

The Nangal Township (Periphery) Control Act, 1958

PUNJAB

India

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Act 20 of 1958

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The Nangal Township (Periphery) Control Act, 1958 Punjab Act No. 20 of 1958 Statement of Objects and Reasons - Structures are growing on the periphery of Nangal Township in a very haphazard manner with the result any body who comes to Nangal does not start with good impression when it passes through such surroundings. Bhakra Dam is most important Project going on in the world today and this place is becoming a place of pilgrimage and every day the number of visitors to this place is increasing. Almost every foreigner who visits India also visits Bhakra Dam. In addition, a large number of our own people come to Nangal every month. In fact, this Project is matter of pride for the whole of India and it is, therefore, proper that the development in the vicinity of Township should be controlled as is done in the case of Chandigarh Capital. It is, therefore, proposed to take the following steps :- (i) To get a Master Plan prepared for the Township ; (ii) To enact an Act on the lines of the Punjab New Capital (Periphery) Control Act, 1952. Punjab Government Gazette Extraordinary, dated the 12th February, 1958. Received the assent of the President of India on the 1st July, 1958, and was first published for general information in the Punjab Gazette (Extraordinary) dated the 10th July, 1958. An Act to check mushroom growth and ribbon like development along roads of Nangal Township as well as its periphery. Be it enacted by the Legislature of the State of Punjab in the Ninth Year of the Republic of India follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Nangal Township (Periphery) Control Act, 1958. (2) [It extends to the area :- (a) adjacent to and within a distance of five miles on all sides of the outer boundary of the land acquired for the Nangal Township and the land acquired on both the right and left banks of the river Sutlej for the factory and associate township of the Hindustan Chemicals and Fertilizers Limited; and (b) adjacent to and within a radial distance of three miles from the Bhakra Dam.] (3) It shall come into force at once. [Substituted by Punjab Act 4 of 1961, section 2.]

2.

In this Act, unless the context otherwise requires, -(1)"Agriculture" includes horticulture 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)["Deputy Commissioner" means the Deputy Commissioner of the Rupar District and includes any person for the time being appointed by the State Government, by notification in the official Gazette to perform all or any of the functions of the Deputy Commissioner under this Act;] [Substituted by Punjab Adaptation of Laws (State & Concurrent Subjects) Order, 1968.](4)"Commissioner" means the Commissioner of the [Patiala Division,] [Substituted for 'Jullundury Division' by Punjab Adaptation of Laws (State & Concurrent Subject) Order, 1968.] and includes any person for the time being appointed by the State Government, by a notification in the official Gazette, to perform all or any of the functions of the Commissioner under this Act;(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).

3. Declaration of controlled area.

(1)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 purposes of this Act.(2)Not less than three months before making a declaration under sub- section (1) the State Government shall cause to be published in the official Gazette, and in at least two newspapers printed in a language other than English, a notification stating that it proposes to make such a declaration, and copies of the notification or of the substance thereof shall be published by the Deputy Commissioner in such manner as may be prescribed at his office and in the area desired to be controlled.

4. Publication of plans of controlled area.

(1)The Deputy Commissioner 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 "controlled area" for the purpose 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 plan referred to in section 4 and such other restrictions as may be prescribed.

6. Application for permission and the grant 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 Deputy Commissioner in such form or containing such information in respect of the building, excavation or means of access to which the application relates as may be prescribed. (2) On receipt of such application, the Deputy Commissioner after making such enquiry as he considers necessary, shall by order in writing either - (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 Deputy Commissioner 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 Deputy Commissioner shall not refuse permission to the erection or re-erection of a building if a such building is required for agricultural purposes provided it is ensured that the building will be used solely for agricultural purposes. (5) The Deputy Commissioner 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-clause (1) of section 3 was made, nor he shall impose any condition 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 notification was made. (6) If at the expiration of period of three months after an application under sub-section (1) has been made to the Deputy Commissioner, no order in writing has been passed by the Deputy Commissioner, 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. (7) The Deputy Commissioner 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 take extracts therefrom.

7. Appeal.

(1) Any person aggrieved or affected by an order of the Deputy Commissioner under sub-section (2) of section 6 granting permission subject to conditions or refusing permission, may within sixty days from the date of such order prefer an appeal to the Commissioner. (2) The order of the Commissioner on appeal shall be final.

8. Compensation.

- A person whose application has been refused or whose application has been granted subject to condition under sub-section (2) of section 6 shall be entitled to claim compensation within three months of the order of the Deputy Commissioner 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 into the future, or to increase in value as a result of the development of the Nangal Township.(4)The arbitrator shall have power to reject the application after due enquiry, or to make an award for 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. Application for permission and the grant and refusal of such permission.

(1)No land within the controlled area shall, except with the permission of the State Government, be used for purposes other than those for which it was used on the date of notification under sub-section (2) of section 3, and no land shall be used for the purposes of a charcoal kiln, pottery-kiln, lime-kiln or brick-field or brick-kiln except, under, and in accordance with, the conditions of a licence from the Deputy Commissioner or payment of such fees and under such conditions as may be prescribed.(2)The renewal of such licences may be made annually 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 case where such kiln was in existence at the time of notification under sub-section (2) of section 3 and in which case an application shall lie to the arbitrator within three months of the order or 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 to 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 fine which may extend to five hundred rupees and in the case of a continuing contravention, with a further fine which may extend to fifty rupees for every day after the date of the first conviction during which he is proved to have persisted in the contravention.(2)Without prejudice to the provisions of sub-section (1) the Deputy Commissioner may order any person who has committed a breach of the

provisions of the said sub-section to restore to its original state or to bring into conformity with the conditions which have been violated, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed, and if such person fails to do so within three months of the order, may himself take such measures as may appear to him to be necessary to give effect to the order and the cost of such measures shall be recoverable from such persons as an arrears of land revenue.

13. Trial of offence.

- No court inferior to that of a Magistrate of the First Class shall be competent to try any offence punishable under this Act.

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. Exemptions.

- Nothing in this Act shall apply to -(a)any building for residential purposes or for purposes solely for agriculture in the abadi area of any village as defined in the revenue records;(b)the erection or re-erection of a place of worship or a tomb or cenotaph or of a wall enclosing a graveyard, place of worship, cenotaph or samadhi on land which is, at the time of the notification under sub-section (2) 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 agriculture purposes.

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 particular 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 6 are to be displayed and the matters to be contained therein;(b)the form in which application under sub-section (1) of section 6 shall be made and information to be furnished in such applications;(c)the 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 11 and the conditions governing such licences;(e)principles and conditions under which applications for permission under this Act may be granted or refused.-----