

UTTAR PRADESH REGULATION OF BUILDINGS AND USE OF
LAND (NUCLEAR INSTALATIONS AREA) ACT, 1988

[U. P. Act No. 19 of 1992]

[As Passed by the Uttar Pradesh Legislature and received
the assent of the President on July 31, 1992, under clause 3 of
Article 348 of the Constitution of India and was published in the
Uttar Pradesh Gazette, *Extraordinary*, dated August 20, 1992.]

AN

ACT

*to provide for the control of the construction of buildings
and the use of land in the neighborhood of any nuclear
installation in the State of Uttar Pradesh.*

IT IS HEREBY enacted in the Thirty-ninth year of the Republic of
India as follows :—

**Short title,
extent and
commencement**

1. (1) This Act may be called the Uttar Pradesh Regulation of
buildings and use of Land (Nuclear Installations Area) Act, 1988.

(2) It extends to the whole of the State of Uttar Pradesh.

(3) It shall come into force on such date as the State
Government may, by notification, appoint in this behalf.

Definitions

2. In this Act, unless the context otherwise requires —

(1) “building” includes —

(a) a house, out house, stable, cattle-shed, cattle house, latrine,
godown, shed, hut, wall, roofed enclosure and any other such
structure, whether wholly or partially constructed of masonry, bricks,
mud, wood, metal or any other material whatsoever ;

(b) a structure on wheels or resting on the ground without
foundation ; and

(c) a tent, van and any other structure used for human
habitation or use for keeping or storing any article or goods.

(2) a person shall be deemed in —

(i) erect a building if he constructs a building for the first time
or re-constructs an existing building after demolishing it ;

(ii) re-erect a building, if he —

(a) makes any material alteration to or enlargement of a
building; or

(b) converts into a dwelling place any building not originally constructed for that purpose; or

(c) converts into two or more dwelling places a building originally constructed as a single dwelling place; or

(d) converts two or more dwelling places into a larger number of such places; or

(e) converts into a factory, workshop or godown or into a stable, cattle shed or cattle-house any building originally constructed as a dwelling place; or

(f) makes any alteration which is likely to affect prejudicially the stability or safety of a buildings or the condition of a building in respect of its drainage, sanitation of hygiene; or

(g) makes any alteration to a building which increases or diminishes its height or the area covered by it or the cubic capacity thereof, or which reduces the cubic capacity of any room therein.

(3) “exclusion area” in relation to a nuclear installation means such area, within 1.6 kilometers from any portion of the boundary of such nuclear installation, as may be specified by the State Government by notification in this behalf.

(4) “nuclear installation” means the atomic power station at Narora in the district of Bulandshahr and includes any other place notified by the State Government in this behalf wherein other facilities connected with research and development in nuclear energy in Narora are provided or any other atomic power station notified by the State Government in this behalf.

(5) “nuclear installation area”, in relation to a nuclear installation, means the exclusion area and the sterilized area in relation to such nuclear installation.

(6) “nuclear installation local authority”, means the nuclear installation local authority constituted under section 3.

(7) “sterilized area”, in relation to nuclear installation means such area within 4.8 kilometers from any portion of the boundary of such nuclear installation, as may be specified by the State Government by notification, but not including the exclusion area.

**Constitution
of nuclear
installation
local
authority**

3. (1) For every nuclear installation the State Government shall, by notification, constitute a nuclear installation local authority for the purpose of controlling the erection or re-erection of buildings and the use of land in the nuclear installation area.

(2) The authority shall consist of the following :—

(a) The Collector of the District in which the Nuclear Installation is Situate. *Member-Chairman*

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| (b) The Chief Executive Officer of the Nuclear Installation. | <i>Member-Secretary</i> |
| (c) The Chief Zonal Engineer—Uttar Pradesh State Electricity Board. | <i>Member.</i> |
| (d) Four members to be nominated by the State Government by notification. | |

Exemption from certain Acts

4. (1) The State Government may, by notification, direct that the provisions of any enactment for the time being in force in the State of Uttar Pradesh and relating to public health local self-government shall not apply to the nuclear installation area or shall apply thereto only to such extent and subject to such modifications and restrictions as may be specified in such notification.

(2) Where the enactments referred to in sub-section (1) are applied subject to modifications or restrictions, the notification under sub-section (1) may in particular authorize the nuclear installation local authority or its Chairman or Secretary to perform and duty or exercise any power assigned to a Nagar Mahapalika, Municipality, Town Area, Notified Area or a Zila Parishad or to its Chairman or President or to any other authority or officer under the provisions of the Act so applied, subject to such control as may be specified in such notification.

