NEW CAPITAL (PERIPHERY) CONTROLTHE PUNJAB NEW CAPITAL (PERIPHERY) CONTROL ACT, 1952.

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An Act to control and regulate the Periphery of the New Capital of the State of Punjab [as that capital and State existed immediately before the 1st November, 1966.]

IT is hereby enacted as follows:-

1.(1) This Act may be called the Punjab New Capital (periphery) Control Act, 1952.

1. For statement of the objects and Reasons *see Pinjab Government Gazette* (Extraordinary), dated 24th October, 1952, page 1192-h, for report of the joint Select Committee, *see Punjab Government Gazette*, Part V, dated 28th November, 1952, pages 123-132, for proceedings in the Assembly, see Punjab Legislative Assemby Debates, 1952.
2. For Statement of Objects and Reasons, *see Punjab Government Gazette* (Extraordinary), 1957, page 566.
3. For Statement of Objects and Reasons, *see Punjab Government Gazette* (Extraordinary), 1959, page 1001.
4. For Statement of Objects and Reasons, *see Punjab Government Gazette* (Extraordinary), 1962, pages 677-73.
5. For Statement of Objects and Reasons, *see Punjab Government Gazette* (Extraordinary), 1964, pages 935-37.
6. For Statement of Objects and Reasons, *see Punjab Government Gazette* (Extraordinary), 1976, pages 209.
7. Added by Punjab Adaption of Laws (State and Concurrent Subjects) Order, 1968.

[(2) It extends to that area of the State of Punjab which is adjacent to and is within a distance of ten miles on all sides from the outer boundary of the land acquired for the Capital of the State at Chandigarh as that Capital and State existed immediately before the 1st November, 1966.]

(3) It shall come into force at once.

2. In this Act**,** unless the context otherwise requires-

Definitions

(1) "agriculture" includes horticulture and the planting and upkeep Punjab Act III of orchard of 1911

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(2) "building" has the same meaning as is assigned to it in clause (2) of section 3 of the Punjab Municipal Act, 1911 (Act III of 1911).

(3) "Deputy Commissioner" means the Deputy Commissioner of the District and includes any person for the time being appointed by the State Government, by notification in the Official Gazette, to perform all or any of the functions of the Deputy Commissioner under this Act:

[(4) "Commissioner" means the Commissioner of Patiala Division and includes any person for the time being appointed by the State Government, by a notification in the Official Gazette, to perform all or any of the functions of the Commissioner under this Act.}

(5) "Prescribed" means prescribed by rules made under this Act;

(6) "road" means a metalled or unmetalled road, whether a thoroughfare or not, accessible to the public and maintained by the State Government or by a local authority, and

(7) the expression " to erect or re-erect any building" has the same meaning as is assigned to it in clause (5) of section 3 of the Punjab Municipal Act, 1911 (Act No. III of 1911).

3. (1) The State Government may by notification in the Official Declaration of Gazette declare the whole or any part of the area to which this Act controlled area extends to be a controlled area for the purposes of this Act.

(2) Not less than three months before making a declaration under sub-section (1) the State Government shall cause to be published in the Official Gazette, and in at least two newspapers printed in a language other than English, a notification stating that it proposes to make such a declaration, and copies of the notification or of the substance thereof shall be published by the Deputy Commissioner in such manner as may be prescribed at his office and in the area desired to be controlled.

4. (1) The Deputy Commissioner shall within three months of the Publications of declaration under sub-section (1) of section 3 deposit at his office and plans of controlled at such other places as he considers necessary, plans showing the area. area declared to be a "controlled area" for the purposes of this Act, signifying therein the nature of the restrictions applicable to the controlled.

(2) The plans so deposited shall be in the form prescribed and shall be available for inspection by the public free of charge at all reasonable times.

5. Except as provided herein after, no person shall erect or re-erect Restrictions in a any building or make or extend any excavation, or lay out any means a controlled area of access to a road, in the controlled area save in accordance with the plans and restrictions and with the previous permission of the Deputy Commissioner in writing.

