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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 10th August, 1972:—

BILL No. 73 OF 1972

A Bill further to amend the Punjab New Capital (Periphery) Control Act, 1952 as in force in the Union territory of Chandigarh.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Punjab New Capital (Periphery) Control (Chandigarh Amendment) Act, 1972. Short title.

Punjab
Act I of
1953.

2. In section 6 of the Punjab New Capital (Periphery) Control Act, 1953, as in force in the Union territory of Chandigarh (hereinafter referred to as the principal Act), for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The Deputy Commissioner shall not refuse permission to the erection or re-erection of a building if such building is required for purposes subservient to agriculture:

Provided that where the Deputy Commissioner permits the erection or re-erection of a building under this sub-section, such building shall be erected or, as the case may be, re-erected only in accordance with such conditions as may be prescribed.”

Substitution of new section for section 12.

3. For section 12 of the principal Act, the following section shall be substituted, namely:—

Offences and penalties.

“12. (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 sub-section (2) of section 6 or section 7 or of any conditions prescribed under the proviso to sub-section (4) of section 6; 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 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 in 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 six weeks of the order, may, after making such enquiry as he considers necessary and after giving such person an opportunity of being heard in the matter, 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 person as an arrear of land revenue.”

Amendment of section 15.

4. In section 15 of the principal Act, to clause (c), the following *Explanation* shall be added, namely:—

‘Explanation.—For the purposes of this clause, the expression “other operations” does not include erection of superstructures over tube-wells;’

Amendment of section 18.

5. In section 16 of the principal Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(bb) the conditions subject to which any building required for purposes subservient to agriculture may be erected or re-erected under sub-section (4) of section 6;”

STATEMENT OF OBJECTS AND REASONS

The Punjab New Capital (Periphery) Control Act, 1952, was enacted with a view to checking unplanned and haphazard growth of shabby looking buildings and structures, excavations and approach roads in a periphery area of 10 miles radius around Chandigarh town. With the reorganisation of the former State of Punjab with effect from the 1st November, 1966, the periphery area of Chandigarh was shared by the Governments of the States of Punjab and Haryana and the Chandigarh Administration. The 1952 Act referred to above is in force in the Union territory of Chandigarh also.

Under sub-section (4) of section 6 of the Act, permission for the erection or re-erection of a building shall not be refused if such building is required for purposes subservient to agriculture. With a view to checking unplanned and haphazard growth of shabby looking buildings it is considered necessary that, even where permission for the erection or re-erection of a building is granted in cases where such erection or re-erection is subservient to agriculture, the building to which the permission relates shall be erected or re-erected only in accordance with such conditions as may be prescribed by rules made by the Government. It is also considered necessary to remove certain legal lacuna in section 12 of the Act pointed out by the former High Court for the State of Punjab at Chandigarh.

The Bill is mainly designed to achieve the above objectives.

UMA SHANKAR DIKSHIT.

NEW DELHI;

The 2nd August, 1972.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks to insert a new clause (bb) in section 16 of the Act. Under the new clause Government is empowered to prescribe by rules the conditions subject to which any building required for purposes subservient to agriculture may be erected or re-erected. It is hardly possible to provide in the Bill itself the conditions subject to which any such building may be erected or re-erected. These are matters of detail and administrative nature. The delegation of the legislative power is, therefore, of a normal character.

S. L. SHAKDHER,
Secretary.