Prohibition of use of land etc. in exclusion area except for certain purposes

5. No person other than the State Government or the Central Government or any local authority shall use or cause to be used any land in the exclusion area for any purpose including agricultural purpose, or carry out any agricultural, building, engineering, mining or other operation in or over or under any land in such area or make any material change in the use of any building or land in such area ;

Provided that no local authority shall use or cause to be used any land in the exclusion area for any purpose including agricultural purpose or carry out any agricultural, building, engineering, mining or other operations in or over or under any land in such area or make any material change in the use of any building or land in such area without the prior approval in writing of the nuclear installation local authority ;

Provided further that the continuance of the use of any building or land for the purpose and to the extent for and to which it was being used on the date on which such area is notified as exclusion area under clause (3) of section 2 may be permitted by the nuclear installation local authority by general or special order for such period and upon such terms and conditions as may be prescribed.

Prohibition of erection or re-erection of building, etc. without permission

6. No person other than the State Government or the Central Government shall —

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| (a) erect or re-erect a building on any land ; or |
| (b) put to use any agricultural land to any non-agricultural purpose ; or |

(c) carry out any engineering, mining or other operation on any land ;

within the sterilized area without the prior permission in writing of the nuclear installation local authority and except in accordance with the terms and conditions specified in such permission.

**Application
for
permission**

7. (1) An application for permission under section 6 shall be in such form, contain such particulars and the accompanied by such plans and fee as may be prescribed.

(2) The Applicant shall also furnish to the nuclear installation local authority any further information or plans which it may require, within such time as may be fixed by it.

**Grant of
permission**

8. (1) On receipt of an application under section 7, the nuclear installation local authority may grant permission subject to such terms and conditions as it may think fit to impose or refuse to grant the permission :

Provided that the permission shall not be refused unless the applicant has been given an opportunity of making his representations.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the nuclear installation local authority may, in granting permission under sub-section (1) for the erection or re-erection of a building impose conditions in respect of all or any of the following matters, namely —

(a) the free passage or way to be left in front of the building ;

(b) the open space to be left about the building to secure free circulation of air and the prevention of fire and to facilitate scavenging;

(c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist ;

(d) the provision and position of drains, latrines, urinals, and cess pools or other receptacles for rubbish or filth ;

(e) the level and width of the foundation, the level of the lowest floor, and the stability of the structure ;

(f) the line of frontage, with neighboring buildings if the building abuts on a street ;

(g) the means of egress from the building in case of fire ;

(h) the materials to be used for, and the method of construction of external and partition wall, rooms, floors, fire-places and chimneys ;

(i) the height and slope of the roof above the upper-most floor on which human beings are to live or cooking is to be done ; and

(j) any other matter affecting the ventilation and sanitation of the building.

(3) In granting or refusing permission under sub-section (1), the nuclear installation local authority shall have regard to the following matters namely :—

(a) the possibility of the erection or re-erection of building, the non-agricultural purpose for which the land is to be used or the carrying out of any engineering, mining or other operation —

(i) creating unfavorable conditions in the environment of the nuclear installation resulting in accidental release of radio activity into the atmosphere ; or

(ii) resulting in consequent growth of population around the nuclear installation ; and

(b) such other matters as may be prescribed.

(4) The permission granted under sub-section (1) for the erection or re-erection of a building shall specify the purpose for which the building is to be used.

Power to cancel or suspend permission

9. (1) The nuclear installation local authority may, at any time, cancel or suspend the permission granted under section 8, if—

(a) such permission has been obtained by fraud misrepresentation or suppression of material particulars ; or

(b) the holder of the permission has contravened any of the provisions of this act or any rules made thereunder of any or the terms of conditions subject to which the permission was granted.

(2) Before cancelling or suspending the permission under sub-section (1), the nuclear installation local authority shall give the holder of the permission an opportunity of making his representations.

Lapse of permission

10. Every permission granted under section 8 shall be valid for a period of one year from the date on which it is granted and if the erection or re-erection of the building or the use of agricultural land for non-agricultural purpose, or the engineering, mining or other operation for which the permission is granted is not commenced within the said period, it shall not be commenced thereafter unless the nuclear installation local authority on application made therefor has extended the period.

Penalties

11. (1) Whoever contravenes the provisions of section 5 shall be punishable with fine which may extend to five thousand rupees.

(2) whoever within the sterilized area begins, continues or completes the erection or re-erection of a building or puts to use any agricultural land to non-agricultural purpose or carries out any engineering mining or other operation —

(a) without permission; or

(b) without complying with any of the terms or conditions subject to which the permission has been granted ; or

(c) when permission has been refused ; or

(d) after the permission granted has ceased to be valid in accordance with the provisions of this Act, shall be punishable with fine which may extend to five thousand rupees.

(3) Whoever within the sterilized area —

(a) uses any building erected or re-erected for a purpose other than that specified in the permission ;

(b) puts to sue any agricultural land to non-agricultural purpose other than the purpose for which the use of the land was permitted ; shall be punishable with fine which may extend to five thousand rupees and in case of continuing offence with a further fine which may extend to one hundred rupees for each day during which such offence continues after conviction for the first commission of the offence.

