

PUNJAB VIDHAN SABHA

BILL NO. 34-PLA-2021

THE PUNJAB ONE-TIME VOLUNTARY DISCLOSURE AND SETTLEMENT OF BUILDING CONSTRUCTED IN VIOLATIONS OF THE BUILDINGS BYE-LAWS BILL, 2021

A

BILL

to provide for one-time settlement for non-compoundable building violations made in respect of buildings constructed in the Municipal Corporations, Municipal Councils and Nagar Panchayats and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Seventy-second Year of the Republic of India as follows:-

Short title,
application and
commencement.

1. (1) This Act may be called the Punjab One-time Voluntary Disclosure and Settlement of Building Constructed in Violations of the Buildings Bye-laws, 2021.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

(3) This Act shall be applicable in those areas falling under the jurisdiction of the Municipal Corporations, Municipal Councils, Nagar Panchayats and Improvement Trusts in the State of Punjab where building activity is being regulated by the said authorities.

(4) It shall cease to operate on the expiry of one year from the date of its commencement, except as respects things done or omitted to be done before such cesser, and upon such cesser section 4 of the Punjab General Clauses Act, 1898 shall apply.

Definitions.

2. In this Act, unless the context otherwise requires,-

(a) "applicant" means any person who applies under this Act for compounding of the non-compoundable violations;

(b) "competent authority" means authority appointed under section 3 of this Act;

(c) "non-compoundable violation" means construction made in violation of the sanctioned plan or without getting the plan sanctioned from the competent authority, whole or part of which is non-compoundable under the provisions of the Punjab Municipal Corporation Act, 1976, the Punjab Municipal Act, 1911 or the Punjab Town Improvement Act, 1922;

- (d) “one-time settlement” means one-time voluntary disclosure and settlement of non-compoundable building violations subject to provisions of this Act;
- (e) “public land” means land owned by the Central or the State Government, Boards, Corporations, Committees, Trusts, Public Sector Undertakings and other local authorities constituted under any law;
- (f) “scheme area” means area under the Town Planning or Building Schemes, Improvement Trust Schemes, Urban Estates, Industrial Focal Points, Information Technology Parks or Schemes or Projects formulated or sanctioned by any authority under any other law; and
- (g) all other expressions used in this Act but not defined shall have their respective meanings as assigned to them in the Punjab Municipal Act, 1911, the Punjab Municipal Corporation Act, 1976 or the Municipal Building bye-laws framed thereunder or in the Punjab Town Improvement Act, 1922 or Schedule of Clause appended to any Scheme framed under the Punjab Town Improvement Act, 1922.

Competent Authority.

3. The competent authority shall be-
- (a) the Commissioner, Municipal Corporation, in case of a Municipal Corporation, for all categories of buildings.
 - (b) the Executive Officer, in case of a Municipal Council or a Nagar Panchayat or an Improvement Trust for Residential buildings; and
 - (c) the Additional Deputy Commissioner (Urban Development) for Non-residential buildings in case of a Municipal Council or a Nagar Panchayat or an Improvement Trust.

Mode of application.

4. (1) Within a period of three months from the date of commencement of this Act, any owner of the building, who has committed a non-compoundable building violation while constructing such building, may disclose voluntarily such violation and apply online in the specified Form along with photographs of such building, duly signed by the owner, to the competent authority concerned.

(2) After application made under sub-section (1) not beyond the period of nine months from the date of commencement of this Act, the applicant shall

submit the required information in specified Form alongwith all the requisite documents or plans and prescribed application fee.

