

The Punjab One-Time Voluntary Disclosure and Settlement of Violations of the Buildings Constructed in Violation of the Building Bye-laws in the Corporations and the Municipalities Act, 2004

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Act 6 of 2004

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The Punjab One-Time Voluntary Disclosure and Settlement of Violations of the Buildings Constructed in Violation of the Building Bye-laws in the Corporations and the Municipalities Act, 2004 Punjab Act No. 6 of 2004 Statement of Objects and Reasons - Since there exists large number of buildings in cities and towns which have not been constructed in full conformity with the Building Bye-laws, thus the State Government has come to the conclusion that it is not possible to remove/amend these violations without causing considerable loss and destructions of properties. Therefore, keeping in view the genuine grievances of the general public, the State Government of Punjab has decided to offer One Time Settlement of the building violations through the policy of "the Punjab One Time Voluntary Disclosure and Settlement of Violation of the Buildings Constructed in Violation of the Building Bye-laws in the Corporations and Municipalities. This one time amnesty Scheme gives an opportunity to the owners of the buildings in the Corporations and other Municipal Towns in the State to disclose violations committed by them by constructed the building in violations of Building Bye-laws and to avail one time settlement in relaxation of clause 3.15 of the building bye-laws in term of the clause 7.1 of the bye-laws *ibid*. This relaxation will be only one time and shall not be applicable to future violations/constructions made on public/Municipal land and such violations will be dealt within punitive manner. This scheme has been notified by issuing an ordinance on January 22, 2004 as Assembly was not in Session. Now as the Vidhan Sabha Sessions has been summoned with effect from 15th March, 2004, it is necessary to convert the Ordinance No. 1/2004 into a bill during the Session. Published vide Punjab Government

Gazette (Extra.), dated March 15, 2004 page 340.No. 15-Leg./2004. - The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 2nd April, 2004, and is hereby published for general information. An Act to provide for the one-time settlement for building violations made in respect of the buildings constructed in the Corporations and the Municipalities and for the matters incidental thereto. Be it enacted by the Legislature of the State of Punjab in the Fifty-fifth Year of the Republic of India as follows :-

1. Short title commencement and application.

(1) This Act may be called the Punjab One-Time Voluntary Disclosure and Settlement of Violations of the Buildings constructed in violation of the Building Bye-laws in the Corporations and the Municipalities Act, 2004. (2) It shall come into force at once. (3) This Act shall apply to arrears falling under the jurisdiction of the Corporations and the Municipalities in the State of Punjab.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "committee" means the committee constituted under section 5 of this Act; (b) "Deputy Commissioner" means the Deputy Commissioner of the concerned District; (c) "non-compoundable violation" means construction of a building made in violation of its sanctioned plan or without getting the plan sanctioned from the competent authority, which is not compoundable under the building bye-laws made under the Punjab Municipal Corporation Act, 1976 and the Punjab Municipal Act, 1911; (d) "other area" means an area, other than the prime area or the slum area; (e) "prime area" means an area, falling within the jurisdiction of a Corporation or a Municipal Council or a Nagar Panchayat, and declared as such by the Committee; (f) "Scheduled Caste Basti" means an area, where more than fifty per cent inhabitants belonging to Scheduled Castes reside; (g) "Slum area" means an area, declared as such under section 3 of the Slum Area (Improvement and Clearance) Act, 1956 (Central Act No. 96 of 1956); and (h) the expressions 'building', 'Commissioner', 'Corporation', 'Executive Officer' and 'owner' and any other expression used in this Act, but not defined, shall have their respective meanings as assigned to them in the Punjab Municipal Act, 1911 and the Punjab Municipal Corporation Act, 1976.

3. Voluntary disclosure.

- Within a period of three months, from the date of coming into force of this Act, any owner of the building, who has committed a non-compoundable violation while constructing such building, may disclose voluntarily such violation and apply in Form 'A' to the Commissioner in the case of a Corporation or to the Executive officer in the case of a Municipal Council or a Nagar Panchayat, as the case may be, under whose jurisdiction, such building falls to regularise the non-compoundable violation.

4. One-time Settlement.

(1) The voluntary disclosure of non-compoundable violation made under section 3, may be settled by

the Commissioner in the case of a Corporation after making spot verification as a one-time measure by realizing the following composition fee, namely :-(a)in a prime area, in the case of a commercial building, five hundred rupees per square foot of the area covered under the non-compoundable violation;(b)in any other area, in the case of a commercial building, two hundred rupees per square foot of the area covered under the non-compoundable violation;(c)in the case of a residential building whether located in a prime area or in any other area, two hundred rupees per square foot of the area covered under the non-compoundable violation; and(d)in a slum area and a Scheduled Caste Basti, in the case of a residential building one hundred rupees per square foot of the area covered under the non-compoundable violation.(2)The voluntary disclosure of non-compoundable violation made under section 3, may be settled by the Executive Officer, in the case of a Municipal Council and Nagar Panchayat, after spot verification as a one-time measure by realising the following composition fee, namely :-(a)in the case of First Class Municipal Council, eighty per cent of the fee, specified in clauses (a), (b), (c) and (d) of sub-section (1);(b)in the case of Second Class Municipal Council, seventy per cent of the fee, specified in clauses (a), (b), (c) and (d) of sub-section (1); and(c)in the case of Third Class Municipal Council and Nagar Panchayat, sixty per cent of the fee, specified in clauses (a), (b), (c) and (d) of sub- section (1).

