

## The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963

Act 41 of 1963

### Keyword(s):

Agriculture, Amenity, By-Pass, Controlled Area, Road, Scheduled Road, Building, Erect or Re-erect any Building, Road Reservation

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THE PUNJAB SCHEDULED ROADS AND CONTROLLED  
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.....  
ACT, 1963

(PUNJAB ACT 41 OF 1963)

*Arrangement of sections*

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THE SCHEDULE.

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**<sup>1</sup>THE PUNJAB SCHEDULED ROADS AND CON-  
TROLLED AREAS RESTRICTION OF UNREGU-  
LATED DEVELOPMENT ACT, 1963.**

(PUNJAB ACT NO. 41 OF 1963)

[Received the assent of the President of India on the 22nd November, 1963, and first published in the Punjab Government Gazette (Extraordinary), Legislative Supplement, of the 30th November, 1963.]

1	2	3	4
Year	No.	Short title	Whether affected by Legislation
1963	41	The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963	Amended by Punjab Act 23 of 1964 <sup>2</sup> . Amended by Punjab Act 25 of 1964 <sup>3</sup> .

**AN  
ACT**

*to prevent haphazard and sub-standard development along scheduled roads and in controlled areas in the State of Punjab.*

BE it enacted by the Legislature of the State of Punjab in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963. Short title and extent.

(2) It extends to the whole of the State of Punjab.

<sup>1</sup>For Statement of objects and Reasons, see, Punjab Government Gazette (Extraordinary), 1963, page 1018.

<sup>2</sup>For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1964, page 420.

<sup>3</sup>For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1964, pages 935—937.

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Definitions.

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

- (1) "agriculture" includes horticulture, dairy farming, poultry farming and the planting and upkeep of an orchard ;
- (2) "amenity" includes roads, water-supply, street lighting, drainage, sewerage, public parks and any other convenience which the Government may by notification specify for the purposes of this Act ;
- (3) "by-pass" means a road provided as a permanent diversion to a scheduled road, whether such diversion is situated within or without the limits of a local authority and whether it is constructed before or after the commencement of this Act ;
- (4) "Commissioner" means a Commissioner of a Division, and includes any person for the time being appointed by the Government by notification to exercise and perform all or any of the powers and functions of the Commissioner under this Act and the rules made thereunder ;
- (5) "controlled area" means an area declared under section 4 to be a controlled area;
- (6) "Director" means the Director of Town and Country Planning, Punjab, and includes any person for the time being appointed by the Government by notification to exercise and perform all or any of the powers and functions of the Director under this Act and the rules made thereunder in respect of any scheduled road or controlled area;
- (7) "the Government" means the Government of the State of Punjab ;
- (8) "prescribed" means prescribed by rules made under this Act ;

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- (9) "road reservation, in relation to a scheduled road" means the land, whether metalled or unmetalled, which vests in the Government or the Central Government or a local authority for the purposes of such road and the boundaries of which are demarcated by pillars, posts or wires or in any other manner ;
- (10) "scheduled road" means a road specified in the Schedule to this Act which is wholly situated within the State of Punjab, and where, any road so specified is not so situated, the portion of such road which is situated in the State of Punjab, and includes a "by-pass", but does not include any part of such road or portion, not being a by-pass, which is situated in the limits of a local authority ;
- <sup>1</sup>[*Explanation.*—For the purposes of this clause 'local authority' means a cantonment board, municipal committee, notified area committee or an improvement trust.]
- (11) "building" means any shop, house, hut, outhouse, shed or stable, whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever ; and includes a wall and a well ;
- (12) "erect or re-erect any building" includes—
- (a) any material alteration or enlargement, of any building,
  - (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation,
  - (c) the conversion into more than one place for human habitation of a building

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<sup>1</sup>Explanation added by Punjab Act 23 of 1964, section 2.

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originally constructed as one such place,

- (d) the conversion of two or more places of human habitation into a greater number of such places,
- (e) such alterations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security,
- (f) the addition of any rooms, building, out-houses, or other structures to any building, and
- (g) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land.

Prohibition to erect or re-erect buildings along scheduled roads.

3. 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 [within one hundred metres on either side of the road reservation of a bye-pass or within thirty meters on either side of the road reservation of any scheduled road not being a bye-pass.]