5.(1) (A) Non-compoundable building violations in a residential plotted building.- The non-compoundable building violations in residential plotted buildings, disclosed voluntarily under sub-section (1) of section 4, may be settled by the competent authority, on as is where is basis, after spot verification, subject to maximum height of 50'-0", as one time measure by realizing the following composition fee, namely:-

Serial No.	Urban Local Bodies	Composition Fees
1.	In the case of Municipal Corporation and Improvement Trusts of Amritsar, Jalandhar and Ludhiana.	Rupees. 185/- per square feet of the total non-compoundable area on all floors.
2.	In the case of remaining Municipal Corporations and A Class Municipal Councils / Improvement Trusts.	Rupees. 150/- per square feet of the total non-compoundable area on all floors.
3.	In the case of B Class Municipal Councils or Improvement Trusts.	Rupees. 115/- per square feet of the total non-compoundable area on all floors.
4.	In the case of C Class Municipal Councils or Improvement Trusts and all the Nagar Panchayats.	Rupees. 75/- per square feet of the total non-compoundable area on all floors.
5.	Single basement outside the zoning line shall also be compoundable at half of the above mentioned rates subject to the condition of submission of an undertaking from the applicant regarding no litigation relating his basement with the owner of the adjoining property or properties and indemnity bond as per schedule VI of the Punjab Municipal Building Byelaws.	
6.	50 per cent of the composition fee may be deposited upfront and balance 50 percent amount in two equal half yearly installments alongwith 9.5 percent interest per annum. However, regularization certificate may only be issued after full and final payment. A rebate of 10 percent shall be given in case of lumpsum payment on the balance amount.	

Note:-

- (i) Setbacks and Height in case of scheme areas, except Town Planning Schemes shall not be compounded.
- (ii) In Town Planning Schemes Front Setback shall not be compounded.
- (iii) In other cases where front house-line has been compounded, if at any time, any portion from the front setback, so compounded, is required for road widening or laying any other infrastructure by the Urban Local Bodies, no compensation for built-up shall be given to the owner.

- (B) Non-compoundable building violations in a Residential plots sold on floor basis.- The non-compoundable building violations in Residential plots sold on floor basis, disclosed voluntarily under sub-section (1) of section 4, may be settled by the competent authority, on as is where is basis (except the parking requirement as mentioned in Clause 4.2.1 of the Municipal Building Bye-laws, 2018 and mandatory fire safety requirement including setbacks* and public safety/security and public convenience shall not be compromised) after spot verification, subject to maximum height of 50'-0", as one-time measure by realizing the composition fee as prescribed for the non-residential buildings.
- (C) Non-compoundable building violations in a non-residential building.- The non-compoundable building violations in non-residential buildings, disclosed voluntarily under sub-section (1) of section 4, may be settled by the competent authority, on as is where is basis (except the parking requirement as mentioned in relevant Building Bye-laws and mandatory fire safety requirement including setbacks* and public safety/security and public convenience shall not be compromised) after spot verification, as one-time measure by realizing the following composition fee, namely:-

Serial No.	Urban Local Bodies	Composition Fees
1.	In the case of Municipal Corporation and Improvement Trusts of Amritsar, Jalandhar and Ludhiana.	Rupees. 375/- per square feet of the total non-compoundable area on all floors.
2.	In the case of remaining Municipal Corporations and A Class Municipal Councils or Improvement Trusts.	Rupees. 300/- per square feet of the total non-compoundable area on all floors.
3.	In the case of B Class Municipal Councils or Improvement Trusts.	Rupees. 225/- per square feet of the total non-compoundable area on all floors.
4.	In the case of C Class Municipal Councils or Improvement Trusts and all the Nagar Panchayats.	Rupees. 150/- per square feet of the total non-compoundable area on all floors.
5.	The composition fees in case of Institutional buildings shall be 75 percent of the aforesaid charges and in case of Charitable or Government aided institutional buildings shall be 40 percent of the aforesaid charges.	

6.	The composition fees in case of Industrial buildings shall be 40 percent of the aforesaid charges.
7.	Basement(s) outside the zoning line shall also be compoundable at half of the above mentioned rates subject to the condition of submission of an undertaking from the applicant regarding no litigation relating to his basement with the owner of the adjoining property or properties and indemnity bond as per schedule VI of the Punjab Municipal Building Byelaws.
8.	50 percent of the composition fee may be deposited upfront and balance 50 percent amount in two equal half yearly installments alongwith 9.5 percent interest per annum. However, regularization certificate may only be issued after full and final payment. A rebate of 10 percent shall be given in case of lumpsum payment on the balance amount.