6. (1) Every person desiring to obtain the permission referred to in Application for section 5 shall make an application in writing to the Deputy Commissioner permission and grant in such form and containing such information in respect of the building, or refusal of such excavation or means of access to which the application relates as may be permission prescribed.

(2) On receipt of such application the Deputy Commissioner, after making such enquiry as he considers.

Necessary, shall, by order in writing, either------

(a) grant the permission, subject to such conditions, if any, as may be specified in the order; or

(b) refuse to grant such permission.

(3) When the Deputy Commissioner grants permission subject to conditions, or refuses to grant permission under sub-section (2), the conditions imposed or the grounds of refusal shall be such as are reasonable having regard to the circumstances of each case and the interest of the general public.

(4) The Deputy Commissioner shall not refuse permission to the erection or re-erection of a building, if such building is required for purposes subservient to agriculture, nor shall the permission to erect or re-erect any such building be made subject to any conditions other than those which may be necessary to ensure that the building will be used solely for agricultural purposes.

(5) The Deputy Commissioner shall not refuse permission to the erection or re-erection of a building which was in existence on the date on which the notification under sub-section (2) of section 3 was made, nor shall be impose any conditions in respect of such erection or re-erection unless he is satisfied that there is a probability that the building will be used for a purpose or is designed in a manner other than that for which it was used or designed on the date on which the said declaration was made.

(6) If at the expiration of a period of three months after an application under sub-section (1) has been made to the Deputy Commissioner no order in writing has been passed by the Deputy Commissioner, permission shall, without prejudice to the restriction signified in the plans under section 4 be deemed to have been given without the imposition of any conditions.

(7) The Deputy Commissioner shall maintain a register as may be prescribed with sufficient particulars of all cases in which permission is given or deemed to have been given or refused by him under this section, and the said register shall be available for inspection without charge by all persons interested and such persons shall be entitled to take extracts therefrom.

7.(1) Any person aggrieved or affected by an order of the Deputy Appeal Commissioner under sub-section (2) of section 6 granting permission subject to conditions or refusing permission, may within sixty days from the date of such order prefer an appeal to the Commissioner.

(2) The order of the Commissioner on appeal shall be final.

2. A person whose application has been refused or whose application compensation has been granted subject to conditions, under sub-section (2) of section 6 shall be entitled to claim compensation within three months of the order of

the commissioner under section 7, if any, as the case may be, for any injury, loss or damage actually suffered on account of the order, in the manner herein after provided.

2 (1) An application for compensation shall lie to an arbitrator Arbitration for appointed by the State Government in this behalf. Compensation.

(2) Such Arbitrator shall be a person who is or has been a District Judge or an Additional District Judge and he shall have all the powers of an arbitrator under the Indian Arbitration Act, 1940, and the provisions of the said Act, shall, so far as may be, apply in relation to proceedings before him.

(3) In computing the compensation to be awarded regard shall not be had to any consideration for advantages to be gained or improvements to be made in any land or building in the controlled area, with reference to their development or intended development in the future or to increase in value as a result of the development of the capital of the State at Chandigarh [1][as that Capital and State existed immediately before the 1st November, 1966.]

(4) The arbitrator shall have power to reject the application, after due enquiry, opr to make an award of compensation.

3. Nothing in this Act, Shall affect the power of Government or any savings other authority to acquire land or to impose restrictions upon the use and development of land comprised in the controlled area under any other law for the time being in force, or to permit the settlement of a claim arising out of the exercise of powers under this Act by mutual agreement.

11.(1) No land within a controlled area shall, except with the permission of the State Government, be used for purposes other than those for which it was used on the date of notification under sub-section (2) of section 3; and no land shall be used for the purposes of a charcoal-kiln, pottery-kiln, lime kiln or brick field or brick- kiln [or manufacturing surkhi or crushing stone] except under, and ini accordance with, the conditions of a licence from the Deputy Commissioner or payment of such fees and under such conditions as may be prescribed.

prohibition on use of land

(2) The renewal of such licence may be made annually on payment of such fees as may be prescribed.

