Annexures
ANNEXURES

74th CONSTITUTIONAL AMENDMENT ACT, 1992

THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT) ACT, 1992
Statement of Objects and Reasons appended to the Constitution (Seventy-third Amendment) Bill, 1991 which was enacted as the Constitution (Seventy-fourth Amendment) Act, 1992

STATEMENT OF OBJECTS AND REASONS
In many States local bodies have become weak and ineffective on account of a variety of reasons, including the failure to hold regular elections, prolonged supersessions and inadequate devolution of powers and functions. As a result, Urban Local Bodies are not able to perform effectively as vibrant democratic units of self-government.

Having regard to these inadequacies, it is considered necessary that provisions relating to Urban Local Bodies are incorporated in the Constitution particularly for-

(i) putting on a firmer footing the relationship between the State Government and the Urban Local Bodies with respect to-
   (a) the functions and taxation powers; and
   (b) arrangements for revenue sharing;

(ii) Ensuring regular conduct of elections;

(iii) ensuring timely elections in the case of supersession; and

(iv) providing adequate representation for the weaker sections like Scheduled Castes, Scheduled Tribes and women.

Accordingly, it is proposed to add a new part relating to the Urban Local Bodies in the Constitution to provide for-

(a) constitution of three types of Municipalities:
   (i) Nagar Panchayats for areas in transition from a rural area to urban area;
   (ii) Municipal Councils for smaller urban areas;
   (iii) Municipal Corporations for larger urban areas.

The broad criteria for specifying the said areas is being provided in the proposed article 2430;

(b) composition of Municipalities, which will be decided by the Legislature of a State, having the following features:
   (i) persons to be chosen by direct election;
(ii) representation of Chairpersons of Committees, if any, at ward or other levels in the Municipalities;
(iii) representation of persons having special knowledge or experience of Municipal Administration in Municipalities (without voting rights);
(c) election of Chairpersons of a Municipality in the manner specified in the State law;
(d) constitution of Committees at ward level or other level or levels within the territorial area of a Municipality as may be provided in the State law;
(e) reservation of seats in every Municipality-
   (i) for Scheduled Castes and Scheduled Tribes in proportion to their population of which not less than one-third shall be for women;
   (ii) for women which shall not less than one-third of the total number of seats;
   (iii) in favour of backward class of citizens if so provided by the Legislature of the State;
   (iv) for Scheduled Castes, Scheduled Tribes and women in the office of Chairpersons as may be specified in the State law;
   (f) fixed tenure of 5 years for the Municipality and re-election within six months of end of tenure. If a Municipality is dissolved before expiration of its duration, elections to be held within a period of six months of its dissolution;
   (g) devolution by the State Legislature of powers and responsibilities upon the Municipalities with respect to preparation of plans for economic development and social justice, and for the implementation of development schemes as may be required to enable them to function as institutions of self-government;
   (h) levy of taxes and duties by Municipalities, assigning of such taxes and duties to Municipalities by State Governments and for making grants-in-aid by the State to the Municipalities as may be provided in the State law;
   (i) a Finance Commission to review the finances of the Municipalities and to recommend principles for-
      (1) determining the taxes which may be assigned to the Municipalities;
      (2) Sharing of taxes between the State and Municipalities;
      (3) grants-in-aid to the Municipalities from the Consolidated Fund of the State;
   (j) audit of accounts of the Municipal Corporations by the Comptroller and Auditor-General of India and laying of reports before the Legislature of the State and the Municipal Corporation concerned;
(k) making of law by a State Legislature with respect to elections to the Municipalities to be conducted under the superintendence, direction and control of the chief electoral officer of the State;
(l) application of the provisions of the Bill to any Union territory or part thereof with such modifications as may be specified by the President;
(m) exempting Scheduled areas referred to in clause (1), and tribal areas referred to in clause (2), of article 244, from the application of the provisions of the Bill. Extension of provisions of the Bill to such areas may be done by Parliament by law;
(n) disqualifications for membership of a Municipality;
(o) bar of jurisdiction of Courts in matters relating to elections to the Municipalities.

4. The Bill seeks to achieve the aforesaid objectives.

THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT) ACT, 1992
ACT, 1992[20th April, 1993.]
An Act further to amend the Constitution of India. Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:-

1. Short title and commencement.-

(1) This Act may be called the Constitution (Seventy-fourth Amendment) Act, 1992.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new Part IXA.-After Part IX of the Constitution, the following Part shall be inserted, namely:-

PART IXATHE MUNICIPALITIES
243P: Definitions.-In this Part, unless the context otherwise requires,-
(a) "Committee" means a Committee constituted under article 243S;
(b) "district" means a district in a State;
(c) "Metropolitan area" means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part;
(d) "Municipal area" means the territorial area of a Municipality as is notified by the Governor;
(e) "Municipality" means an institution of self-government constituted under article 243Q:
(f) "Panchayat" means a Panchayat constituted under article 243B;
(g) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

243Q: Constitution of Municipalities.-(1) There shall be constituted in every State,-
(a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;
(b) a Municipal Council for a smaller urban area; and
(c) a Municipal Corporation for a larger urban area, in accordance with the provisions of this Part:
Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this article, "a transitional area", "a smaller urban area" or "a larger urban area" means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.

243R: Composition of Municipalities.- (1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.
(2) The Legislature of a State may, by law, provide-
(a) for the representation in a Municipality of-
(i) persons having special knowledge or experience in Municipal administration;
(ii) the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area;
(iii) the members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;
(iv) the Chairpersons of the Committees constituted under clause (5) of article
243S: Provided that the persons referred to in paragraph (i) shall not have the right to vote in the meetings of the Municipality;

(b) the manner of election of the Chairperson of a Municipality. 243S. Constitution and composition of Wards Committees, etc.-

(1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

(2) The Legislature of a State may, by law, make provision with respect to-

(a) the composition and the territorial area of a Wards Committee;

(b) the manner in which the seats in a Wards Committee shall be filled.

(3) A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee.

(4) Where a Wards Committee consists of-

(a) one ward, the member representing that ward in the Municipality;

or

(b) two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee, shall be the Chairperson of that Committee.

(5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the Wards Committees.

243T: Reservation of seats.- (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The officers of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law,
provide. (5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

243U: Duration of Municipalities, etc.- (1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer. Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Municipality shall be completed,-

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution. Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under clause (1) had it not been so dissolved.

243V: Disqualifications for membership.- (1) A person shall be disqualified for being chosen as, and for being, a member of a Municipality-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Municipality has become subject to any of the disqualifications mentioned in clause
(1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243W: Powers, authority and responsibilities of Municipalities, etc.-
Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow-
(a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to-
(i) the preparation of plans for economic development and social justice;
(ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule;
(b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

243X: Power to impose taxes by, and Funds of, the Municipalities.-The Legislature of a State may, by law,-
(a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
(b) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
(c) provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and
(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys there from; as may be specified in the law.

243Y. Finance Commission.- (1) The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor as to-
(a) the principles which should govern-
(i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;
(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities;
(iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;
(b) the measures needed to improve the financial position of the Municipalities;
(c) any other matter referred to the Finance Commission by the in the interests of sound finance of the Municipalities.