Offence by companies

12. (1) If the person committing an offence under this Act is company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of 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 provide in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence 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 of the company, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section —

(a) “company” means a body corporate and includes a firm, society or other association of individuals; and

(b) “director” in relation to —

(i) a firm, means a partner in the firm;

(ii) a society or other association of individuals, means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

Power to stop work

13. (1) The nuclear installation local authority may, at any time by notice in writing, direct the owner, lessee or occupier of any land in the nuclear installations area —

- (a) to stop the user of any building or land for any purpose ; or
- (b) to stop the erection or re-erection of any building on such land ; or
- (c) to alter or demolish, within such time as may be specified in the notice, any building or any part thereof ; or
- (d) to stop the user of any agricultural land for non-agricultural purpose ; or
- (e) to stop the building, engineering, mining or other operation, if in the opinion of such authority the user of the building or land, the erection or re-erection of the building or part thereof or the user of any agricultural land for non-agricultural purpose or the carrying out of the building, engineering, mining or other operation is in contravention of any of the provisions of this Act, the rules made thereunder or of the terms and conditions subject to which permission is granted under this Act.

(2) If any direction given under sub-section (1) is not complied with, within the time specified therefor in the notice, the nuclear installation local authority may have such direction carried into effect at its cost and have the amount thereof recovered from the defaulter as if it were an arrear of land revenue.

Appeal

14. (1) Any person aggrieved by —

- (a) any order or decision of the nuclear installation local authority under this Act ; or
- (b) any direction issued under section 13, may appeal to the Commissioner within such time and in such manner as may be prescribed :

Provided that the Commissioner may, in his discretion, allow further time not exceeding one month for the filing of any such appeal, if he is satisfied that the appellant had sufficient cause for not filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Commissioner shall after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(3) The Commissioner may stay the operation of the order or decision or direction appealed against pending disposal of the appeal.

Revision

15. (1) The State Government may, either sue motu or on application made in this behalf call for and examine the record of any proceeding under this Act, to satisfy itself as to the regularity of such

proceeding of the correctness, legality or propriety of any order or decision made or detections issued therein and may pass such orders in relation thereto as it may think fit :

Provided that where under this Act an appeal lies and no appeal is preferred no application by way of revision shall be entertained at the instance of the person who could have appealed.

(2) No order under sub-section (1) shall be made to the prejudice of any person unless he has had a reasonable opportunity of making his representation.

(3) The State Government may stay the operation of any such order, decision or direction pending the exercise of its powers under sub-section (1) in respect thereof.

(4) Every application to the State Government for the exercise of its powers under this section shall made within two months from the date on which the order, decision or direction to which the application relates was communicated to the applicant :

Provided that the State Government may, in its desertion, allow further time not exceeding one month for the making of any such application, if it is satisfied that the applicant has sufficient cause for not making the application in time.

(5) The State Government may, by notification in the Gazette, delegate the powers conferred upon it by sub-section (1) to any authority or officer, who shall be not below the rank of Special Secretary to the State Government.

Bar of Compensation

16. No compensation shall be claimed by any person for any damage or loss sustained by him in consequence of —

(a) the refusal to grant permission by the nuclear installation local authority ; or

(b) any condition subject to which any such permission is granted ; or

(c) any direction issued under section 13 ; or

(d) any order passed by the Commissioner under section 14 or by the State Government under section 15 ; or

(e) the operation of any of the provisions of this Act or the rules made thereunder.

Civil Courts not to decide questions under this Act 47 of 1963

17. No Civil Court shall have jurisdiction, notwithstanding anything contained in the specific Relief Act, 1963 to decide or deal with any question which is by or under this Act required to be decided or dealt with by any authority or officer mentioned in this Act.

Finality of orders passed under this Act

18. (1) Any order passed or decision taken by any authority or officer in respect of matters to be determined for the purposes of this Act shall, subject only to appeal or revision, if any, provided under this Act, be final.

(2) No such order or decision shall be liable to be questioned in any court of law.

**Act to
override
other laws**

19. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other Act, law, custom, usage or contract.

(2) Save as otherwise provided in sub-section (1) the provisions of this Act shall be in addition to and not in derogation of any other Act.

**Power to
make rules**

20. (1) The State Government may make rules to carry out the purposes of this Act.

(2) 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) all matters expressly required or allowed by this Act to be prescribed ;

(b) the rules for the conduct of business of the nuclear installation local authority ;

(c) the form of application for permission and the information and plan to be furnished either alongwith such application or subsequently ;

(d) the matters that the nuclear installation local authority should take into consideration while granting permission under the proviso to section 5 or while granting or refusing a permission under section 8 ;

(e) the time within which and the manner in which appeal under section 14 may be preferred ; and

(f) the fees which may be charged in respect of any application made, appeal preferred, or proceeding taken, under this Act.