Provided that nothing in this section shall apply to—

- (a) the repair to a building which was in existence immediately before the commencement of this Act or any erection or re-erection of such a building which does not involve any structural alteration or addition therein; or
- (b) the erection or re-erection of a building which was in existence immediately before the commencement of this Act and which involves any structural alteration or addition, with the permission of the Director; or

<sup>1</sup>Certain words substituted by Punjab Act 23 of 1964.



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(c) the laying out of any means of access to a road with the permission of the Director, [or],

<sup>2</sup>[(d) the erection or re-erection of a motor fuel-filling station or a bus-queue-shelter with the permission of the Director.]

4. (1) The Government may by notification declare the whole or any part of any area adjacent to and within a distance of— Declaration of controlled area.

(a) eight kilo-meters on the outer sides of the boundary of any town, or

(b) two kilo-meters on the outer sides of the boundary of any industrial or housing estate, public institution or an ancient and historical monument,

specified in such notification to be a controlled area for the purposes of this Act.

(2) The Government shall also cause the contents of the declaration made under sub-section (1) to be published in at least two newspapers printed in a language other than English.

5. (1) The Director shall, not later than three months from the declaration under sub-section (1) of section 4 or within such further period as the Government may allow, prepare plans in the prescribed manner showing the controlled area and signifying therein the nature of restrictions and conditions proposed to be made applicable to the controlled area and submit the plans to the Government. Publication of plans etc., controlled area.

(2) Without prejudice to the Generality of the powers specified in sub-section (1), the plans may provide for any one or more of the following matters, namely:—

(a) the division of any site into plots for the erection or re-erection of any building

<sup>1</sup>The word "or" added at the end by Punjab Act 23 of 1964.

<sup>2</sup>New clause '(d)' added by *ibid.*



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and the manner in which such plots may be transferred to intending purchasers or lessees ;

- (b) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes ;
- (c) the development of any site into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;
- (d) the erection or re-erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and the height and character of buildings ;
- (e) the alignment of buildings on any site;
- (f) the architectural features of the elevation or frontage of buildings to be built on any site ;
- (g) the amenities to be provided in relation to to any site or buildings on such site whether before or after the erection or re-erection of buildings and the person or authority by whom such amenities are to be provided ;
- (h) the prohibition or restrictions regarding erection or re-erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in any locality ;
- (i) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;





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- (j) the restrictions regarding the use of any site for purposes other than the erection or re-erection of buildings ;
- (k) any other matter which is necessary for the proper planning of any controlled area and for preventing buildings being erected or re-erected haphazardly in such area.

(3) The Government may either approve the plans without modifications or with such modifications as it may consider necessary or reject the plans with directions to Director to prepare fresh plans according to such directions.

(4) The Government shall cause to be published by notification the plans approved by it under subsection (3) for the purpose of inviting objections thereon.

(5) Any person may, within thirty days from the date of publication of the notification under subsection (4), send to the Director his objection and suggestion in writing, if any, in respect of such plans and the Director shall consider the same and forward them with his recommendations to the Government within a period of sixty days from the aforesaid date.

(6) The Director shall also give reasonable opportunities to every local authority, within whose local limits any land included in the controlled area is situated, to make any representation with respect to the plans.

(7) After considering the objections, suggestions and representations, if any, and the recommendations of the Director thereon, the Government shall decide as to the final plans showing the controlled area and signifying therein the nature of restrictions and conditions applicable to the controlled area and publish



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the same in the Official Gazette and in such other manner as may be prescribed.

(8) Provision may be made by rules made in this behalf with respect to the form and content of the plans and with respect to the procedure to be followed, and any other matter in connection with the preparation, submission and approval of the plans.

(9) Subject to the foregoing provisions of this section, the Government may direct the Director to furnish such information as the Government may require for the purpose of approving the plans submitted to it under this section.

Erection or re-erection of buildings etc. in controlled areas.

6. 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 a controlled area save in accordance with the plans and the restrictions and conditions referred to in section 5 and with the previous permission of the Director:

Provided that no such permission shall be necessary for erection or re-erection of any building if such building is used or is to be used for agricultural purposes or purposes subservient to agriculture.

Prohibition on use of land in controlled areas.

7. (1) No land within the controlled area shall, except with the permission of the Director, be used for purposes other than those for which it was used on the date of publication of the notification under sub-section (1) of section 4, and no land within such controlled area shall be used for the purposes of a charcoal-kiln, pottery-kiln, lime-kiln, brick-kiln or brick field or for quarrying stone, bajri, surkhi, kankar or for other similar extractive or ancillary operation except under and in accordance with the conditions of a licence from the Director on payment of such fees and under such condition as may be prescribed.

