

The Capital of Punjab (Development and Regulation) Act, 1952

(Punjab Act No. 27 of 1952)

Received the assent of the Governor of Punjab on the 17th December, 1952 and first published, in the Punjab Government Gazette (Extraordinary), on the 19th December, 1952

An act to re-enact and modify the law in relation to the development and regulation of the new Capital of Punjab.

It is here by enacted as follows--

STATEMENT OF OBJECTS AND REASONS

The construction of the New Capital of Punjab at Chandigarh is in progress. It is considered necessary to vest the State Government with legal authority to regulate the sale of building sites and to promulgate building rules on the lines of Municipal Bye-laws so long as a properly constituted local body does not take over the administration of the city. The Capital of Punjab (Development and Regulation) Bill, 1952, seeks to carry out the above objects and to repeal the Capital of Punjab (Development and Regulation) Act, 1952, which is a President's Act and is due to expire in April, 1953. Vide Punjab Govt. Gazette Extraordinary, dated the 23rd July, 1952, pp. 677.

1. Short, title, extent and commencement
2. Definitions
3. Power of Central Government in respect of transfer of land and building in Chandigarh.
4. Power to issue directions in respect of erection of building.
5. Bar to erection of buildings in contravention of building rules.
6. Power to require proper maintenance of site or building
7. Levy of fee or tax for amenities

- 7A. Power to apply certain provisions of Punjab Act 42 of 1976 to Chandigarh:.
8. Imposition of penalty and mode of recovery of arrears

- 8A Resumption and forfeiture for breach of conditions of transfer
9. Forfeiture for breach of conditions of transfer- *OMITTED*
10. Appeals and revision
11. Preservation and planting of trees.
12. Control of advertisements
13. Penalty for contravention of directions, etc.
14. Penalty for contravention of Trees Preservation Order and Advertisement Control Order.
15. Penalty for breach of rules

16. Registration and licensing of architects, engineers and plumbers, etc.
17. Powers of entry on buildings or land
18. Procedure for prosecution
19. Bar of jurisdiction
20. Protection of action taken in good faith.
21. Delegation
22. Power to make rules
23. Repeal

The First Schedule

1. Short, title, extent and commencement. -

(1) This Act may be called the Capital of Punjab (Development and Regulation) Act, 1952.

(2) It extends to the City of Chandigarh which shall comprise the areas of the site of the Capital of Punjab as notified by the Government of Punjab before the 1st November, 1966 and to such areas as may be notified by the Central Government from time to time.

(3) It shall come into force at once.

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

(a) "Advertisement" means any word, letter, model, sign, placard, board, notice, device or representation in any manner whatsoever, wholly or in part intended for the purpose of advertisement, announcement or direction, and includes any structure used or adapted for the display of advertisements ;

(b) "amenity" includes roads, water-supply, street, lighting, drainage, sewerage, public building, horticulture, landscaping and any other public utility service provided at Chandigarh

(c) "building" means any construction or part of a construction which is transferred by the [Central Government] under section 3 and which is intended to be used for residential, commercial, industrial or other purposes, whether in actual use or not, and includes any out-house, stable, cattle shed and garage and also includes any building erected on any land transferred by the Central Government under section 3 ;

(d) "Chandigarh" means the areas to which this Act extends;

(e) "Chief Administrator" means an officer appointed as such by the Central Government by notification in the official Gazette, to perform the functions of the Chief Administrator under this Act ;

(f) "erect a building" has the same meaning as "erect or re-erect any building" in the

Punjab Municipal Act, 1911 (Punjab Act III of 1911) ;

(g) "Estate Officer" means a person appointed as such by the Central Government by notification in the official Gazette, to perform the functions of the Estate Officer under this Act;

(h) "occupier" means a person (including a firm or other body of individuals, whether incorporated or not) who occupies a site or building transferred under this Act and includes his successors and assigns;

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

(j) "site" means any land which is transferred by the Central Government under section 3 ;

(k) "transferee" means a person (including a firm or other body of individuals, whether incorporated or not) to whom a site or building is transferred in any manner whatsoever, under this Act and includes his successors and assigns ;

(1) "workshop" means any building or place in which or within the compound of which any manual labour is employed or utilised in aid of, or incidental to, any process for the following purposes:

- (i) the making of any article or part thereof;
- (ii) the altering, repairing, ornamenting or finishing of any article; or
- (iii) the adapting for sale of any article ;

3. Power of Central Government in respect of transfer of land and building in Chandigarh. –

(1) Subject to the provisions of this section, the Central Government may sell, lease or otherwise transfer, whether by auction, allotment or otherwise, any land or building belonging to the Government in Chandigarh on such terms and conditions as it may, subject to any rules that may be made under this Act, think fit to impose.