5. Constitution of Committees.

(1)For the purpose of determining as to whether a building has been constructed in a prime area or in any other area for the purpose of section 4, a committee shall be constituted by the State Government comprising the following, namely :-(a)in the case of a Corporation, the Deputy Commissioner, the Commissioner, the concerned Sub-Divisional Magistrate, the Senior Town Planner or the Divisional Town Planner, in whose jurisdiction, the building in question falls; and(b)in the case of a Municipal Council and a Nagar Panchayat, the Deputy Commissioner, the Sub-Divisional Magistrate, the Executive Officer and the Divisional Town Planner, in whose jurisdiction, the building in question falls.(2)The Committees constituted under sub-section (1), shall be headed by the Deputy Commissioner.(3)The Committees constituted under sub-section (1), shall determine the prime area or the other area, as the case may be, keeping in view the location of the building and declare as such on the basis of the market rate of the land fixed by the Deputy Commissioner for the purpose of registration of a conveyance deed in respect of such area, such committees shall complete their task within a period of one month positively from the date of coming into force of this Act.

6. Buildings to be covered under this Act.

(1)It is made clear that this Act shall apply to those buildings only, which have been constructed on or before the 11th day of September, 2003.(2)The case of non-compoundable violations, which have already been detected by the competent authorities and in respect of which the proceedings are still pending with the concerned authorities, shall also be settled in accordance with this Act. However, for getting such cases, settled, the owner shall have to make an application afresh in Form 'A'.(3)The non-compoundable violations made after the date specified in sub- section (1), shall not be compounded.(4)The one time settlement shall, however, be without any prejudice to the disciplinary action, as may be taken against the concerned Officer or official of the Corporation, Municipal

Council or Nagar Panchayat, as the case may be, who is found responsible for aiding or abetting such violation.

7. Time limit for finalising action under the Act.

(1)The Commissioner or the Executive Officer, as the case may be, shall pass the final order and finalize the matter under this Act within a period of six months after coming into force of this Act.(2)After the expiry of a period of six months as specified in sub-section (1), there shall be no settlement of non-compoundable violations, which have not been disclosed within the aforesaid stipulated period or if disclosed, but not finally settled within that period. Such violations shall be identified by the Commissioner or the Executive Officer, as the case may be, and shall be demolished as per relevant law.

8. Over-riding effect.

- Notwithstanding anything inconsistent contained in the Punjab Municipal Act, 1911 and the Punjab Municipal Corporation Act, 1976 and the rules, regulations and bye-laws made thereunder or in any other law enacted by the State Legislature, which is in force in the State of Punjab, the provisions of this Act shall have an over-riding effect.

9. Repeal and saving.

(1)The Punjab one-time Voluntary Disclosure and Settlement of Violations of the Buildings constructed in violation of the Building Bye-laws in the Corporations and the Municipalities Ordinance, 2004 (Punjab Ordinance No. 1 of 2004), is hereby repealed.(2)Notwithstanding such repeal, anything done or action taken under the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act. Form 'A' [See sections 3 and 6(2)] Application form for settlement of non-compoundable violations To The Commissioner/Executive Officer, Municipal Corporation/Municipal Council/Nagar Panchayat, ----- .Sir, I/We have constructed a building which is in violation of the provisions of the Punjab Municipal Corporation Act, 1976/the Punjab Municipal Act, 1911 or the Building Bye-laws framed thereunder and which is a non-compoundable violation under the Punjab one-time Voluntary Disclosure and Settlement of Violations of the Buildings constructed in Violation of the Building Bye-laws in the Corporation and the Municipalities Act, 2004. The particulars of the said building are as under :-

- (a) Name and address of the Owner of the Building :
- (b) Description of the Building :
- (c) Total plot area :
- (d) Date(s) and Year(s) of construction;
- (e) Total covered area to be regularized floor-wise:
- (i) Basement _____ sft.

- (ii) Ground floor _____ sft.
(iii) First floor _____ sft.
(iv) Second floor _____ sft.
(f) Rates of compromise fee applicable; and Rs. _____ per sft.
(g) Total amount of composition fee Rs. _____.
(Indicate Bank draft No.----- Date-----).

2. I/we hereby request that the said building may be considered for regularization in terms of the provisions of the Punjab One-time Voluntary Disclosure and Settlement of Violations of the Buildings constructed in Violation of the Building Bye-laws in the Corporations and the Municipalities Act, 2004.

3. I/we declare that no Government or Municipal or public land, including road/street has been encroached upon in the construction of the building.

4. I/we undertake and declare that the building constructed or any portion thereof, does not constitute any threat to the public safety.

5. I/we also undertake to abide by and comply with all the conditions, which may be imposed while regularizing the aforesaid unauthorized building.

6. I/we solemnly affirm and declare that the above information is true and correct to the best of my/our knowledge and belief and the amount of composition fee deposited will be without prejudice to the final order/decision of the competent authority.

7. The following documents are enclosed herewith :-

(a)Copy of ownership of document;(b)Copy of approved building plan, if any;(c)Plan of all the floors showing existing construction and arrangement of water supply and disposal of sewage;(d)Elevation and Typical X-Section of the building;(e)Structural Safety Certificate given by the recognized Structural Engineer; and(f)Fire Safety Certificate.