(2) The renewal of such licences may be made annually on payment of such fees as may be prescribed.



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8. (1) Every person desiring to obtain the per-  
mission referred to in section 3 or section 6 or section  
7 or a licence under section 7 shall make an applica-  
tion in writing to the Director in such form and con-  
taining such information in respect of the land, build-  
ing, excavation or means of access to a road to which  
the application relates as may be prescribed.

Application for  
permission etc.  
and the grant  
or refusal there-  
of.

(2) On receipt of such application the Director,  
after making such enquiry as he considers necessary,  
shall by order in writing either—

(a) grant the permission or licence subject to  
such conditions, if any, as may be specified  
in the order, or

(b) refuse to grant such permission or licence.

(3) The Director shall not refuse permission to  
the erection or re-erection of building which was in  
existence in a controlled area on the date on which  
the notification under sub-section (1) of section 4 was  
published, nor shall he impose any condition in res-  
pect of such erection or re-erection unless he is satis-  
fied, after affording to the applicant an opportunity  
of being heard, 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 published.

(4) If, at the expiration of a period of three months  
after an application under sub-section (1) has been  
made to the Director, no order in writing has been  
passed by the Director, the permission shall, without  
prejudice to the restrictions and conditions signified  
in the plans published in the Official Gazette under  
sub-section (7) of section 5, be deemed to have been  
given without the imposition of any conditions.

(5) The Director shall maintain such register as  
may be prescribed with sufficient particulars of all



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such cases in which permission or license 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.

Power of entry  
on land or build-  
ing for survey,  
etc.

9. The Director may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of making any enquiry, inspection, measurement or survey or taking levels :

Provided that no entry shall be made except between the hours of sunrise and sunset and without giving twenty-four hours notice to the occupier or owner of such land or building.

Appeals.

10. Any person aggrieved or affected by an order of the Director under sub-section (2) of section 8 granting permission or license subject to conditions or refusing permission or license may, within sixty days from the date of such order, prefer an appeal to the Commissioner of the Division in which the scheduled road or controlled area, as the case may be, is situated and the order of the Commissioner on such appeal shall be final.

Control by Gov-  
ernment.

11. The Director shall carry out such directions as may be issued to him from time to time by the Government for the efficient administration of this Act.

Offences and pe-  
nalties.

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 3 or section 6 or in contravention of any conditions imposed by an order under section 8 or section 10, or

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(b) uses any land in contravention of the provisions of sub-section (1) of section 7 or section 10,

shall be punishable with fine which may extend to ten thousand rupees and, in the case of a continuing contravention, with a further fine which may extend to five hundred 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 Director may order any person who has committed a breach of the provisions referred to in 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, if not paid on demand being made to him, be recoverable from such person as an arrear of land revenue.

**13.** (1) Where an offence under this Act has been committed by a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been

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committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals, and

(b) “director” in relation to a firm is a partner in the firm.

Composition of offences.

14. (1) The Director or any person authorised by the Director by general or special order in this behalf may either before or after the institution of the proceedings compound any offence made punishable by or under this Act.

(2) Where an offence has been compounded the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

Trial of offence and special provision regarding fine.

15. (1) No Court inferior to that of [Judicial Magistrate] of the First Class shall be competent to try any offence punishable under this Act.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class to pass a sentence of fine exceeding the pecuniary limit specified in that section as in force in any part of the State on any person convicted of an offence punishable under this Act.

<sup>1</sup>Substituted for the word “Magistrate” by Punjab Act 25 of 1964.



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16. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Director or any officer authorised in writing by the Director in this behalf. Sanction of prosecution.

17. The Director and every other officer or employee acting under this Act or the rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Officers to be public servants.

18. The Government may by notification add to the Schedule to this Act any other road not specified therein or omit therefrom any road specified therein, and on the issue of such a notification the Schedule shall be deemed to be amended accordingly. Power to amend the Schedule.

19. (1) The Government may by notification direct that any power exercisable by it under this Act, except the power specified in sub-section (1) of section 4, sub-sections (3) and (7) of section 5, section 18 and section 25, shall, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercisable also by such officer or authority subordinate to the Government as may be specified in the notification. Delegation.