- Note:- (i) *Setbacks means the mandatory setbacks required for Fire safety for buildings more than 70'-6" height in case of buildings sanctioned or constructed before 22nd November, 2018 and 50'-0" height in case of buildings constructed on or after 22nd November, 2018 subject to No Objection Certificate from the Fire Department.
- (ii) Common public parking shall not be counted for compounding individual cases of additional FAR in scheme areas.
- (iii) In case at any time any portion from the front setback, so compounded, is required for road widening or laying any other infrastructure by the Urban Local Bodies, no compensation for built-up shall be given to the owner.
- (D) If the building is constructed on site without taking any change of land use, then prior to compounding of building, change of land use charges are to be deposited as per current applicable rates, as amended from time to time.
- (E) The applicant shall be bound to clear all the pending dues of the Urban Local Bodies or any other agency, if any, before settlement of the non-compoundable violation.
- (2) The applicant shall have to make structural changes in the building, if required, to fulfill the requirements of fire safety and parking within a period of two months from the date of submission of details in Form as specified in sub-section (2) of section 4 and shall also submit mandatory clearances from other departments, if required along with a certificate from the Structural Engineer that the building fulfills the structural safety requirements as per Bureau of Indian Standard norms.

(3) The applicant applying for compounding of violations under the Act shall be required to submit a structural safety certificate from-

(i) A structural engineer in case of non-residential buildings of height upto 50 feet and without basement and all residential buildings (except Residential plots sold on floor basis);

(ii) Any one of the following institutes in case of all other buildings-

(a) Indian Institute of Technology;

(b) Punjab Engineering College (PEC), Chandigarh;

(c) Dr. B. R. Ambedkar National Institute of Technology, Jalandhar;

(d) Thapar Institute of Engineering and Technology, Patiala;

(e) Guru Nanak Dev Engineering College, Ludhiana; and

(f) Giani Zail Singh College of Engineering and Technology, Bathinda.

(4) For violation of parking requirements, the competent authority, if deem fit, may on the request of an applicant or a group of applicants, permit either individually or collectively, an alternate parking site within the vicinity not exceeding a distance of 300 meters from the site under reference exclusively earmarking such parking spaces for the building under consideration which should be owned by the applicant(s) or taken on lease for a minimum period of 33 years.

(5) In cases wherever the provisions of the Real Estate (Regulation and Development) Act, 2016 are attracted, the applicant shall be bound to obtain necessary approval regarding the same.

6. (1) This Act shall apply only to those non-compoundable violations which have been made on or before 30th September, 2021.

(2) The cases 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 authorities concerned, shall also be settled in accordance with this Act. However, for getting such cases settled, the owner shall have to apply afresh under this Act.

7. (1) The competent authority shall pass the final order-

(i) granting permission unconditionally; or

(ii) granting permission subject to such conditions as it may think necessary to impose; or

Non-Compoundable violations to be covered under this Act.

Finalization of action under this Act and the time limit.

- (iii) refusing permission; and
- (iv) where permission is granted subject to the conditions or is refused, the ground of imposing such conditions or such refusal shall be recorded in the order and such order shall be communicated to the applicant.

(2) The competent authority shall finalize all the applications received under the Act within a period of one year after the commencement of this Act.

(3) After the expiry of a period of one year as specified in sub-section (2), there shall be no settlement of non-compoundable violations, which have not been disclosed within the aforesaid stipulated period. Such violations shall be identified by the competent authority and action shall be taken under the provisions of the Punjab Municipal Corporation Act, 1976 or the Punjab Municipal Act, 1911 or the Punjab Town Improvement Act, 1922, whichever is applicable.

