescribed. (e) to promote any trade, business or industry for the development of the township. (f) to make provision for drains, sewers, water supply and the lighting of streets. (g) to undertake measures to promote public sanitation, education and social welfare and to promote or operate schemes of water supply, drainage and irrigation. (h) to perform such other functions as may be prescribed. (16) AMOUNT OF FIRST CHARGE: Notwithstanding anything contained in any law for the time being in force, where a loan has been advanced to a displaced person under clause (c) of sub-section (2) of section 15, or where a building or site has been sold or leased or let out on hire under clause (d) of the Board on account of the loan, sale, lease or hire together with any interest thereon shall be a first charge on the building, machinery, stock and other assets belonging to such person.

17. POWERS OF THE BOARD TO APPLY CERTAIN PROVISIONS OF PUNJAB MUNICIPAL ACT TO TOWNSHIPS: The State Government may, by notification in the official Gazette apply to any township or a part thereof, with such adaptations and modifications not affecting the substance as may be specified in the notification all or any of the 61 to 82 to 96 to 113 to 121A, 122, 123, 125 to 168. Contd. by 8 170 to 170F, 172 to 185, 188 to 197* 199, 201 to 207, 209 to 222, 224 to 228 and 230 of the Punjab Municipal Act, 1911 (Punjab Act III of 1911) Union in so far as such provisions are not inconsistent with the provisions of this Act. (18) REPAIRS. Notwithstanding anything to the contrary, the Board may by notice require any person to whom a loan has been advanced under this Act to repay forthwith in full with interest thereon any such loan. (b) (c) (d) if it appears to the Board that false or incorrect information in any material particulars has been given by the person, or if the person has failed to comply with any agreement entered into with the Board in respect of the loan; If in the opinion of the Board there is a reasonable apprehension that the person is unable to pay his debt or that insolvency proceedings or proceedings for

liquidation are to be started against him; or, If It is necessary in the opinion of the Board for any other reason to protect the interests of the Board. If the amount of loan or any instalment thereof or any interest thereon which has income due to the Board in accordance with the terms of the contract or under the provisions of this Act* has not been re-paid, then:— (a) Without prejudice to any other remedy provided by such Loan instalment or interest may be recovered as arrears Of land revenues or (b) Where such loan was taken for purposes of trade business or industry the Board may, subject to such rules as may be made in this behalf by the State Govt take charge of the trade, business or industry of the person on such terms and conditions as may be agreed upon The Administrator or any other officer empowered by the Board in writing (1) in this behalf may; by order. require any person to whom a loan has been advanced or to whom a building site has been leased or let out on hire to furnish such information or to produce such books of accounts and other documents for inspection at such place as may be specified in the order and such person shall comply with such order. Contd* , 9 (2) Administrator or the officer so empowered may inspect such books Of accounts or documents and take extracts therefrom. (3) The Administrator or such other officer making the inspection or any person working under his orders. shall not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of such person, (4) If any person contravene the provisions of subsection (1) or section (3), he shall be punishable with imprisonment which may extend to one month with fine which may extend to two hundred rupees or with both RECOVERY OF OF ARREARS-OF LAND If any person fails to pay on the date on which payment is due any tax, or any of any tax, or any fee or any other sum (not being a loan) due to the Board under this Act, or due to the Board as rent for any movable or immovable property under the control of the Board, the Board shall ordinarily within fifteen days of such date cause a notice of demand to be served on such or delivered at or affixed to his place Of residence or addressed by registered post to such place of residence or any other place where. he may be known to reside and if no payment is made within the expiry weeks from the date of the issue of such notice, the amount Of arrear claim may if certified by the Administrator, be recovered as of land revenue Any postal charges incurred or any fee leviable for the notice of demand under subsection (1) may be added to the arrear claim and recovered as such

CHAPTER IV PROPERTY FINANCE ACCOUNTS AND AUDIT All property movable and immovable, and all assets and funds owned or acquired by the State Government for the purposes of construction and development of any township at any time before the establishment of the Board, shall on such establishment and subject to such conditions as may be prescribed, vest in the Board 23 LISHME All expenditure incurred by the State Government at any time before the establishment Of the Board for any of the purposes under this Act shall be to Of the Board. (1) (2) (1) (2) (1) (2) The Board shall have its own fund and all grants and advances made to it from time to time by the Central or the Government and all receipts of the Board shall be credited thereto and all payments by the Board shall be made therefrom. Save as may be prescribed, all moneys belonging to that fund shall be deposited in such scheduled bank or invested in such securities as may be approved by the State Government. OF TPF BOARD JO Subject: such and Board as may be prescribed, the Board shall have power over to the State Government to spend such sums as it thinks fit for the purposes of this Act and the rules made thereunder and such sums shall be deemed to be the expenditure payable out of the funds of the Board. Provided that no sum shall be expended by or on behalf of the Board unless the expenditure of the same is covered by a current budget grant sanctioned By the State Government. PAYMENT THEREBY: All loans advanced to the Board by the Central Government or the State Government with interest accruing thereon at such rate as may, from time to time* be fixed by the Central government or the State Government, as the case may be shall be a first charge on the fund of the Board and the Board shall repay such loans with the interest thereon in such manner and in such number of installments as may be determined by the Central Government or the State Government as the case may be, and every such repayment shall be deemed to be a part Of the expenditure of the Board For the of any loan granted to it by the State Government* the Board shall be deemed to be a local authority within the meaning of the Local Authorities Loans Act* 1914, (IX Of 1914) The Board shall prepare, in such form and at such times as may be prescribed* Budget in respect of every financial year showing its estimated receipts and expenditure during the financial year and submit it to the State Government who may sanction the budget With such alterations and modifications, if any, as the State Government may deem fit* A copy of the budget of the Board as so sanctioned shall be forwarded by the State Government* to the Central Government Contd., P y. a I (2) (3) (4) The Board shall* as soon as possible after the close of a financial