(3) No person shall be entitled to claim compensatin for any injury, damaded or loss caused or alleged to have been caused by the refusal to issue or renew a licence, except in cases where such kiln [2][or work of manufacturing surkhi or crushing stone, as the case may be,] was in existence at the time of the notification under sub-sectin (2) of section 3 and in which case an application shall lie to the arbitrator within three months of the order of refusal in the manner provided in section 9.

12. (1) Any person who ---- offences and

Penalties

(a) erects or re-erects any building or makes or extends any excavation or lays out any means or access to a road in contravention of the provisions of section 5 or in contravention of any conditions imposed by an order under section 6 or section 7, or

(b) uses any land in contravention of the provisions of sub- section (1) of section 11;

Shall be punishaoble with [imprisonment of either description for a term which may extend to two years and fine which may extend to fice thousand rupees] and in the case of a continuing contravention with a further fine which may extend to [five hundred rupees] for every day after the date of the first conviction during which he is proved to have persisted in the contravention.

(2) Without prejudice to the provisions of sub-section (1), [3][if the Deputy Commissioner, after making such enquiry as he considers necessary and after affording an opportunity of being heard to the person concerned, is satisfied that such person has committed a breach of the provisions of the said sub-section he may pass an order requiring that person] to restore to its original state or to bring into conformity with the conditions which have been violated, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed, and if such person fails to do so within [4][six weeks] of the order, may himself take such measures as may appear to him to be necessary to give effect to the order and the cost of such measures shall be recoverable from such person as an arrear of land revenue.

[5][**12-A.** (1) Where an offence under this Act has been committed Offences by by a company, every person who at the time the offence was committed companies was in charge of, and was responsible to, the company for the conduct of the the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act, has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, Manager, Secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purpose of this section,--

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means any partner in the firm.]

13. No court inferior to that of a [1][Judicial Magistrate] of the first Trail of class shall be competent to try any offence punishable under this Act. Offences

14. 2 [(1) NO suit, prosecution or other legal proceedings shall lie Indeminity against any person for anything which is in good faith done or intended to be done under this Act.

[3][(2) No suit or other legal proceeding shall lie against the Government for any damage caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.]

[4]**[14-A.** The Deputy Commissioner may, by an order published in Delegation the Official Gazette, delegate any of his powers and functions under this Act or the rules made thereunder to such officer not below the rank of an Extra Assistant Commissioner subordinate to him as may be specified in such order.]

15. Nothing in this Act shall apply to:- Exemption

(a) any building for residential purposes or for purposes subservient to agriculture in the abadi area of any village as defined in the revenue records;

(b) the erection or re-erection of a place of worship or a tomb or cenotaph or of a wall enclosing a graveyard, place of worship, cenotaph or Samadhi on land which is, at the time of the notification under sub-section (2) of section 3, occupied by or for the purposes of such place of worship, tomb, Samadhi, cenotaph or graveuyard;

(c) excavations (including wells) or other operations made in the ordinary course of agriculture;

(d) the construction of an unmetalled road intended to give access to land solely for agricultural purposes.

16. (1) The State Government may make rules to carry out the purposes power to of this Act, subject to the conditions of previous publication, and all such make rules

rules shall, as soon as may be possible, be laid before the Legislature for a period of fourteen days.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:-

(a) the form in which the plans under section 4 are to be displayed and the matters to be contained therein;

(b) the form in which applications under sub-section (1) of section 6 shall be made and the information to be furnished in such applications;

(c) the regulation of the laying out of means of access to roads;

(d) the fees to be charged for the grant and renewal of licenses under section10 and the conditions governing such licences;

(e) principles and conditions under which applications for permission under this Act may be granted or refused.