8. (1) Any person aggrieved by any order of the competent authority under this Act, may within a period of thirty days from the communication of the order to him, prefer an appeal to the Additional Deputy Commissioner (Urban Development), against the order of the competent authority referred to in clause (b) of section 3 and in other cases, to the Director, Local Government, Punjab, in such form and manner, as may be specified.

(2) The appellate authority may, after giving an opportunity to be heard to the parties and to the competent authority, pass such order, as it may deem fit, either confirming, modifying or setting aside the order of the competent authority, and record its reasons in writing and the order of the appellate authority shall be final.

(3) In discharging its functions, the appellate authority shall have all the powers under the Code of Civil Procedure, 1908 of a civil court while deciding an appeal.

9. During the period of operation of this Act, no relief shall be available under the provisions of this Act in respect of the following categories of non-compoundable building violations, namely:-

(a) any non-compoundable building violations made after the 30th day of September, 2021;

(b) any non-compoundable building violations where use is not in conformity with the provisions of the Master Plan;

Appeal
against the
orders of
the
competent
authority.

Restrictions
of
regularization
in certain
cases.

- (c) areas which are specifically barred or prohibited for construction by any competent court of law;
- (d) encroachment on public land;
- (e) any area, which is notified under the Land Acquisition Act, 1894, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Forest (Conservation) Act, 1980, the Punjab Land Preservation Act, 1900, the Environment (Protection) Act, 1986 and the Works of Defence Act, 1903 or restricted area covered under any other Central or State Act prohibiting the construction of buildings in a particular area;
- (f) the violation of land use in the Town Planning or Building Schemes, Improvement Trust Schemes, Urban Estates, Industrial Focal Points or Schemes formulated under any other Act;
- (g) violations of mandatory fire safety and public safety security;
- (h) any non-compoundable building violations which restrict the easement rights of the adjoining properties; and
- (i) any type of building as may be decided by the Government.

Entitlement of claim.

10. No person shall be entitled to claim any benefit or relief unless all the terms and conditions have been fulfilled and the requisite fee and development charges, as specified by the Government, have been deposited.

Bar of jurisdiction of courts.

11. No civil court shall have jurisdiction to entertain any suit or proceedings in respect of any matter the cognizance of which can be taken and disposed of by any authority empowered by this Act or the rules or regulations made thereunder.

Overriding effect.

12. Notwithstanding anything inconsistent contained in the Punjab Municipal Act, 1911, the Punjab Municipal Corporation Act, 1976 and the Punjab Town Improvement Act, 1922 and the rules, regulations and bye-laws made thereunder or in any other law enacted by the State, which is in force in the State of Punjab, the provisions of this Act shall have an overriding effect.

9

STATEMENT OF OBJECTS AND REASONS

The Punjab One-Time Voluntary Disclosure and settlement of Building constructed in Violations of the Building Bye-laws Bill, 2021

There are large number of unauthorised buildings where the buildings plans have not been approved. Some of the violations are non-compoundable and therefore such buildings cannot be regularized under the existing provisions. These unauthorized constructions have been coming up for the last many years and at this stage neither it is possible to demolish such buildings nor it is desirable to do so. To address the concerns of such buildings which meet fire and safety standards and do not compromise on public safety, security, convenience and also to stop future unauthorized constructions, the Government of Punjab has decided to introduce a new legislation. Accordingly the present Bill i.e. "The Punjab One-Time Voluntary Disclosure and Settlement of Violations of the Buildings Bill, 2021" aims to regularize such unauthorized constructions which have come up till 30.09.2021 without compromising on public safety, security and convenience.

It is therefore deemed expedient to enact the "The Punjab One-Time Voluntary Disclosure and settlement of Building constructed in Violations of the Building Bye-laws Act, 2021".

Brahm Mohindra,
Local Government Minister, Punjab.

**CHANDIGARH:
THE 10TH NOVEMBER, 2021**

**SURINDER PAL
SECRETARY.**

N.B. - The above Bill was published in the Punjab Government Gazette (Extraordinary), dated the 10th November, 2021 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).


**Under Secretary
Punjab Vidhan Sabha
Chandigarh**