(2) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243Z: Audit of accounts of Municipalities.-The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the auditing of such accounts.

243ZA: Elections to the Municipalities.- (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in article 243K.
(2) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.

243ZB: Application to Union territories.-The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:
Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.
243ZC: Part not to apply to certain areas.- (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.

(3) Notwithstanding anything in this Constitution, Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243ZD: Committee for district planning.- (1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The Legislature of a State may, by law, make provision with respect to-

(a) the composition of the District Planning Committees;

(b) the manner in which the seats in such Committees shall be filled: Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

(c) the functions relating to district planning which may be assigned to such Committees;

(d) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every District Planning Committee shall, in preparing the draft development plan,-

(a) have regard to-

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.
Committee for Metropolitan planning.- (I) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The Legislature of a State may, by law, make provision with respect to-
(a) the composition of the Metropolitan Planning Committees;
(b) the manner in which the seats in such Committees shall be filled:
Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area;
(c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out the functions assigned to such Committees;
(d) the functions relating to planning and coordination for the Metropolitan area which may be assigned to such Committees;
(e) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every Metropolitan Planning Committee shall, in preparing the draft development plan,-
(a) have regard to-
(i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;
(ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
(iii) the overall objectives and priorities set by the Government of India and the Government of the State;
(iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;
(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.
243ZF: Continuance of existing laws and Municipalities.-Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of THE CONSTITUTION (Seventy-fourth Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier: Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243ZG: Bar to interference by courts in electoral matters.- Notwithstanding anything in this Constitution,- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243ZA shall not be called in question in any court; (b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

3. Amendment of article 280.- In clause (3) of article 280 of the Constitution, sub-clause (c) shall be relettered as sub-clause (d) and before sub-clause (d) as so relettered, the following sub-clause shall be inserted, namely:- 
"(c) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State;".

4. Addition of Twelfth Schedule.-After the Eleventh Schedule to the Constitution, the following Schedule shall be added, namely:-

"TWELFTH SCHEDULE"
(Article 243W)
1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
15. Cattle pounds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.
THE PUNJAB MUNICIPAL CORPORATION LAW (EXTENSION TO CHANDIGARH) ACT, 1994 (AS PASSED BY THE HOUSES OF PARLIAMENT)

An Act to provide for the extension of the Punjab Municipal Corporation Act, 1976 to the Union territory of Chandigarh.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:–

1. Short title and commencement.

1. Short title and commencement. (1) This Act may be called the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994. (2) It shall be deemed to have come into force on the 24th day of May, 1994.


2. Extension and amendments of Punjab Act 42 of 1976. (1) The Punjab Municipal Corporation Act, 1976 is hereby extended to, and shall be in force in, the Union territory of Chandigarh. (2) With effect from the commencement of this Act,–

(a) the references, in the Punjab Municipal Corporation Act, 1976 (Pun. Act 42 of 1976), to State, authorities, or City mentioned in column 1 of Part I of the Schedule annexed to this Act shall be construed as if references therein to State, authorities, or City respectively mentioned or referred to opposite thereto in column 2 of that Part;

(b) the Punjab Municipal Corporation Act, 1976 (Pun. Act 42 of 1976) shall be amended as specified in Part II of the Schedule.


3. Repeal of Punjab Act III of 1911 and savings. (1) The Punjab Municipal Act, 1911 insofar as it applies to the Union territory of Chandigarh or any part thereof shall stand repealed on the coming into force of this Act:

Provided that the repeal shall not affect–

(a) the previous operation of the Punjab Municipal Act, 1911 (Pun. Act III of 1911) so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act so repealed, or
(c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form or bye-law framed, certificate obtained, permit or licence granted or registration effected) under such Act shall be deemed to have been done or taken under the corresponding provisions of the Act now extended to that Union territory, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

(2) In every law or notification passed or issued before the commencement of this Act in which reference is made to or to any Chapter or section or provision of the said Act hereby repealed, such references shall, so far as may be practicable, be taken to be made to the said Act or, their corresponding Chapter or section.

4. Transitory provision.

4. Transitory provision. Notwithstanding anything contained in this Act, the Central Government may, if necessary, appoint a person to be called the Special Officer, to exercise the powers and discharge the functions of the Municipal Corporation of Chandigarh until the day on which the first meeting of the Corporation is held after the commencement of this Act.

5. Repeal of Ordinance 7 of 1994 and saving.


(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

3. SCHÉ

THE PUNJAB MUNICIPAL CORPORATION ACT, 1976. THE SCHEDULE

(See section 2)


PART I

References Constructions

1 2.

1. Punjab State

2. State of Punjab

3. Whole of Punjab State Union territory of Chandigarh
4. Whole of the State of Punjab
5. Punjab where it refers to the State of Punjab
6. Punjab Government
7. Government of Punjab
8. Government of the State Administrator of Punjab
9. State Government
10. The Government of Punjab
11. Government
12. Divisional Commissioner prescribed authority
13. Director
14. Associate councillor Councillor
15. City Chandigarh.

PART II

Section 2,–

(a) for clause (1), substitute–

(1) “Administrator” means the administrator of the Union territory of Chandigarh appointed by the President under article 239 of the Constitution;

4.(1A) “backward classes” means any of the backward classes specified from time to time by the Administrator and whose names are published in the Official Gazette;

(b) omit clause (6)

(c) after clause (7), insert–

(7A) “Corporation” means the Municipal Corporation of Chandigarh constituted under this Act;

(d) after clause (8), insert–

(8A) “councillor”, in relation to the Corporation, means a person elected or nominated under subsection (3) of section 4;
(e) for clause (10), substitute–

` (10) “district” means district of Chandigarh covering the entire area of the Union territory of Chandigarh;

(10A) “District Planning Committee” means a Committee constituted under article 243ZD of the Constitution;;

(f) omit clause (12)

(g) after clause (14), insert–

` (14A) “Election Commission” means the Election Commission of the Union territory of Chandigarh referred to in section 10;;

(h) after clause (17), insert–

` (17A) “Finance Commission” means the Finance Commission of the Union territory of Chandigarh referred to in section 84A;;

(i) for clause (23), substitute–

` (23) “licensed architect”, “licensed engineer” and “licensed plumber” mean respectively a person registered and licensed as architect, engineer and plumber under section 16 of the Capital of Punjab (Development and Regulation) Act, 1952 (Punjab Act XXVII of 1952);;

(j) after clause (26), insert–

` (26A) “Municipality” means an institution of self-government constituted under article 243Q of the Constitution;

(26B) “Municipal area” means the territorial area of the Municipality as is notified by the Administrator under section 3 of the Act;;

(k) after clause (36), insert–

` (36A) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;;

5.(l) after clause (37), insert–

` (37A) “prescribed authority” means such authority or officer as the Administrator may, from time to time, by order to be published in the Official Gazette, prescribe:

Provided that the Administrator may prescribe different authorities or officers for different provisions of this Act;;

(m) for clause (43), substitute–
(43) "public street" means any street or the soil below the surface thereof which is specifically vested in the Corporation by an order of the Administrator issued in this behalf;

(n) for clause (51), substitute–

(51) "rural areas" means the areas of the Union territory of Chandigarh which are not urban areas;

(o) for clause (52), substitute–

(52) "Scheduled Caste" means any of the Scheduled Castes specified in Part II of the Schedule to the Constitution (Scheduled Castes) (Union territories) Order, 1951;

(p) for clause (60), substitute–

(60) "urban areas" means such areas as the Administrator may, having regard to the population of the area, density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify to be urban area by notification in the Official Gazette;

After section 2, insert–

The application of certain definitions of the Capital of Punjab (Development and Regulation) Act, 1952. 2A. The words used and not defined in this Act but defined in the Capital of Punjab (Development and Regulation) Act, 1952 (Punjab Act XXVII of 1952) shall have the meanings respectively assigned to them in that Act."

