

Punjab New Capital (Periphery) Control Act, 1952

As applicable to Haryana

Punjab Act No. 1 of 1953

Received the assent of the President on the 12th January 1953, and was first published in the Government Punjab Gazette (Extraordinary) of the 16th January, 1953.

An Act to control and regulate the periphery of territories which immediately before the 1st Nov 1966, comprised the new capital of the state of Punjab. It is hereby enacted as follows:

NOTE:

Statement of Objects and Reasons - The Punjab Government are constructing a New Capital named "Chandigarh". The Master Plan providing for the future extension of the Capital will extend over a much greater area than the area acquired so far the construction of the first phase of the Capital. To ensure healthy and planned development of the new city it is necessary to prevent growth of slums and ramshackle construction on the land lying on the periphery of the new city. To achieve this object it is necessary to have Legal authority to regulate the use of said land for purposes other than the purposes for which it used to present.

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Legislative History

1. Amended by Punjab Act 14 of 1957.
2. Amended by Punjab Act 30 of 1963
3. Amended by Punjab Act 28 of 1962
4. Amended by Punjab Act 25 of 1964
5. Amended by Punjab Adaptation of Laws (State and Concurrent Subjects) Order,1968
6. Amended by Haryana Act 38 of 1971.
7. Amended by Haryana Act 22 of 1999.
8. Amended by Haryana Act 3 of 2000.
9. Amended by Haryana Act. 15 of 2001.
10. Amended by Haryana Act 22 of 2003.

1. Short title, extent and commencement :-

- 1) This Act may be called the Punjab New Capital (Periphery) Control Act, 1952.
- 2) [It extends to such part of the area in the State of Haryana as is adjacent to and 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 it existed immediately before the 1st November, 1966.]
- 3) It shall come into force at once.

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

- (1) “agriculture” includes horticulture, dairy farming, poultry farming and the planting and upkeep of orchard;
 - (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) “Director” means the Director, Town and Country Planning Department, Haryana and includes any person for the time being appointed by the State Government, by notification in the Official Gazette, to perform all or any functions of the Director, under this Act;
 - (4) “Commissioner” means the Commissioner and Secretary to Government, Haryana Town and Country Planning Department;
- [(4-A)] “Local Authority” means the Municipal Committee, Municipal Council or Municipal Corporation;
- (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);
 - (8) ¹“location premium” means an amount over and above the prescribed fee and charges that an applicant is willing to pay to the State Government to obtain the permission against applications received under sub-section (1A) of section 6, as determined through bidding/auction process in pursuance of the policy issued by the State Government in this regard, from time to time.’.

3. Declaration of controlled area.

The State Government may by notification in the official Gazette declare the whole or any part of the area to which this Act extends to be a controlled area for the purpose of this Act.

¹ Substituted by amendment Vide Haryana Act No. 08 of 2019 vide notification no. Leg. 8/2019 dated 31.01.2019.

4. Publication of plans of controlled area –

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

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

6. Applications for permission and the grant of or refusal of such permission-

- (1) Every person desiring to obtain the permission referred to in section 5 shall make an application in writing to the Director in such form and containing such information in respect of the building, excavation or means of access to which the application relates as may be prescribed:

²“Provided that for such uses for which limited number of permissions have been prescribed, located in such land use zones of various notified development plans, where in the opinion of the State Government, the permissions are to be issued after invitation of bids or following an auction procedure in pursuance of the policy framed by the State Government in this regard from time to time, such application shall be considered to be valid only if it is filed in response to a notice of the Director and fulfils the prescribed terms and conditions.”;

- ³“(1A) All such applications, for which limited number of permissions have been prescribed, received in response to the notice issued by the Director against policy for auction of permissions that are considered to be in order by the Director shall, in addition to the prescribed requirements, also be liable for payment of location premium, as determined through the bidding/auction process, in such manner and in such time frame as conveyed by the Director. The amount received against location premium shall be utilised for provision, maintenance and augmentation of external development works as provided in the Haryana Development and Regulation of Urban Areas Act, 1975 and shall be recovered in addition to the prescribed rates of development charges received against external development works from an applicant, if applicable.”;

- (2) On receipt of such application the Director, after making such enquiry as he considers necessary, shall, by order in writing, either –

² Substituted by amendment Haryana Act No. 08 of 2019 vide notification no. Leg. 8/2019 dated 31.01.2019.

³ Inserted by amendment Haryana Act No. 08 of 2019 vide notification no. Leg. 8/2019 dated 31.01.2019.

- 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 Director 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 Director 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 Director 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 (1) of section 3 was made, nor shall he 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 Director, no order in writing has been passed by the Director, 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:
- ⁴“Provided further that such time limit of three months shall not be applicable wherein limited number of permissions has been specified in notifications issued from time to time.”

