

THE PUNJAB MUNICIPAL (NEW DELHI AMENDMENT)
ACT, 1984

No. 39 OF 1984

[27th May, 1984.]

An Act further to amend the Punjab Municipal Act, 1911, as in force in New Delhi.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Punjab Municipal (New Delhi Amendment) Act, 1984.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Amendment of section 3.

2. In section 3 of the Punjab Municipal Act, 1911, as in force in New Delhi (hereinafter referred to as the principal Act), after clause (1), the following clause shall be inserted, namely:—

Punjab Act III of 1911.

‘(1A) “Appellate Tribunal” means an Appellate Tribunal referred to in section 225-A;’

Amendment of section 170-E.

3. In section 170-E of the principal Act, for the words “shall be liable to a fine which may extend to five hundred rupees”, the words “shall be punishable with simple imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both” shall be substituted.

Amendment of section 172.

4. In section 172 of the principal Act,—

(a) in sub-section (1), for the words “shall be punishable with a fine which may extend to fifty rupees”, the following shall be substituted, namely:—

“shall be punishable,—

(a) if such street is a public street, with simple imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both; and

¹ 10th Dec. 1985 *Vide* Notification No. S.O. 870 (E) dated 2-12-1985 (except Section 2, 10 to 12, 14 and 15 Gazette of India Extra ordinary 1985 part II, Sec. 3 (ii) and 10th Feb. 1986, *Vide* Notification No. S.O. 42 (E) dated 4-2-1986 (in respect of Sec. 2, 10, 11, 12, 14 and 15), Gazette of India, Extraordinary, 1986 part I, Sec. 3 (ii).

(b) in any other case, with fine which may extend to fifty rupees”;

(b) in sub-section (2), the proviso shall be omitted.

5. In section 173 of the principal Act,—

(a) in sub-section (1), after the word “street”, wherever it occurs, the words “or public place” shall be inserted;

(b) in sub-section (2),—

(i) in the opening portion, for the words “shall be punishable with fine which may extend to fifty rupees”, the following shall be substituted, namely:—

“shall be punishable,—

(a) if any such act is done in relation to a public street, with simple imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both; and

(b) if any such act is done in relation to a street other than a public street, or to a public place, with fine which may extend to fifty rupees”;

(ii) in clause (ii), after the word “street”, the words “or public place” shall be inserted.

6. In section 174-A, section 175 and clause (e) of sub-section (1) of section 190 of the principal Act, after the word “street”, wherever it occurs, the words “or public place” shall be inserted.

7. In section 192-A of the principal Act, for the portion beginning with the words “on conviction by a magistrate be liable to fine” and ending with the words “fifty rupees for every day during which such use continues”, the following shall be substituted, namely:—

“be punishable with simple imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both”.

8. Section 195 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so renumbered, for the words “delivered to the owner within six months from the completion of the building”, at both the places where they occur, the words “delivered to the owner or occupier of that building” shall be substituted;

(ii) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Any person who begins, erects or re-erects any building as described in sub-section (1), shall be punishable with

Amend-
ment of
section
173.

Amend-
ment of
sections
174-A,
175 and
190.

Amend-
ment of
section
192-A.

Amend-
ment of
section
195.

simple imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both.”.

Amendment of section 195-A.

9. In section 195-A of the principal Act,—

(a) in sub-section (1), for the words and figures “to be delivered to the owner within six months from the commencement of the building, or from the contravention of the terms of any sanction, or of any bye-law framed under section 190, as the case may be”, the words “delivered to the owner or occupier of that building” shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Any person failing to comply with the terms of such notice shall be punishable with simple imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both.”.

Insertion of new sections 195-B and 195-C.

10. After section 195-A of the principal Act, the following sections shall be inserted, namely:—

Power to seal unauthorised constructions.

“195-B. (1) It shall be lawful for the committee, at any time, before or after delivering the notice to the owner or occupier of a building under section 195 or section 195-A, to make an order directing the sealing of such building, in the manner prescribed by rules, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of erection or re-erection of such building.

(2) Where any building has been sealed, the committee may, for the purpose of altering or demolishing such building, order the seal to be removed.

(3) No person shall remove such seal except—

(a) under an order made by the committee under sub-section (2); or

(b) under an order of the Appellate Tribunal or the Administrator of the Union territory of Delhi, made in an appeal under this Act.

Power to seize materials, etc, used in unauthorised construction.

195-C. (1) Where any building is begun, erected or re-erected as described in section 195, the committee may seize or cause to be seized any construction material, tool, machinery, scaffolding or other things used in such building or in the erection or re-erection thereof, and shall, unless the owner or occupier of such building turns up to take back such things and pays to the committee the charges for the removal or storage of such things, be disposed of by the committee by public auction or in such other manner and within such time as the committee thinks fit.

(2) The charges for the removal and storage of the things sold under sub-section (1) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner or occupier of the building on a claim being made therefor within a period of two years from the date of sale, and if no such claim is made within the said period, shall be credited to the municipal fund."

11. In section 225 of the principal Act, in sub-section (1), clauses (a) and (b) shall be omitted.

Amendment of section 225.

12. After section 225 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 225-A, 225-B, 225-C and 225-D.

66 of 1957.

"225-A. The Appellate Tribunal or Appellate Tribunals constituted under section 347A of the Delhi Municipal Corporation Act, 1957 shall be deemed to be the Appellate Tribunal or Appellate Tribunals for deciding appeals under section 225-B and the provisions of the said section 347A and section 347C of the Delhi Municipal Corporation Act, 1957, and the rules made thereunder shall, with necessary modifications, apply for the purposes of this Act as they apply for the purposes of that Act.