For section 3, substitute–

Declaration of area to be municipal area.

"3. (1) For the purposes of this Act, the Administrator shall, by notification, specify such territorial area of the Union territory of Chandigarh to be the Municipal area of the Municipal Corporation of Chandigarh.

(2) The Administrator may, from time to time, after consultation with the Corporation, by notification, alter the limit specified under sub-section (1) so as to include therein or to exclude therefrom such area as may be specified in the notification. The Corporation shall send its views to the Administrator within a period of three months of the date on which it is first consulted.

(3) The power to issue a notification under sub-section (2) shall be subject to the condition of previous publication.

(4) When the limits specified under sub-section (1) are altered so as to include therein any area, this Act and, except as the Administrator may otherwise by notification direct, all rules, notifications, bye-laws, orders, directions and powers made, issued or conferred and all taxes and fees imposed under
this Act and in force throughout the area specified under sub-
section (1) shall apply to such included area.”.

Section 4,—

(a) for sub-section (1), substitute—

“(1) For the purposes of carrying out the provisions of this
Act, there shall be a corporation charged with the municipal government, to be known as the
Municipal Corporation of Chandigarh.”;

(b) in sub-section (2), for “Every”, substitute “The”;

(c) for sub-section (3), substitute—

“(3) The Corporation shall be composed of the following members, namely:—

(i) members to be directly elected, representing wards;

(ii) nine members with voting rights to be nominated by the Administrator, from amongst the persons
who are eminent or distinguished in public affairs or those who have special knowledge or practical
experience in respect of municipal administration.”.

Section 5.—In sub-section (2),—

(i) in the first proviso, for “forty and more than fifty”, substitute “twenty”;

(ii) omit second proviso.

For section 6, substitute—

Reservation of seats for women, Scheduled Castes and backward classes.

“6. (1) Seats shall be reserved for women belonging to the
Scheduled Castes, from amongst the seats reserved under sub-
section (4) of section 5 for the Scheduled Castes, the number of such seats being determined by the
Administrator by an order published in the Official Gazette, which shall not be less than one-third of
the total number of seats reserved for the Scheduled Castes.

(2) Seats shall be reserved for women, the number of such seats being determined by an order
published in the Official
Gazette by the Administrator which shall not be less than one-
third (including the number of seats reserved for women belonging to the Scheduled Castes) of the
total number of seats to be filled up by direct election:

7. Provided that the seats reserved for the Scheduled Castes or for women (including those belonging
to the Scheduled Castes)
shall be allotted by rotation to different wards in such a manner as the Administrator may, by Order
published in the Official Gazette in this behalf, determine.

(3) The reservation of seats under sub-section (4) of section 5 and under sub-section (1) of this section shall cease to have effect on the expiration of the period specified in article 334 of the Constitution.

(4) The Administrator may, if he considers it necessary, by an order published in the Official Gazette, direct that such number of seats as may be specified in the order shall be reserved in favour of backward classes of citizens:

Provided that, when a backward class is deleted by an order of the Administrator, the member elected from such class shall not cease to hold office merely as a result of such deletion and shall hold office as he would have held had the deletion not been made.”.

For section 7, substitute–

Duration of the Corporation.

“7. (1) The Corporation, unless sooner dissolved under section 407, shall continue for five years from the date appointed for its first meeting and no longer.

(2) An election to constitute the Corporation shall be completed-

(a) before the expiry of its duration specified in sub-section (1)

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the reminder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Corporation for such period.

(3) The Corporation constituted upon its dissolution before the expiration of its duration shall continue only for the reminder of the period for which the dissolved corporation would have continued under sub-section (1) had it not been so dissolved.”.

Section 8.–For sub-section (2), substitute–

“(2) The Administrator shall, by an order in the Official Gazette, determine,—

(a) the number of wards; and

(b) extent of each ward.

8.(3) The Election Commission shall, by an Order in the Official Gazette, determine the wards in which seats shall be reserved for the Scheduled Castes, for women and the manner in which seats shall be rotated under the proviso to sub-section (2) of section 6.”.
For section 10, substitute—

Election to the Corporation.

"10. (1) The superintendence, direction and control of preparation of the electoral rolls for, and the conduct of all elections to the Corporation shall be vested in the Election Commission appointed under section 7 of the Delhi Municipal Corporation Act, 1957 (66 of 1957), and the Election Commission so appointed under that section shall be responsible for the functions conferred on the Election Commission under this sub-section.

(2) The Administrator shall, when so requested by the Election Commission, make available to that Commission such staff which the Administrator considers necessary for the discharge of the functions conferred on the Commission by sub-section (1).".

Section 12.—In clause (a), for “twenty-five years”, substitute “twenty-one years”.

Section 13,—

(i) in sub-section (1), after clause (1), insert—

“(m) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the House of the People;

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(n) if he is so disqualified by or under any law made by Parliament.”;

(ii) in sub-section (2), after clause (c), insert—

“(d) a person shall not be disqualified for being nominated as a member of the Corporation on the ground that he holds office of profit for the purposes of election to the House of the People under any law for the time being in force.”.

After section 13, insert—

Decisions on questions as to disqualification of members.

"13A. (1) If any question arises as to whether a member has become subject to any disqualifications mentioned in section 13, the question shall be referred for the decision of the Administrator and his decision shall be final.”.

Section 15,—

(i) omit sub-section (2)

(ii) in sub-section (3), for “Director”, substitute “Administrator”.

Section 16,—

(i) in sub-section (1), for “Director”, substitute “Administrator”;

(ii) in the proviso to sub-section (1), for “four”, substitute “six”;

(iii) in sub-section (2),—

9.(a) in the opening portion, for “Scheduled Castes”, substitute “Scheduled Castes, backward classes or for the women, as the case may be,”;

(b) after the words “Scheduled Castes” occurring at the end, add “backward classes or be a woman”.

Section 17,—

(a) omit “or co-opted” and “or co-option”;

(b) for “Director”, substitute “Election Commission”.

Section 35.—In sub-section (1), omit “other than an associated councillor”.

After section 35, insert—

Vacation of seats in case of multiple membership.