year, prepare in such form and before such date as may be prescribed an annual report (including a statement of its assets and liabilities at the close of that financial year) a true and faithful account of its activities during the financial year, and copies thereof shall be submitted by the Board to the State Government. The Board shall cause to be maintained such books of account and other books relating to its accounts in the form as may be prescribed. The accounts of the Board shall be audited by such (hereinafter referred to in this section as the "auditor"), at such times and in such manner as may be prescribed. The auditor shall be furnished by the Board with a copy of the annual report (including the statement of its assets and liabilities) for the financial year in respect of which the accounts are to be audited and it shall be the duty of the auditor to scrutinize the statement together with the accounts and vouchers relating thereto and for this purpose* he shall at all reasonable times have access to the relevant books, registers, accounts and other documents of the Board and shall also have power to examine any officer or servant of the Board in relation to such accounts. The auditor shall prepare a report on the aforesaid report and accounts (including the statement of assets and liabilities) audited by him and forward copies thereof to the State Government and the Central Government together with a statement whether in the opinion of the auditor, the accounts are complete and true in all material respects and exhibit a true and correct view of the state of affairs of the Board, and whether any explanation or information from the Board was called for and whether it has been given and whether it is satisfactory.

The State Government may, give to the Board general instructions to be followed by the Board and such instructions may include directions to the Board regarding the exercise of its powers and performance of its duties under this Act in such manner as may be binding on the Board.

31. (2) 32. (1) (2) 34. 12 The Board shall submit to the State Government, at such times and in such form and as may be prescribed or as the State Government may direct, such returns and statements and such information in regard to any proposed or existing scheme as the State Government may* from time to time require. The State Government at any time by order in writing addressed to the Administrator require the Board to furnish information, report or in regard to any matter relating to the functions or acts of the Board or any of its members or servants and the Administrator shall comply with such order accordingly. The State Government may, by order in writing, prohibit the execution or further execution or order passed or made under this Act by the Board, if in the opinion of the State Government such resolution or order is of such nature as to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed, or a danger to human life, health or safety or void or voidable or otherwise prejudicial to the public interest or the conduct of any person or any act in pursuance of or under cover of such resolution or order. If in the opinion of the State Government an emergency exists, it may direct that any work which the Board is empowered under this Act to execute or do and the doing of which, in its opinion, is necessary for the protection of the public, shall forthwith be done and that the expense of the work or of doing the act shall be paid out of the funds of the Board. If the expenses incurred are not forthwith paid* the State Government may make an order directing the person having the custody of the balance of the fund of the Board to pay the expense, or so much thereof as may from time to time be possible, from that balance in priority to all other charges, against the same. When the State Government has made an order under section 32 or 33, the Board may, within the period of six months of the date of receipt of such order, make a representation to the State Government as it thinks fit and if no such representation is received the period specified or if on consideration of the representation from the Board the State Government is of the opinion that the order should be modified or rescinded the State Government shall* pass an order accordingly and the order so passed shall be final.

13... 35. (1) If in the opinion of the State Government the Board becomes incompetent to perform or has committed default in the performance of the duties imposed, on it by or under this Act* or exceeds or abuses its powers, the State Government may, after consultation with the Central Government, by notification in official Gazette, suspend the Board for such period as may be specified in the notification. Provided that before issuing a notification under this sub-section the following consequences shall ensue, namely: - (a) All the members of the Board shall* as from the date of the supersession, vacate their offices as such members. (b) All the powers and duties which may be exercised or performed by or on behalf of the Board shall, during the period of supersession, be exercised and performed by such person or persons as the State Government after consultation with the Central Government may decide. (c) All property vested in the Board shall, during the period of supersession, vest in the State Government. (3) On expiration of the period of supersession specified in the notification under subsection (1) the State Government may, after consultation with the Central Government, extend the period

of supersession for such further term as it may consider necessary; or (b) Board in the provided in Section 36. The Board may, by the previous approval of the State Govt., by general or special order, entrust the management of the day to day administration of the Board to any one or any other Member* or servant of Board subject to such conditions and if any, as may be specified in the order, such of its powers and duties under this Act as it may deem necessary for the efficient running of the day to day administration of the Board