(2) The consideration money for any transfer under sub-section (1) shall be paid to the Central Government in such manner and in such instalments and at such rate of interest as may be prescribed.

(3) Notwithstanding anything contained in any other law for the time being in force, until the entire consideration money together with interest or any other amount, if any, due to the Central Government on account of the transfer of any site or building, or both, under sub-section (1) is paid, such site or building, or both, as the case may be, shall continue to belong to the Central Government.

4. Power to issue direction in respect of erection of building. –

(1) For the purpose of proper planning or development of Chandigarh, the Central Government or the Chief Administrator may issue such directions, as may be considered necessary, in respect of any site or building, either generally for the whole of Chandigarh or for any particular locality thereof, regarding any one or more of the following matters, namely :-

- (a) architectural features of the elevation or frontage of any building;
- (b) erection of detached or semi-detached buildings or both and the area of the land appurtenant to such building;
- (c) the number of residential buildings which may be erected on any site in any locality
- (d) prohibition regarding erection of shops, workshops, ware-houses, factories or buildings of a specified architectural character or buildings designed for particular purposes in any locality;
- (e) maintenance of height and position of walls, fences, hedges or any other structural or architectural construction;
- (f) restrictions regarding the use of site for purposes other than erection of buildings.

(2) Every transferee shall comply with the directions issued under sub-section(1) and shall as expeditiously as possible, erect any building or take such other steps as may be necessary, to comply with such directions.

5. Bar to erection of buildings in contravention of building rules. –

(1) No person shall erect or occupy any building at Chandigarh in contravention of any building rules made under sub-section (2).

(2) The Central Government may, by notification in the official Gazette, make rules to regulate the erection of buildings and such rules may provide for all or any of the following matters, namely:-

- (a) the materials to be used, for external and partition walls, roofs, floors, stair-cases, lifts, fire-places, chimneys and other parts of a building and their position or location or the method of construction;
- (b) the height and slope of the roofs and floors of any building which is intended to be used for residential or cooking purposes;
- (c) the ventilation in, or the space to be left about, any building or part thereof to secure a free circulation of air or for the prevention of fire;
- (d) the number and height of the storeys of any buildings;
- (e) the means to be provided for the ingress or egress to and from any building;
- (f) the minimum dimensions of rooms, intended for use as living rooms, sleeping rooms, or rooms for the use of cattle;
- (g) the ventilation of rooms, the position and dimensions of rooms, or projections beyond the outer faces of external walls of a building and of doors or windows;

- (h) any other matter in furtherance of the proper regulation of erection, completion and occupation of buildings;
- (i) the certificate necessary and incidental to the submission of building plans, amended plans and completion reports.

6. Power to require proper maintenance of site or building. - If it appears to the Chief Administrator that the condition or use of any site or building is prejudicially affecting the proper planning of, or the amenities in, any part of Chandigarh or the interests of the general public there, he may serve on the transferee or occupier of that site or building a notice requiring him to take such steps and within such period as may be specified in the notice and thereafter to maintain it in such a manner as may be specified therein.

7. Levy of fee or tax for amenities. –

(1) For the purpose of providing maintaining or continuing any amenity at Chandigarh the Central Government may levy such fees or taxes as it may consider necessary (which shall be in addition to any fee or tax for the time being leviable under any other law) in respect of any site or building on the transferee or occupier thereof.

(2) If the Central Government considers it necessary or expedient so to do having regard to the fact that the transferee or occupier is a religious or charitable institution or that he does not enjoy the amenity for which any fee or tax is levied, the Central Government may, by general or special order, exempt wholly or partly any class of such transferees or occupiers from the payment of fees or taxes levied under sub-section (1).