“35A. No councillor shall be a member both of the Corporation and Parliament and if a person is so chosen, then at the expiration of fourteen days from the date of the publication in the Gazette of India, or as the case may be, in the Official Gazette whichever is later, that he has been so chosen, that persons seat in Parliament shall become vacant unless he has previously resigned his seat in the Corporation.”.

Section 36.—For sub-section (1), substitute—

“(1) If a councillor becomes subject to any of the disqualifications mentioned in section 13, his seat shall thereupon become vacant.

(1A) If during three successive months, a councillor is, without permission of the Corporation, absent from all meetings thereof, the Corporation may declare his seat vacant.”.

Section 38,—

(a) for sub-sections (1), (2) and (2A), substitute—

“(1) The Corporation shall, at its first meeting in each year, elect one of its elected members to be the Chairperson to be known as the Mayor and the other two such members to be the Senior Deputy Mayor and the Deputy Mayor of the Corporation:
Provided that during the duration of the Corporation, the office of the Mayor shall be reserved in favour of a member who is a woman for the first and the fourth year of the Corporation and in favour of a member belonging to a Scheduled Caste in the third year of the Corporation.;

(b) after sub-section (3), insert–

“(3A) If the vacancy be a casual vacancy in the office of the Mayor and is reserved for a woman or for a member belonging to the Scheduled Caste, the vacancy shall be filled by electing one of the councillors from amongst women or members of the Scheduled Castes, as the case may be.”;

(c) for sub-section (6), substitute–

“(6) The Mayor may obtain reports from the Commissioner on any matter connected with the municipal government of Chandigarh.”.

10. After section 41, insert–

Wards Committees.

"41A. (1) There shall be constituted such number of Wards Committees consisting of one or more wards, within the territorial area of the Corporation, as the Administrator may, from time to time, by order published in the Official Gazette, determine. The order shall indicate the name of the Wards Committee and also the extent of the area comprised within the jurisdiction of such Committee.

(2) Each Wards Committee shall consist of–

(a) all the councillors, elected from the wards in the territorial jurisdiction of the Committee;

(b) the person, if any, nominated by the Administrator, under clause (ii) of sub-section (3) of section 4 if his name is registered as an elector within the territorial limits of the Committee;

(c) such number of persons, as may be prescribed, to be nominated by the Administrator.

Chairperson of Wards Committee.

41B. (1) The Wards Committee shall, at its first meeting in each year, elect one of its members who is a councillor to be Chairperson:

Provided that where a Wards Committee consists of one ward only, the councillor representing that ward in the Corporation shall be the Chairperson of that Committee.

(2) The Chairperson of the Wards Committee shall hold office from the date of his election until the election of his successor in office unless in the meantime, he resigns his office as Chairperson.

(3) On the occurrence of any casual vacancy in the office of the Chairperson, the Wards Committee shall, within one month of occurrence of such a vacancy, elect one
of its members who is a councillor as Chairperson:

Provided that where a vacancy has arisen on the resignation or death of the only councillor on the Committee, the Administrator may appoint any other councillor as Chairperson of the Ward Committee till election is held to fill the vacancy in due course.

Resignation of Chairperson and members of Wards Committee.

41C. (1) Any member of the Wards Committee, may resign his office by writing under his hand addressed to the Chairperson and delivered to the Commissioner; and the Chairperson may resign his office by writing under his hand addressed to the Mayor and delivered to the Commissioner.

(2) A resignation under sub-section (1) shall take effect from the date specified for the purpose in writing referred to in that sub-section, or if no such date is specified, from the date of its receipt by the Chairperson or the Commissioner, whichever is later.

Functions of Wards Committee.

41D. (1) Subject to the provisions of this Act, a Wards Committee shall exercise the powers and perform the functions as may be determined from time to time by the Corporation by resolution.

(2) When any question arises as to whether any matter falls within the purview of the Wards Committee or the Corporation, it shall be referred to the Corporation and its decision thereon shall be final.

11. Special Committees.

41E. (1) The Administrator may, by order published in the Official Gazette constitute one or more Special Committees in addition to Wards Committees and the Committees referred to in section 42, as he thinks fit for the exercise of any power of discharge of any function which the Corporation may, by resolution delegate to them or for inquiring into, reporting or advising upon any matter which the Corporation may refer to them.

(2) Any such Committee may consist of one or more councillors and such other persons having special knowledge or practical experience as the Administrator may nominate representing various interests which he may think fit, such as industry, commerce, labour, literature, science, art and social services.

Constitution of District Planning Committees

41F. (1) There shall be constituted in the district, a District Planning Committee to consolidate the plans prepared by the Corporation and the Panchayats in the District, and to prepare a draft development plan for the district as a whole.

(2) The manner in which the seats in the District Planning Committee constituted under sub-section (1) shall be filled, the functions which may be assigned to such Committee and the manner in which the Chairperson of such Committee shall be chosen, shall be
as prescribed by the Government, subject, however, to the provisions of article 243ZD of the Constitution.

(3) In preparing the draft development plan of the district, the District Planning Committee shall have regard to–

(i) the matter of common interest between the Panchayats and Municipalities in the district including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environment conservation; and

(ii) the extent and type of available resources whether financial or otherwise.

(4) While preparing the draft development plan of the district, the District Planning Committee shall consult such institutions and organizations as the Government may, by order, specify.

(5) The Chairperson of District Planning Committee shall forward the draft development plan as recommended by such Committee to the Government.

(6) Any matter relating to a Committee constituted under section 41A or this section, not expressly provided in this Act, the same may be provided in the rules made in this behalf.”.

12.Section 42,—

(a) omit sub-sections (1), (2), (4) and proviso to sub-section (5)

(b) in sub-section (3), omit “a Building and”.

Section 44,—

(a) in clause (q), add at the end “except such important parks and stadia as may be specified by the Administrator by an order issued in this behalf”;

(b) after clause (t), insert–

“(ii) the preparation of plans for economic development and social justice;”.

Section 45.—In the opening portion, for “The Corporation”, substitute–

“Subject to any general or special orders of the Administrator from time to time, the Corporation”.

Section 47,—

(i) for sub-section (1), substitute–

“(1) The Administrator shall, by notification in the Official Gazette, appoint a suitable officer as the Commissioner of the Corporation.
(1A) The reporting authority on the work and conduct of the Commissioner shall be the Adviser to the Administrator and reviewing and accepting authority shall be the Administrator.”;

(ii) after second proviso to sub-section (2), add–

“Provided also that where the Commissioner holds a lien on any service under any Government, the Administrator may at any time replace his services at the disposal of that Government.”;

(iii) in sub-section (3),–

(a) omit clause (a)

(b) omit “by giving a notice of at least one month to the Corporation”.

Section 50.–Omit “for a term not exceeding two months”.

Sections 65 and 66.–Omit “ad hoc” wherever it occurs.

For section 71, substitute–

Appointment of certain officers.

“71. (1) The Administrator shall appoint suitable officers to be respectively, the Municipal Engineer, the Municipal Health Officer, the Municipal Chief Accountant, the Municipal Secretary and the Municipal Chief Auditor and may appoint one or more Assistant Commissioners and such other officer or officers of a status equivalent to or higher than the status of any of the officers specified earlier in this sub-section as the Administrator may deem fit on such monthly salaries and allowances, if any, as may be fixed by the Administrator.