6-A. Entry into land or building. –

The Director may authorise any person to enter into or upon any land or building with or without assistance of workman for the purpose of making any enquiry, inspection, measurement or survey or taking levels etc. : Provided that no entry shall be made after sunset or before sunrise and without giving twenty-four hours notice to the occupier or owner of such land or building.]

⁵6-B. Online receipt and approval. –

- (1) All functions performed under this Act may also be performed through electronics form and internet.
- (2) Without prejudice to the generality of sub-section (1), the functions may include all or any of the followings:-
 - (a) receipt or acknowledge of applications and payments;
 - (b) issue of approvals, orders or directions;
 - (c) scrutiny, enquiry of correspondence for grant of permissions, its extension;
 - (d) approval of plans, grant of occupation certificate etc.;

⁴ Inserted by amendment Haryana Act No. 08 of 2019 vide notification no. Leg. 8/2019 dated 31.01.2019.

⁵ Inserted by amendment Haryana Act No. 08 of 2019 vide notification no. Leg. 8/2019 dated 31.01.2019.

- (e) filing of documents;
- (f) issue of notices for recoveries etc.;
- (g) maintenance of registers and records;
- (h) any other function that the Director may deem fit in public interest.

7. Appeal. –

The Director 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 be extract their form. Any person aggrieved or affected by an order of the Director under sub - section (2) of Section 6 granting permission subject to conditions or refusing permission or orders passed under sub-section (2) of Section 12 may, within a period of sixty days from the date of such order prefer an appeal to the Commissioner and Secretary to Government, Haryana, Town and Country Planning Department, whose orders shall be final.

8. Compensation. –

A person whose application has been refused or whose application 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 Director under section 6 or 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 hereinafter provided.

9. Arbitration for compensation. –

- (1) An application for compensation shall lie to an arbitrator appointed by the State Government in this behalf.
- (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.
- (4) The arbitrator shall have power to reject the application, after due enquiry, or to make an award of compensation.

10. Savings. –

Nothing in this Act shall affect the power of Government or any 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. Prohibition on use of land. –

- (1) No land within controlled area shall, except with the permission of the State Government, {and on payment of such conversion charges as may be prescribed by the State Government from time to time} be used for purposes other than those for which it was used on the date of notification under sub-section (1) of Section 3 and no such land shall be used for the purposes of a charcoalkiln, pottery-kiln , lime-kiln, brick-field or brick-kiln or for quarrying stone, bajari or kankar, or manufacturing surkhi, or stone crushing, or for other similar extraction or ancillary operation except under and in accordance with the conditions of a licence to be obtained from the Director on payment of such fees and on such conditions as may be prescribed or as may be specified in the order.]
- (2) The renewal of such licence may be made [after three years] on payment of such fees as may be prescribed.
- (3) No person shall be entitled to claim compensation for any injury, damage or loss caused or alleged to have been caused by the refusal to issue or renew a licence, except in cases where such kiln was in existence at the time of the notification under sub-section (1) 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. Offences and penalties. –

- (1) Any person who –

- (a) erects or re-erects any building or makes or extends any excavation or lays out any means of 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 punishable [with imprisonment of either description for a term which may extend to three years, and with fine which may extend to ten thousand rupees, and in the case of 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 provided to have persisted in the contravention.
- (2) Without prejudice to the provisions of sub-section (1), the Director may, by notice, served by post and if a person avoids service, or is not available for service of notice, or refuses to accept service, then by fixing a copy of it on the outer door or some other conspicuous part of such premises or in such other manner as may be prescribed, call upon any person who has committed a breach of the provisions referred to in the said sub-section to stop further construction and to appear and show cause why he should not be ordered to restore to its original state or to bring it in conformity with the

provisions of the Act or the rules, as the case may be, any building or land in respect of which a contravention such as described in the said sub-section has been committed, and if such person fails to show cause to the satisfaction of the Director within a period of seven days, the Director may pass an order requiring him to restore such land or building to its original state or to bring it in conformity with the provisions of the Act or the rules, as the case may be, within a further period of seven days.

- (3) If the order made under sub-section (2) is not carried out, within the specified period, the Director may himself, at the expiry of the period of this order, take such measures as may appear necessary to give effect to the order.

Cost of the such measures shall, if not paid on demand being made to him, be recoverable from such person as arrears of land revenue; Provided that even before the expiry of seven days period mentioned in the order under sub-section (2), if the Director is satisfied that instead of stopping the erection or re-erection of the building or making or extending of the excavation or laying out of the means of access to a road, as the case may be, the person continues with the contravention, the Director may himself take such measures as may appear necessary to give effect to the order and the cost of such measures, shall, if not paid on demand being made to him, be recoverable from such person as arrears of land revenue.]