Appellate Tribunal.

225-B. (1) Any person aggrieved by any of the following orders or notices, may prefer an appeal against such order or notice to the Appellate Tribunal, namely:—

Appeals to the Appellate Tribunal.

(a) an order under section 170-C refusing or according sanction to the proposed street; or

(b) a notice under section 171 requiring a street to be levelled, paved, metalled, flagged, channelled, drained, cleaned or provided with proper means of lighting, or declaring a street to be a public street; or

(c) a notice under sub-section (2) of section 172 requiring removal or alteration of an immovable encroachment or immovable overhanging structure; or

(d) an order under section 173 requiring removal of a movable encroachment, movable overhanging structure or any other obstruction or encroachment or for doing any other act thereunder; or

(e) a notice under section 174 requiring any building or any part thereof to be set back to or towards the regular line of a street or an order for the payment of compensation or an order for any building to be set forward for the improvement of the line of a street; or

(f) an order under section 193 sanctioning or refusing to sanction erection or re-erection of a building; or

(g) an order under section 193-A requiring modification of the building under construction; or

(h) a notice under sub-section (1) of section 195 requiring alteration or demolition of a building; or

(i) a notice under section 195-A requiring building operations to be discontinued; or

(j) an order under section 195-B requiring sealing of any unauthorised construction; or

(k) an order under section 195-C requiring seizure or disposal of any construction material, tool, machinery, scaffolding or other things; or

(l) an order refusing to pay any compensation or to pay such compensation as claimed under the provisions of this Act; or

(m) any such other order or notice relating to or arising out of planned development under the provisions of this Act as may be prescribed by rules.

(2) An appeal under this section shall be filed within thirty days from the date of the order or notice appealed against.

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Appellate Tribunal shall be made in such form and shall be accompanied by a copy of the order or notice appealed against and by such fees as may be prescribed by rules.

Appeal
against
orders of
Appellate
Tribunal.

225-C. (1) An appeal shall lie to the Administrator of the Union territory of Delhi against an order of the Appellate Tribunal confirming, modifying or annulling an order or notice made or issued under this Act.

(2) The provisions of sub-sections (2) and (3) of section 225-B and the provisions of section 347C of the Delhi Municipal Corporation Act, 1957, and the rules made thereunder, shall, so far as may be, apply to the filing and disposal of an appeal under this section as they apply to the filing and disposal of an appeal under the said section 225-B.

66 of 1957

(3) An order of the Administrator on an appeal under this section, and subject only to such order, an order of the Appellate Tribunal under section 225-B, and subject to such orders of the Administrator or an Appellate Tribunal, an order or notice referred to in sub-section (1) of that section, shall be final.

Bar of
jurisdiction
of
courts.

225-D. (1) After the commencement of section 12 of the Punjab Municipal (New Delhi Amendment) Act, 1984, no court shall entertain any suit, application or other proceedings in respect of any order or notice appealable under section 225-B and no such order or

notice shall be called in question otherwise than by preferring an appeal under that section.

(2) Notwithstanding anything contained in sub-section (1), every suit, application or other proceeding pending in any court immediately before the commencement of section 12 of the Punjab Municipal (New Delhi Amendment) Act, 1984, in respect of any order or notice appealable under section 225-B shall continue to be dealt with and disposed of by that court as if the said section had not been brought into force."

13. In the principal Act, under the heading "*Offences and Prosecutions*", and before section 228, the following section shall be inserted, namely:—

Insertion
of new
section
227-A.

2 of 1974.

"227-A. The Code of Criminal Procedure, 1973, shall apply to an offence under section 170-E, or clause (a) of sub-section (1) of section 172, or clause (a) of sub-section (2) of section 173, or section 192-A, or sub-section (2) of section 195, or sub-section (2) of section 195-A as if it were a cognizable offence—

Certain
to be
cogniz-
able.

(i) for the purposes of investigation of such offence; and

(ii) for the purposes of all matters other than—

(1) matters referred to in section 42 of that Code, and

(2) arrest of a person except on the complaint of, or upon information received from, such officer of the committee, not being below the rank of the Secretary to the committee, as may be appointed by the Administrator of the Union territory of Delhi:

Provided that no offence of beginning, erecting or re-erecting any building in contravention of any condition subject to which any sanction was granted by the committee shall be cognizable, if such contravention relates to any deviation from any plan of erection or re-erection of that building sanctioned by the committee which is compoundable on payment of an amount under this Act."

14. Section 228 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

Amend-
ment of
section
228.

"(2) No court shall take cognizance of an offence punishable under section 170-E, or clause (a) of sub-section (1) of section 172, or clause (a) of sub-section (2) of section 173, or section 192-A, or sub-section (2) of section 195 or sub-section (2) of section 195-A except on the complaint of, or upon information received from, such officer of the committee, not being below the rank of the Secretary to the committee, as may be appointed by the Administrator of the Union territory of Delhi."

15. In section 240 of the principal Act,—

(a) in sub-section (1), after clause (v), the following clauses shall be inserted, namely:—

Amend-
ment of
section
240.

"(va) the manner in which the sealing of any building under sub-section (1) of section 195-B shall be made;

(vb) the order or notice relating to or arising out of planned development under the provisions of this Act against which an appeal shall be preferred to the Appellate Tribunal under clause (m) of sub-section (1) of section 225-B;

(vc) the form in which an appeal shall be made to the Appellate Tribunal under sub-section (3) of section 225-B and the fees that shall accompany such appeal;";

(b) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”