(2) The Municipal Chief Auditor shall not be eligible for any office under the Corporation after he has ceased to hold his office.

Schedule of permanent posts and creation of temporary posts.

71A. (1) The Commissioner shall, from time to time, prepare and lay before the Corporation two Schedules of posts other than those specified in section 71 setting forth the designations and grades of municipal officers and other municipal employees who should be maintained permanently in the service of the Corporation indicating therein the salaries, fees and allowances which are proposed to be paid to such officers and other employees.

(2) Of the two Schedules referred to in sub-section (1), the first Schedule shall deal with category ‘A posts and the second Schedule with other posts.

(3) The Corporation may sanction the two Schedules either without modifications or with such modifications as it thinks fit and thereafter may amend them if it thinks it necessary. Such sanction or amendment shall be subject to the approval of the Administrator.
(4) The Commissioner may create for a period not exceeding six months any group `B, `C and `D posts.

Power to make appointments.

71B. (1) Subject to the provisions of section 71, the power of appointing municipal officers and other municipal employees whether temporarily or permanent shall vest in the Commissioner.

(2) The claims of the members of the Scheduled Castes and backward classes of citizens shall be taken into consideration consistently with the maintenance of efficiency of administration, in the making of appointment of municipal officers and other municipal employees.

Recruitment.

71C. (1) Notwithstanding anything contained in section 71B, the direct recruitment to various posts may be made by the Administrator through such agencies as may be prescribed by him.”.

Section 75.–In clause (b), for "sub-section (7) of section 71", substitute–

"the Schedules referred to in section 71A".

After section 84, insert–

The Finance Commission.

“84A. (1) The Finance Commission constituted under section 107A of the Delhi Municipal Corporation Act, 1957 (66 of 1957) shall also be responsible, for the purposes of this Act, to review the financial position of the Corporation

14. and to make recommendations to the Administrator as to–

(a) the principles which should govern,

(i) the determination of taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Corporation;

(ii) the grant-in-aid to the Corporation from the Consolidated Fund of India;

(b) the measures needed to improve the financial position of the Corporation;

(c) any other matter referred to the Finance Commission by the Administrator in the interest of sound functioning of the Corporation.

(2) The Commission shall determine their procedure and shall have such powers in the performance of their functions as may be prescribed.

(3) The Administrator shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before each House of Parliament.”.
Section 87,—

(a) in sub-section (3), in clause (b), in the proviso, for “five hundred rupees”, substitute “ten thousand rupees”;

(b) in sub-section (4), for “five thousand rupees”, substitute “one lakh rupees”.

Section 90,—

(a) in sub-section (1), omit clauses (b) and (c)

(b) in sub-section (6), after “Punjab Motor Vehicles Taxation Act, 1924”, “Punjab Entertainments Duty Act, 1955” and “Punjab Entertainments tax (Cinematograph Show) Act, 1954”, add respectively “as applicable to the Union territory of Chandigarh”.

Omit sections 113 to 117 (both inclusive).

After section 126, insert—

Prior approval of the Chief Administrator.

“126A. Notwithstanding anything contained in sections 122 to 125, every permission given by the Commissioner shall be subject to the prior approval of the Chief Administrator appointed under clause (e) of section 2 of the Capital of Punjab (Development and Regulation) Act, 1952, (Punjab Act XXVII of 1952) and subject to such conditions as the Chief Administrator may impose in this behalf.”.

Omit section 127.15.

Section 152.—In the proviso to sub-section (1), for “one thousand rupees”, substitute “ten thousand rupees”.

Section 174.—Omit clause (c).

Section 225.—Omit sub-section (2).

Omit sections 226 to 275 (both inclusive).

Omit sections 286 to 312 (both inclusive).

Omit sections 343 to 346 (both inclusive).

Section 397.—For sub-section (2), substitute—

“(2) Every rule, regulation or bye-law made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation or bye-law or both the Houses agree
that the rule, bye-law or regulation should not be made, the rule, bye-law or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, regulation or bye-law.”.

Section 399.—In sub-section (1), omit Parts B, C and D.

For section 407, substitute—

Dissolution of Corporation.

“407. (1) If, in the opinion of the Government, the Corporation is not competent to perform its duties or persistently makes default in the performance of duties imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses any of its powers, the Government may, by an order published, along with the reasons therefor, in the Official Gazette, dissolve such Corporation:

Provided that the Corporation shall be given a reasonable opportunity of being heard before its dissolution.

(2) When the Corporation is dissolved under sub-section (1),

(i) all Councillors of the Corporation shall vacate their offices forthwith;

(ii) all powers and duties of the Corporation during its dissolution shall be exercised and performed by such persons or authority as the Government may, by notification, appoint in his behalf; and

(iii) all property in possession of the Corporation shall be held by the Government:

(3) Upon dissolution of the Corporation under sub-section (1), the Government shall reconstitute the Corporation as specified under sub-section (1) of section 4, and election to reconstitute such Corporation shall be completed before the expiration of a period of six months from the date of dissolution:

16. Provided that where the remainder of the period for which the dissolved Corporation would have continued, is less than six months, it shall not be necessary to hold any election under this sub-section for reconstituting the Corporation for such period.

(4) The Corporation reconstituted upon the dissolution of the existing Corporation before the expiration of its duration, shall continue only for the remainder of the period for which the dissolved Corporation would have continued under section 7 had it not been so dissolved.”.

After section 407, insert—

Appointment of a person to carry out the work of Corporation in certain cases.

“407A. (1) All powers and duties of the Corporation may, till it remains dissolved and is reconstituted shall be exercised and performed by such persons or authority as the Government may appoint in this behalf.

(2) All properties vested in the Corporation shall till the remains dissolved and is reconstituted shall vest in and devolve upon the Government.”.
After section 424, insert–

Application of the Capital of Punjab (Development and Regulation) Act, 1952 and the Punjab New Capital (Periphery) Control Act, 1952. "424A. Notwithstanding anything contained in this Act, the provisions of the Capital of Punjab (Development and Regulation) Act, 1952 (Punjab Act XXVII of 1952) and of the Punjab New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1952) and the rules, regulations, bye-laws, notifications, orders, scheme, form or notice, made thereunder shall continue to be applicable in relation to the development and regulation of the Union territory of Chandigarh as immediately before the commencement of the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994."

After section 428, insert–

Special provision as to transferred functions.

`428A. (1) In this section "transferred functions" means such functions of the administration which on the commencement of the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, become the functions of the Corporation.