(2) The Director may, with the approval of the Government, by an order in writing delegate any of his powers and functions under this Act or the rules made thereunder to such other officer subordinate to him as may be specified in such order.

20. (1) No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder. Indemnity.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

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Bar of jurisdic-  
tion of civil  
courts.

21. No civil court shall have any jurisdiction to entertain or decide any question relating to matters falling under this Act or the rules made thereunder.

Exemptions

22. Nothing in this Act shall apply to—

- (a) the area comprised in the *abadi deh* of any village;
- (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, on the date of publication of the notification under sub-section (1) of section 4, is occupied by or for the purpose of such worship, tomb, cenotaph, graveyard or samadhi;
- (c) excavations (including wells) or other operations made in the ordinary course of agriculture: and
- (d) the construction of an unmetalled road intended to give access to land for agricultural purposes or purposes subservient to agriculture.

Effect of other  
laws.

23. (1) Nothing in this Act shall affect the operation of—

- (a) the Punjab New Capital (Periphery) Control Act, 1953 (Punjab Act I of 1953);
- (b) the Punjab Nangal Township (Periphery) Control Act, 1958 (Punjab Act 20 of 1958);
- (c) The Punjab Slum Areas (Improvement and Clearance) Act, 1961 (Punjab Act 24 of 1961); and
- (d) the Talwara Township (Periphery) Control Act, 1961 (Punjab Act 34 of 1961).



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(2) Save as aforesaid, the provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

(3) Notwithstanding anything contained in any such other law—

(a) when permission required under this Act for doing any act or taking any action in respect of any land has been obtained, such act or action shall not be deemed to be unlawfully done or taken by reason only of the fact that permission, approval or sanction required under such other law for doing such act or taking such action has not been obtained;

(b) when permission required under this Act for doing such act or taking such action has not been obtained, such act or action shall not be deemed to be lawfully done or taken by reason only of the fact that permission, approval or sanction required under such other law for the doing of such act or the taking of such action has been obtained.

24. Nothing in this Act shall affect the power of Savings. the 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.

25. (1) The Government may, by notification and subject to the condition of previous publication, make rules for carrying out the purposes to this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may

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provide for all or any of the following matters, namely:—

- (a) the manner in which the plans in respect of a controlled area shall be prepared under sub-section (1) of section 5;
- (b) the other manner in which the final plans in respect of a controlled area shall be published ;
- (c) the form and contents of the plans in respect of a controlled area and the procedure to be followed and any other matter in connection with the preparation, submission and approval of the plan;
- (d) the conditions on which the licences under section 7 shall be granted or renewed and the fees to be charged for the grant and renewal thereof ;
- (e) the form in which applications for permission or licence shall be made under sub-section (1) of section 8 and the information which shall be furnished therein ;
- (f) the principles and conditions under which applications for permission or licence under this Act may be granted or refused ;
- (g) the form and manner in which the register referred to in sub-section (5) of section 8 shall be maintained ;
- (h) the procedure to be followed in hearing appeals under section 10, the fees to be paid in respect of, and the document which shall accompany, such appeals ; and
- (i) any other matter which may be prescribed.

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[See sections 2(10) and 18]

- (1) Grand Trunk Road (from Delhi to Amritsar and on the border with Pakistan).



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- (2) Jullundur-Tanda-Dasuya-Mukerian-Pathankot Road up to border with Jammu and Kashmir State.
- (3) Delhi-Mathura Road.
- (4) Delhi-Alwar Road.
- (5) Delhi-Hissar-Sulemanki Road.
- (6) Ambala-Kalka Road.
- (7) Amritsar-Pathankot Road.
- (8) Chandigarh-Rupar-Nangal-Una-Hoshiarpur-Tanda-Amritsar Road.
- (9) Amritsar-Sarhali-Hariker-Makhu-Zira-Ferozepur-Fazilka Road.
- (10) Panipat-Rohtak-Bhiwani Road.
- (11) Rupar-Balachor-Garhshankar-Hoshiarpur-Dasuya Road.
- (12) Gurgaon-Delhi Road *via* Qutab.
- (13) Sonapat-Rohtak Road.
- (14) Kharkhauda-Delhi border Road.
- (15) Sonapat-Murthal Road.
- (16) Sonapat-Rathdana Road.
- (17) Malout-Fazilka Road .
- (18) Sonapat-Gohana Road.
- (19) Chandigarh-Samrala-Ludhiana Road.