7A. Power to apply certain provisions of Punjab Act 42 of 1976 to Chandigarh:.

(1) The Chief Administrator may, from time to time by notification in the official gazette, and with the previous approval of the Administrator of the Union Territory of Chandigarh, apply to Chandigarh or any part thereof with such adaptations and modifications not affecting the substance as may be specified in the notification, all or any of the provisions of the Punjab Municipal Corporation Act, 1976 (Punjab Act 42 of 1976), in so far as such provisions are applicable to Chandigarh.

(2) "While exercising the powers or performing the functions under the provisions of the Punjab Municipal Corporation Act, 1976 (Punjab. Act 42 of 1976) applied to Chandigarh by a notification under Sub-section (1), the Chief Administrator shall be subject to the control of the Administrator and not to that of the Commissioner or Deputy Commissioner.

(3) Notwithstanding the substitution of Section 7-A of the Capital of Punjab (Development and Regulation) Act, 1952 (hereinafter referred to as substituted section), the substituted section shall not –

- (a) affect the previous operation of the substituted section or anything duly done or

suffered thereunder; or

(b) affect any right, privilege obligation or liability acquired, accrued or incurred under the substituted section; or

(c) affect any penalty, forfeiture, punishment incurred in respect of any offence committed against substituted section; affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such privilege, forfeiture or punishment may be imposed and if this substitution has not been made.]

8. Imposition of penalty and mode of recovery of arrears. -

(1) Where any transferee makes any default in the payment of any rent due in respect of any lease of any site or building or both, as the case may be under section 3, or where any transferee or occupier makes any default in the payment of any fee or tax levied under section 7, the Estate Officer may direct that in addition to the amount of arrears, a sum not exceeding that amount shall be recovered from the transferee or occupier, as the case may be, by way of penalty ;

Provided that no such direction shall be made unless the person affected thereby has been given a reasonable opportunity of being heard in the matter.

(2) Where any person makes any default in the payment of any amount, being the arrears and penalty directed to be paid under sub-section (1), such amount may be recovered from the transferee or occupier, as the case may be, in the same manner as an arrears of land revenue.

8A: Resumption and forfeiture for breach of conditions of transfer. –

(1) If any transferee has failed to pay the consideration money or any instalment thereof on account of the sale of any site or building or both, under section 3 or has committed a breach of any other conditions of such sale. the Estate Officer may, by notice in writing, call upon the transferee to show cause why an order of resumption of the site or building, or both, as the case may be, and forfeiture of the whole or any part of the money, if any, paid in respect thereof which in no case shall exceed ten per cent of the total amount of the consideration money, interest and other dues payable in respect of the sale of the site or building or both should not be made.

(2) After considering the cause, if any, shown by the transferee in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him a reasonable, opportunity of being heard in the matter, the Estate Officer may, for reasons to be recorded in writing make an order resuming the site or building or both, as the case may be, so sold and directing the forfeiture as provided in sub-section (1), of the whole or any part of the money paid in respect of such sale.

9. Forfeiture for breach of conditions of transfer - Omitted by the Capital of Punjab (Development and Regulation) (Chandigarh Amendment) Act, 1973, Central Act No. 17 of 1973 (Section 4).]

10. Appeals and revision. –

(1) Any person aggrieved by an order of the Estate Officer made under sections 8 or 8A may, within thirty days of the date of the communication to him of such order, prefer an appeal to the Chief Administrator in such form and manner as may be prescribed :

Provided that the Chief Administrator may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Chief Administrator may, after hearing the appeal, confirm, vary, or reverse the order appealed from and may pass such orders as he deems fit.

(3) The Chief Administrator may, either on his own motion or on an application received in this behalf, at any time call for the record of any proceeding in which the Estate Officer has passed an order for the purpose of satisfying himself as to the legality or propriety of such order and may pass such order in relation thereto as he thinks fit:

Provided that Chief Administrator shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

(4) Where a person is aggrieved by any order of the Chief Administrator, deciding a case under sub-section (2) or sub-section (3), he may, within thirty days of the date of communication to him of such decision, make an application in writing to the Central Government for revision against the said decision ; and the Central Government may confirm, alter or rescind the decision of the Chief Administrator.