(2) On and from the commencement of the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994,–

(a) all stores, articles and other movable properties belonging to the administration immediately before the specified date and utilised for or in connection with the transferred functions shall pass to and vest in the Corporation;

17.(b) all appointments, notifications, orders, schemes, rules, forms, notices or bye-laws made or issued or any licence or permission granted by the administration immediately before such specified date in connection with the transferred functions shall continue in force and be deemed to have been made, issued or granted by the Corporation unless and until they are superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted by the Corporation;

(c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the administration immediately before such specified date for or in connection with the transferred functions shall be deemed to have been incurred, entered into, engaged to be done by, with or for, the Corporation;

(d) all assessments, valuations, measurements or divisions made by the administration immediately before such commencement or in connection with the transferred functions shall continue in force and be deemed to have been made by the Corporation unless and until they are superseded by any assessment, valuation, measurement or division made by the Corporation;

(e) all rates, taxes, fees, rents and other sums of money due to the administration in relation to the transferred functions immediately before such commencement shall be deemed to be due to the Corporation;

(f) all rates, fees, rents and other charges leviable in, or in relation to, the transferred functions shall, unless and until they are carried by the Corporation continue to be levied at the same rate at which they are being levied by the administration immediately before such commencement;
(g) all suits and transactions and other legal proceedings instituted or which might have been instituted by or against the administration immediately before such commencement for any matter in relation to the transferred functions may be continued or instituted by or against the Corporation;

(h) every officer and other employee serving under the administration immediately before such commencement in connection with the transferred functions shall be transferred to and become an officer or other employee of the Corporation with such designation as the Corporation may determine and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same if the Corporation had not been established and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Corporation:

18. Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Administrator:

Provided further that the Corporation may employ any such officer or employee in the discharge of such functions as it may think proper and every such officer or other employee shall discharge those functions accordingly.

(3) As soon as may be after the commencement of the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, the Administrator shall decide,—

(a) which stores, articles and other movable properties referred to in clause (a) of sub-section (2) have been utilised by the administration for or in connection with the transferred functions;

(b) which debts, obligations, liabilities, contracts, matters and things referred to in clause (c) of the said sub-section have been incurred, entered into, or engaged to be done by, with or for the administration or in connection with the transferred functions;

(c) which officers and other employees referred to in clause (h) of that sub-section served under the administration in connection with the transferred functions..

Omit section 431. Omit Schedule I.

Third Schedule.—Omit “sections 258, 259 (1), 260 (1), 263 (4), 265, 266 (1) and (2), 268, 269, 270, 271, 272 (1) and (2), 273 (1), (2) and (3) and section 274(1), and the entries thereagainst in the second, third and fourth columns”.

AMENDMENT OF THE CAPITAL OF PUNJAB (DEVELOPMENT AND REGULATION) ACT, 1952. (PUNJAB ACT No. XXVII OF 1952)

For section 7A, substitute—

Power to apply certain provisions of Punjab Act 42 of 1976 to Chandigarh.

“7A. (1) The Chief Administrator may, from time to time by notification in the Official Gazette, and with the previous approval of the Administrator of the Union territory of Chandigarh, apply to
Chandigarh or any part thereof with such adaptations and modifications not affecting the substance as may be specified in the notification, all or any of the provisions of the Punjab Municipal Corporation Act, 1976 (Punjab Act 42 of 1976), in so far as such provisions are applicable to Chandigarh.

19.(2) While exercising the powers or performing the functions under the provisions of the Punjab Municipal Corporation Act, 1976 (Punjab Act 42 of 1976) applied to Chandigarh by a notification under sub-section (1), the Chief Administrator shall be subject to the control of the Administrator and not to that of the Commissioner or Deputy Commissioner.

(3) Notwithstanding the substitution of section 7A of the Capital of Punjab (Development and Regulation) Act, 1952 (hereinafter referred to as substituted section) the substituted section shall not-

(a) affect the previous operation of the substituted section or anything duly done or suffered thereunder; or

(b) affect any right, privilege, obligation or liability acquired, accruing or incurred under the substituted section; or

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against substituted section;

affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such privilege, forfeiture or punishment may be imposed as if this substitution has not been made.”.

1. Short title and commencement.

1. Short title and commencement. (1) This Act may be called the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994.(2) It shall be deemed to have come into force on the 24th day of May, 1994.


(2) With effect from the commencement of this Act,-

(a) the references in the Punjab Municipal Corporation Act, 1976, to State, authorities, or City mentioned in column of Part I of the Schedule annexed to this Act shall be construed as if references therein to State, authorities, or City respectively mentioned or referred to opposite thereto in column 2 of that Part;


3. Repeal of Punjab Act III of 1911 and savings. (1) The Punjab Municipal Act, 1911 insofar as it applies to the Union territory of Chandigarh or any part thereof shall stand repealed on the coming into force of this Act:

Provided that the repeal shall not affect-

(a) the previous operation of the Punjab Municipal Act, 1911 (Pun. Act III of 1911.) so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act so repealed, or

(c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form or bye-law framed, certificate obtained, permit or licence granted or registration effected) under such Act shall be deemed to have been done or taken under the corresponding provisions of the Act now extended to that Union territory, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

(2) In every law or notification passed or issued before the commencement of this Act in which reference is made to or to any Chapter or section or provision of the said Act hereby repealed, such references shall, so far as may be practicable, be taken to be made to the said Act or, their corresponding Chapter or section.

4. Transitory provision.

4. Transitory provision. Notwithstanding anything contained in this Act, the Central Government may, if necessary, appoint a person to be called the Special Officer, to exercise the powers and discharge the functions of the Municipal Corporation of Chandigarh until the day on which the first meeting of the Corporation is held after the commencement of this Act.

5. Repeal of Ordinance 7 of 1994 and saving.


(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

3. SCHE

(See section 2)

THE SCHEDULE
THE PUNJAB MUNICIPAL CORPORATION ACT, 1976.(PUNJAB ACT 42 OF 1976)

PART I

References Constructions

1. Punjab State
2. State of Punjab
3. Whole of Punjab State Union territory of Chandigarh
4. Whole of the State of Punjab
5. Punjab where it refers to the State of Punjab
6. Punjab Government
7. Government of Punjab
8. Government of the State Administrator of Punjab
9. State Government
10. The Government of Punjab
11. Government
12. Divisional Commissioner prescribed authority
13. Director
14. Associate councillor Councillor
15. City Chandigarh.

PART II

Section 2,-

(a) for clause (1), substitute-
(1) "Administrator" means the administrator of the Union territory of Chandigarh appointed by the President under article 239 of the Constitution;

4.(IA) "backward classes" means any of the backward classes specified from time to time by the Administrator and whose names are published in the Official Gazette;

(b) omit clause (6)

(c) after clause (7), insert-

(7A) "Corporation" means the Municipal Corporation of Chandigarh constituted under this Act;

(d) after clause (8), insert-

(8A) "councillor", in relation to the Corporation, means a person elected or nominated under sub-section (3) of section 4;

(e) for clause (10), substitute-

(10) "district" means district of Chandigarh covering the entire area of the Union territory of Chandigarh;

(10A) "District Planning Committee" means a Committee constituted under article 243ZD of the Constitution;

(f) omit clause (12)

(g) after clause (14), insert-

(14A) "Election Commission" means the Election Commission of the Union territory of Chandigarh referred to in section 10

(h) after clause (17), insert-

(17A) "Finance Commission" means the Finance Commission of the Union territory of Chandigarh referred to in section 84A;