12-A.Composition of offences. –

- (1) The Director or any person authorized by the Director by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act.
- (2) Where an offence has been compounded, the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

12-B. Duty of police officers. – It shall be the duty of every police officer –

- (1) To communicate without delay to the Director or any other officer authorised in writing by him, in this behalf, any information which he receives of a design to commit or of the commission of any offence against this Act or any rules or regulations made thereunder; and
- (2) to assist the Director or any other officer authorised in writing by him, in this behalf, in the lawful exercise of any power vested in the Director or any other officer authorised in writing by him, in this behalf, under this Act or any rule or regulation made there under.

12.C. Power to arrest. –

- (1) A police Officer not below the rank of Sub-Inspector shall arrest any person who commits, in his view, any offence under this Act or any rule made there

under, and on demand declines to give his name and address, or gives such name or address which such officer has reason to believe to be false.

- (2) The person so arrested shall, without unavoidable delay, be produced before the Magistrate authorized to try the offence for which the arrest has been made, and no person, so arrested, shall be detained in custody for a period exceeding twenty-four hours without an order from the above mentioned Magistrate.

12.D.Sanction of Prosecution. –

No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Director or any officer authorised by him in this behalf.

13. Trial of offences. –

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

13-A. Bar of jurisdiction. –

No Civil Court shall have jurisdiction to entertain or decide any question relating to matters falling under this Act or the rules framed there under.

14. Indemnity. –

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

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

- (a) any building erected or re-erected for bonafide personal residential purposes and not above the height of eleven meters or for purposes subservient to agriculture in the abadi area of any village as defined in the revenue records and the area adjacent to the abadi area of any village which the Government identifies for village expansion through a notification, published in the Official Gazette, specifically to this effect subject to the condition that this area shall not exceed sixty per cent of the existing village abadi area: Provided that no such building shall be used for commercial purposes.
- (b) the erection or re-erection of a place of worship or a tomb or cenotaph or of a wall enclosing a grave-yard, place of worship, cenotaph or Samadhi on land which is, at the time of the notification under sub-section (1) of section 3, occupied by or for the purposes of such place of worship, tomb, Samadhi, cenotaph or graveyard;
- (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;

- (e) any Area policy within the limits of local authority.

16. Power to make rules. –

- (1) The State government may make rules to carry out the purposes of this Act, subject to the conditions of previous publication, and all such rules shall, as soon as may be possible, be laid before the Legislature for a period of fourteen days.
- (2) In particulars 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) in regulation of the laying out of means of access to roads;
 - (d) the fees to be charged for the grant and renewal of licences under section 10 and the conditions governing such licences;
 - (e) principles and conditions under which applications for permission under this Act may be granted or refused.

NOTIFICATIONS

Important Notification under Punjab New Capital (Periphery) Control Act, 1952

No. DTC-P-STP(E)/M-160/1958,-

In exercise of the powers conferred by clause (3) of Section 2 of the Punjab New Capital (Periphery) Control Act, 1952 (Punjab Act No. 1 of 1953), and all other powers enabling him in this behalf, the Governor of Haryana hereby appoints all Sub Divisional magistrates of Panchkula District to perform all the functions of the Director exercisable under Section 6-A and 12 of the said Act in respect of the Controlled Areas under their jurisdiction. [Published vide Haryana govt. Gazette (Extra) dated 30.5.2002, at page 1132].

No. DTCP/STP(E)/M-160/3694,-

In exercise of the powers conferred by clause (3) of Section 2 of the Punjab New Capital (Periphery) Control Act, 1952 (Punjab Act No. 1 of 1953), and all other powers enabling him in this behalf, and in suppression of Haryana Government, Town and Country Planning Department, notification No. 10/3/1999-2 TCP, dated the 29th September, 1999, the Governor of Haryana hereby appoints District Town Planner (Enforcement), Panchkula, to perform the functions of the Director, Town and Country Planning Department, Haryana, exercisable under Section 12 of the said Act in respect

of the area to which the said Act extends. (Published vide Haryana Govt. Gazette (Extra) dated 20.11.2002].

No. 2415-IV DP-72/1329 dated 4.4.1972. – In exercise of the powers conferred by Section 3 of the Punjab New Capital (Periphery) Control Act, 1952, the Government of Haryana hereby declares the revenue estates of the villages specified in the schedule below , to be controlled areas for the purposes of the said Act.

SCHEDULE

Serial No.	Name of Village	Hadbast No.
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Tehsil Naraingarh, District Ambala

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