11. Preservation and planting of trees. - If it appears to the Chief Administrator that it is necessary or expedient to preserve or plant trees generally or of specified kind in Chandigarh, he may, by notification in the Official Gazette make an Order (hereinafter referred to as the Trees Preservation Order) with respect to trees generally or such kind of trees, as may be specified in that order, and such order may regulate, restrict or prohibit. -

(a) the cutting down, topping, lopping or wilful destruction of trees, except with the previous permission of the Chief Administrator ; and -

(b) The planting and replanting of any trees or kinds of trees in any site or location therein as may be specified in the order.

12. Control of advertisements. - If it appears to the Chief Administrator that it is necessary or expedient to restrict or regulate the display. of advertisements in Chandigarh

he may, by notification in the Official Gazette, make an order (hereinafter referred to as the Advertisements Control Order) restricting or regulating the display of advertisements and such order may provide -

- (a) for regulating the dimensions appearance and position of advertisements which may be displayed, the sites on which such advertisements may be displayed, and the manner in which they are to be affixed to land or building;
- (b) for requiring the permission of the Chief Administrator to be obtained for the display of advertisements ;
- (c) for enabling the Chief Administrator to require the removal of any advertisement which is being displayed in contravention of the order or the discontinuance of the use for the display of advertisements of any site which is being used for that purpose in contravention of the order ;
- (d) for fees to be charged for advertisements at places specified in the order.

13. Penalty for contravention of directions, etc. - Any person who contravenes the provisions of sub-section (2) of Section 4 or section 6 shall, on conviction, be punishable with fine which may extend to five hundred rupees and to a further fine which may extend to twenty rupees for each day during which the offence is proved to have continued after the first day.

14. Penalty for Contravention of Trees Preservation Order and Advertisements Control Order. -

(1) If any person contravenes any provision of the Trees Preservation Order or the Advertisements Control Order, he shall, on conviction, be punishable with fine, which may extend to five hundred rupees, and whoever after having been convicted of the contravention of any provision of either of the said Order continues to contravene the said provisions, shall, on a subsequent conviction, be punishable with fine, as aforesaid and to a further fine which may extend to twenty rupees for each day of continued contravention, after the previous date of conviction.

(2) The Court while passing an order under sub-section (1) may direct that any tree or part thereof or any material used for advertisement, which is the subject of the contravention shall be forfeited to the Central Government or impose a fine of an amount which shall be equivalent to the value thereof.

15. Penalty for breach of rules. - Except as otherwise provided for in this Act, any contravention of any of the rules framed thereunder shall be punishable with fine which may extend to five hundred rupees, and in case of a continuing contravention, with an additional fine, which may extend to twenty rupees, for each day during which such contravention continues after the first conviction and the Court while passing any sentence on conviction of any person for the contravention of any rule, may direct that any property or part thereof in respect of which the rule has been contravened, shall be forfeited to the Central Government.

"Illustration. - Where an unauthorised structure has been constructed or any obnoxious material or substance is collected or heaped on a site in any unauthorised manner or where an advertisement board has been set up in contravention of the Advertisements Control Order, such structure, material substance or board shall be liable to forfeiture, and not the site or budding on. which the same may be located or fixed:

Provided that if a building is begun, erected or re-erected in contravention of any of the building rules, the Chief Administrator shall be competent to require the building to be altered or demolished by a written notice delivered to- the owner thereof within six months of its having begun or having been completed, as the case may be. Such notice shall also specify the period during -which such alteration or demolition has to be completed and if the notice is not complied with, the Chief Administrator shall be competent to demolish the said building at the expense of the owner:

Provided further that the Chief Administrator may, instead of requiring the alteration or demolition of any such building accept by way of compensation such sum as he may deem reasonable.

16. Registration and licensing of architects, engineers and plumbers, etc. - No architect or engineer who does not possess the qualifications, as detailed in the First Schedule appended to this Act, shall be considered as duly qualified ; and no person other than a duly qualified architect or engineer or any plumber shall be competent to certify any plan or completion of a building, or engage in any plumbing works, as the case may be, unless registered and licensed by the Chief Administrator.