(i) for clause (23), substitute-

(23) "licensed architect", "licensed engineer" and "licensed plumber" mean respectively a person registered and licensed as architect, engineer and plumber under section 16 of the Capital of Punjab (Development and Regulation) Act, 1952 (Punjab Act XXVII of 1952);

(j) after clause (26), insert-
(26A) “Municipality” means an institution of self-government constituted under article 243Q of the Constitution;

(26B) “Municipal area” means the territorial area of the Municipality as is notified by the Administrator under section 3 of the Act;

(k) after clause (36), insert-

(36A) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;

5.(l) after clause (37), insert-

(37A) “prescribed authority” means such authority or officer as the Administrator may, from time to time, by order to be published in the Official Gazette, prescribe:

Provided that the Administrator may prescribe different authorities or officers for different provisions of this Act;

(m) for clause (43), substitute-

(43) “public street” means any street or the soil below the surface thereof which is specifically vested in the Corporation by an order of the Administrator issued in this behalf;

(n) for clause (51), substitute-

(51) “rural areas” means the areas of the Union territory of Chandigarh which are not urban areas;

(o) for clause (52), substitute-

(52) “Scheduled Caste” means any of the Scheduled Castes specified in Part II of the Schedule to the Constitution (Scheduled Castes) (Union territories) Order, 1951;

(p) for clause (60), substitute-

(60) “urban areas” means such areas as the Administrator may, having regard to the population of the area, density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify to be urban area by notification in the Official Gazette.

After section 2, insert-

“2A. The application of certain definitions of the Capital of Punjab (Development and Regulation) Act, 1952. The words used and not defined in this Act but defined in the Capital of Punjab (Development and Regulation) Act, 1952 (Punjab Act XXVII of 1952) shall have the meanings respectively assigned to them in that Act.”.
For section 3, substitute-

“3. Declaration of area to be municipal area. (1) For the purposes of this Act, the Administrator shall, by notification, specify such territorial area of the Union territory of Chandigarh to be the Municipal area of the Municipal Corporation of Chandigarh.

(2) The Administrator may, from time to time, after consultation with the Corporation, by notification, alter the limit specified under sub-section (1) so as to include therein or to exclude therefrom such area as may be specified in the notification. The Corporation shall send its views to the Administrator within a period of three months of the date on which it is first consulted.

(3) The power to issue a notification under sub-section (2) shall be subject to the condition of previous publication.

(4) When the limits specified under sub-section (1) are altered so as to include therein any area, this Act and, except as the Administrator may otherwise by notification direct, all rules, notifications, bye-laws, orders, directions and powers made, issued or conferred and all taxes and fees imposed under this Act and in force throughout the area specified under sub-section (1) shall apply to such included area.”.

Section 4,-

(a) for sub-section (1), substitute-

“(1) For the purposes of carrying out the provisions of this Act, there shall be a corporation charged with the municipal government, to be known as the Municipal Corporation of Chandigarh.”;

(b) in sub-section (2), for “Every”, substitute “The”;

(c) for sub-section (3), substitute-

“(3) The Corporation shall be composed of the following members, namely: -

(i) members to be directly elected, representing wards;

(ii) nine members with voting rights to be nominated by the Administrator, from amongst the persons who are eminent or distinguished in public affairs or those who have special knowledge or practical experience in respect of municipal administration.”.

Section 5.-In sub-section (2),-

(i) in the first proviso, for “forty and more than fifty”, substitute “twenty”;

(ii) omit second proviso.

For section 6, substitute-
"6. Reservation of seats for women, Scheduled Castes and backward classes. (1) Seats shall be reserved for women belonging to the Scheduled Castes, from amongst the seats reserved under sub-section (4) of section 5 for the Scheduled Castes, the number of such seats being determined by the Administrator by an order published in the Official Gazette, which shall not be less than one-third of the total number of seats reserved for the Scheduled Castes.

(2) Seats shall be reserved for women, the number of such seats being determined by an order published in the Official Gazette by the Administrator which shall not be less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled up by direct election:

7. Provided that the seats reserved for the Scheduled Castes or for women (including those belonging to the Scheduled Castes) shall be allotted by rotation to different wards in such a manner as the Administrator may, by Order published in the Official Gazette in this behalf, determine.

(3) The reservation of seats under sub-section (4) of section 5 and under sub-section (1) of this section shall cease to have effect on the expiration of the period specified in article 334 of the Constitution.

(4) The Administrator may, if he considers it necessary, by an order published in the Official Gazette, direct that such number of seats as may be specified in the order shall be reserved in favour of backward classes of citizens:

Provided that, when a backward class is deleted by an order of the Administrator, the member elected from such class shall not cease to hold office merely as a result of such deletion and shall hold office as he would have held had the deletion not been made.”.

For section 7, substitute-

"7. Duration of the Corporation. (1) The Corporation, unless sooner dissolved under section 407, shall continue for five years from the date appointed for its first meeting and no longer.

(2) An election to constitute the Corporation shall be completed-

(a) before the expiry of its duration specified in sub-section (1)

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the reminder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Corporation for such period.

(3) The Corporation constituted upon its dissolution before the expiration of its duration shall continue only for the reminder of the period for which the dissolved corporation would have continued under subsection (1) had it not been so dissolved.”."
Section 8.-For sub-section (2), substitute-

“(2) The Administrator shall, by an order in the Official Gazette, determine,-

(a) the number of wards; and

(b) extent of each ward.

8.(3) The Election Commission shall, by an Order in the Official Gazette, determine the wards in which seats shall be reserved for the Scheduled Castes, for women and the manner in which seats shall be rotated under the proviso to sub-section (2) of section 6.”.

For section 10, substitute-

“10. Elections to the Corporation. (1) The superintendence, direction and control of preparation of the electoral rolls for, and the conduct of all elections to the Corporation shall be, vested in the Election Commission appointed under section 7 of the Delhi Municipal Corporation Act, 1957, (66 of 1957.) and the Election Commission so appointed under that section shall be responsible for the functions conferred on the Election Commission under this sub-section.

(2) The Administrator shall, when so requested by the Election Commission, make available to that Commission such staff which the Administrator considers necessary for the discharge of the functions conferred on the Commission by sub-section (1).”.

Section 12.-In clause (a), for “twenty-five years”, substitute “twenty-one years”.

Section 13,-

(i) in sub-section (1), after clause (l), insert-

(m) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the House of the People;

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(n) if he is so disqualified by or under any law made by Parliament.”;

(ii) in sub-section (2), after clause (c), insert-

“(d) a person shall not be disqualified for being nominated as a member of the Corporation on the ground that he holds office of profit for the purposes of election to the House of the People, under any law for the time being in force.”

After section 13, insert-
“13A. Decisions on questions as to disqualification of members. (1) If any question arises as to whether a member has become, subject to any disqualifications mentioned in section 13, the question shall be referred for the decision of the Administrator and his decision, shall be final.”.

Section 15,-

(i) omit sub-section (2)

(ii) in sub-section (3), for “Director”, substitute “Administrator.”