37. RDE AND RIN TR All orders and decisions of the Board shall be authenticated by the Chairman or any Officer member empowered by the Board in this behalf. C and all contracts entered into or made by the Board shall be the Administrator or any officer of the Board by Board in behalf. Contd.... 14 38. If any dispute for the resolution of which this Act does not otherwise provides arises between the Board and any local authority, be referred to the Government. The decision of the State Govt. shall be final. Provided that where such dispute between the Board and a Cantonment Board, the decision of the State Govt. shall be subject to the approval of the Central Govt

39. Whenever it is for the Board to carry out any of its works or to make any survey or or investigation, the Board may, by the previous approval of the State Govt., by general or special order, entrust the management of the day to day administration of the Board to any one or any other Member* or servant of the Board* generally or specially empowered by it, may enter upon any land or premises and survey and sunset after giving reasonable notice of the intention to make such to the owner or, occupier of such land or premises, and at any other time with the consent of the owner or occupier of such land or for the purpose of the carrying out of works or the making of any survey, examination or investigation, Any land required by the Board for carrying out any purposes of this Act to be for a public purpose and land so acquired for the Board as if the provisions of part VD of the Land Acquisition Act 1894 (1 of 1894) were to it as if the Board was a company within the meaning of clause (e) of section 3 of the Act. All members of Board, and all servants of the Board whether appointed by the State Govt. or the Board, acting or purporting to act in pursuance of any of the powers of the Board, shall be deemed to be servants within the meaning of section 21 of the Indian Penal Code (Act LV of 1860), 42. Unless otherwise expressly provided, no Court shall take cognizance of any offence under this Act or under any rule made thereunder except on the complaint of the Board or a servant of the Board in this behalf

43. No suit or other legal proceeding shall lie against any officer or servant of the Board in respect of anything done or omitted to be done in good faith under the provisions of this Act. Contd.... 15 8. (1) Where all or any of the lands which have been constituted and developed or have been so far constructed and developed as to render the continued existence of the Board* in the opinion of the State Govt. unnecessary, the State Government may by in the official Gazette, declare that the Board shall be dissolved on such date as may be specified in the notification and the Board shall be deemed to be dissolved accordingly. (a) (b) (c) (d) All properties and funds placed at the disposal of the Board, all properties situated within the area of operation which immediately before the said date were held by the Board, and all dues realisable by the Board, shall vest in and be realisable by the State Government. All liabilities, which, immediately before the said date, were enforceable against the Board, shall be enforceable against the State Govt. For the purpose of completing the execution of any work undertaken but not fully executed by the Board, out of realising properties, funds and dues referred to in clause (a) the functions of the Board under this Act shall be discharged by the State Govt. The State Government shall keep separate accounts of all moneys respectively received by it under this Act until all loans due thereunder have been repaid and all other liabilities referred to in clause (c) have been paid. (3) The properties and funds vested in the Govt. under Sub-section (2) which remain meeting out the liabilities of Board shall be transferred to such local authority or local authorities as may be having jurisdiction over the Township in such portion as the State Govt. may by order determine. 45. (1) The State Government may, subject to the conditions of previous publication, by notification in the official Gazette, make rules for carrying out the provisions of this Act. (2) In and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely: - Contd.... 16..» 16 (a) The term of office the manner of filling casual vacancies and the allowances or fees to be paid to any or associate member of the Board; (b) The terms and conditions of service of officers and servants of the Board under section 11; (c) the terms and conditions of service of the Administrator under section 12; The functions and duties of the Administrator; (e) The manner in which the accounts of the Board shall be maintained and the time at which the accounts shall be audited* (t) The terms on which loans shall be advanced to persons; (g) The terms on which a building or site may be sold, leased or let out on hire to any person; (h) The manner in which the funds and moneys of the Board shall be

invested; (i) The form in which and the time at which the budget and annual report (including the statement of assets and liabilities) of the Board shall be prepared. (j) The services of notices and orders under Act; (k) Any matter which has to be, or may be prescribed under this Act (3) All rules made under this Section shall be published in the Official Gazette. (4) Any rule made by Board under this Act, may provide a thereof shall be punishable with fine, which may extend to five hundred rupees* Contd. p...17 The Board may after previous publication and with the previous approval of the State Government, make by-laws for determining the procedure for conducting the business of the Board and for such other purposes as the State Government may; from time to time, by general or special order, direct. Panch & East Punjab States Union Townships Development Board Act 1954 (President's Act 3 Of 1954), is hereby repealed but notwithstanding such repeal anything done or any action taken in the exercise of any power conferred by or under the said Act shall be deemed to have been validly taken under the provision to section 47 of the said Act) shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act was in force on the day on which such thing was done or action was taken.