17. Power of entry on buildings or land. - The Chief Administrator, may authorise any person after giving twenty-four hours notice to the occupier, or if there be no occupier, to the owner of any building or land, at any time between sunrise and sunset –

- (a) to enter on and to survey, and to take levels or measurements of any buildings or land;
- (b) to enter into any building or on any land for the purpose of examining works under construction, or of ascertaining the course of sewers or drains;
- (c) to enter into any building or on any land for the purpose of ascertaining whether any building is being or has been erected or re- erected without sanction or in contravention of any sanction given under this Act or the rules made thereunder and to take such measurements and do any other such acts as may be necessary for such purpose.

18. Procedure for prosecution. - No court shall take cognizance of any offence punishable under this Act or any rule made thereunder except on the complaint of, or upon information given by, the Chief administrator or any other person authorised by him in this behalf.

19. Bar of jurisdiction. - No court shall have jurisdiction to entertain any suit or

proceeding in respect of the recovery of any arrears or penalty under section 8 or in respect of the resumption of any site or building, or both, as the case may be, under section 8-A or the forfeiture of any money under that section or in respect of any order made, by the Central Government or any other authority in the exercise of any power conferred by or under this Act.

20. Protection of action taken in good faith. –

(1) No suit, prosecution or other legal proceeding shall lie against the Chief Administrator, Estate Officer, or any other person acting under their direction in respect of any thing which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the Central Government, the Chief Administrator or the Estate Officer or any other person in respect of any damage caused or likely to be caused by any thing which is in good faith done or intended to be done in pursuance of this Act or rules or orders made thereunder.

21. Delegation. –

(1) The Central Government may by order direct that any power exercisable by it under this Act shall be exercisable, subject to such conditions, if any, also by such officers subordinate to the Central Government as may be specified in the order,

(2) The Chief Administrator may delegate all or any of his powers under this Act to any officer of the Central Government subject to such conditions, if any, as may be specified by the Chief Administrator.

22. Power to make rules. –

(1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

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

- (a) the terms and conditions on which any land or building may be transferred by the Central Government under this Act;
- (b) the manner in which consideration money for any transfer may be paid;
- (c) the rate of interest payable, and the procedure for payment of instalments, interest, fees, rents or other dues payable under this Act ;
- (d) the terms and conditions under which the transfer of any right in any sit or building may be permitted;
- (e) erection of any building or the use of any site;
- (f) levy of fees or taxes under section 7;

- (g) the terms and conditions for the breach of which any site or building may be resumed;
- (h) the conditions with regard to the buildings to be erected on sites transferred under this Act ;
- (i) the form of notice and the manner in which notices may be served;
- (j) the form and manner in which appeals and application under this Act may be filed and the court fees leviable on such appeals and applications;
- (k) the matters referred to in sub-section (2) of section 5.
- (1) any other matter which has to be or may be prescribed. (Omitted).

23. Repeal. - The Capital of Puniab (Development and Regulation) Act, 1952 (President's Act V of 1952), is hereby repealed :

Provided that any appointment, notification, order scheme, rule, form or by-law, made or issued under the repealed Act shall, so far as it is not inconsistent with the provisions of this Act, continue in force and shall be deemed to have been made or issued under the provisions of this Act, as if this Act was in force at the time.

THE FIRST SCHEDULE

1. Fellow of the Royal Institute of British Architects (England) or Associate of the Royal Institute of British Architects (England) or an equivalent registration in any other foreign country.
2. Member of the Institution of Engineers (India) or Associate Member of the Institution of Engineers (India)
3. Member of the Institution of Civil Engineers (England) or Associate Member of the Institution of Civil Engineers (England) or an equivalent registration in any other country.
4. Fellow of the Indian Institute of Architects or Associate of the Indian Institute of Architects.
5. B.Sc. in Engineering of any Engineering University in India or abroad or Diploma in C.E. Roorkee.
6. Diploma from J.J. School of Arts. Bombay.
7. Diploma from School of Architecture, Delhi Polytechnic.
8. Diploma, degree or certificate from any other institution recognised by the Indian Institute of Architects or Institution of Engineers (India).