Section 16,-

(i) in sub-section (1), for “Director”, substitute “Administrator”;

(ii) in the proviso to sub-section (1), for “four”, substitute “six”;

(iii) in sub-section (2),-

9.(a) in the opening portion, for “Scheduled Castes”, substitute Scheduled Castes, backward classes or for the women, as the case may be;”;

(b) after the words “Scheduled Castes” occurring at the end, add “backward classes or be a, woman”.

Section 17,-

(a) omit “or co-opted” and “or co-option”;

(b) for “Director substitute “Election Commission”.

Section 35.-In sub-section (1), omit “other than an associated councillor”.

After section 35, insert-

“35A. Vacation of seats in case of multiple membership. No councillor shall a member both of the Corporation and Parliament and if a person is so chosen, then at the expiration of fourteen days from the date of the publication in the Gazette of India, or as the case may be, in the Official Gazette whichever is later, that he has been so chosen, that persons seat in Parliament shall become vacant unless he has previously resigned his scat in the Corporation.”.

Section 36.-For sub-section (1), substitute-

“(1) If a councillor becomes subject to any of the disqualifications mentioned in section 13, his scat shall thereupon become vacant.

(1A) If during three successive months, a councillor is, without permission of the Corporation, absent from all meetings thereof, the Corporation may declare his seat vacant.”.
Section 38,-

(a) for sub-sections (1), (2) and (2A), substitute-

"(1) The Corporation shall, at its first meeting in each year, elect one of its elected members to be the Chairperson to be known as the Mayor and the other two such members to be the Senior Deputy Mayor and the Deputy Mayor of the Corporation:

Provided that during the duration of the Corporation, the office of the Mayor shall be reserved in favour of a member who is a woman for the first and the fourth year of the Corporation and in favour of a member belonging to a Scheduled Caste in the third year of the Corporation.

(b) after sub-section (3), insert-

"(3A) If the vacancy be a casual vacancy in the office of the Mayor and is reserved for a woman or for a member belonging to the Scheduled Caste, the vacancy shall be filled by electing one of the councillors from amongst women or members of the Scheduled Castes, as the case may be."

(c) for sub-section (6), substitute-

"(6) The Mayor may obtain reports from the Commissioner on any matter connected with the municipal government of Chandigarh.

10. After section 41, insert-

"41A. Wards Committees. (1) There shall be constituted such number of Wards Committees consisting of one or more wards, within the territorial area of the Corporation, as the Administrator may, from time to time, by order published in the Official Gazette, determine. The order shall indicate the name of the Wards Committee and also the extent of the area comprised within the jurisdiction of such Committee.

(2) Each Wards Committee shall consist of-

(a) all the councillors, elected from the wards in the territorial jurisdiction of the Committee;

(b) the person, if any, nominated by the Administrator, under clause (ii) of sub-section (3) of section 4 if his name is registered as an elector within the territorial limits of the Committee;

(c) such number of persons, as may be prescribed, to be nominated by the Administrator.

41B. Chairperson of Wards Committee. (1) The Wards Committee shall, at its first meeting in each year, elect one of its members who is a councillor to be Chairperson:

Provided that where a Wards Committee consists of one ward only, the councillor representing that ward in the Corporation shall be the Chairperson of that Committee."
(2) The Chairperson of the Wards Committee shall hold office from the date of his election until the election of his successor in office unless in the meantime, he resigns his office as Chairperson.

(3) On the occurrence of any casual vacancy in the office of the Chairperson, the Wards Committee shall, within one month of occurrence of such a vacancy, elect one of its members who is a councillor as Chairperson:

Provided that where a vacancy has arisen on the resignation or death of the only councillor on the Committee, the Administrator may appoint any other councillor as Chairperson of the Ward Committee till election is held to fill the vacancy in due course.

41C. Resignation of Chairperson and members of Wards Committee.
(1) Any member of the Wards Committee, may resign his office by writing under his hand addressed to the Chairperson and delivered to the Commissioner; and the Chairperson may resign his office by writing under his hand addressed to the Mayor and delivered to the Commissioner.

(2) A resignation under sub-section (1) shall take effect from the date specified for the purpose in writing referred to in that sub-section, or if so such date is specified, from the date of its receipt by the Chairperson or the Commissioner, whichever is later.

41D. Functions of Wards Committee. (1) Subject to the provisions of this Act, a Wards Committee shall exercise the powers and perform the functions as may be determined from time to time by the Corporation by resolution.

(2) When any question arises as to whether any Matter falls within the purview of the Wards Committee or the Corporation, it shall be referred to the Corporation and its decision thereon shall be final.

41E. Special Committees. (1) The Administrator may, by order published in the Official Gazette constitute one or more Special Committees in addition to Wards Committees and the Committees referred to in section 42, as he thinks fit for the exercise of any power or discharge of any function which the Corporation may, by resolution delegate to them or for inquiring into, reporting or advising upon any matter which the Corporation may refer to them.

(2) Any such Committee may consist of one or more councillors and such other persons having special knowledge or practical experience as the Administrator may nominate representing various interests which he may think fit, such as industry, commerce, labour, literature, science, art and social services.

41F. Constitution of District Planning Committees. (1) There shall be constituted in the district, a District Planning Committee to consolidate the plans prepared by the Corporation and the Panchayats in the District, and to prepare a draft development plan for the district as a whole.

(2) The manner in which the seats in the District Planning Committee constituted under sub-section (1) shall be filled, the functions which may be assigned to such Committee and the manner in which the Chairperson of such Committee shall be chosen, shall be as
Prescribed by the Government, subject, however, to the provisions of article 243ZD of the Constitution.

(3) In preparing the draft development plan of the district, the District Planning Committee shall have regard to—

(i) the matter of common interest between the Panchayats and Municipalities in the district including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environment conservation; and

(ii) the extent and type of available resources whether financial or otherwise.

(4) While preparing the draft development plan of the district, the District Planning Committee shall consult such institutions and organizations as the Government may, by order, specify.

(5) The Chairperson of District Planning Committee shall forward the draft development plan as recommended by such Committee to the Government.

(6) Any matter relating to a Committee constituted under section 41A or this section, not expressly provided in this Act, the same may be provided in the rules made in this behalf.”

12. Section 42,-

(a) omit sub-sections (1), (2), (4) and proviso to sub-section (5)

(b) in sub-section (3), omit “a Building and”.

Section 44,-

(a) in clause (q), add at the end “except such important parks and stadia as may be specified by the Administrator by an order issued in this behalf”;

(b) after clause (t), insert—

“(ll) the preparation of plans for economic development and social justice;”.

Section 45.-In the opening portion, for “The Corporation”, substitute—

“Subject to any general or special orders of the Administrator from time to time, the Corporation”.

Section 47,-

(i) for sub-section (1), substitute—

“(1) The Administrator shall, by notification in the Official Gazette, appoint a suitable officer as the Commissioner of the Corporation.”
(1A) The reporting authority on the work and conduct of the
Commissioner shall be the Adviser to the Administrator and reviewing and accepting authority shall be the
Administrator.”

(ii) after second proviso to sub-section (2), add-

“Provided also that where the Commissioner holds a lien on any service under any Government, the
Administrator may at any time replace his services at the disposal of that Government.”

(iii) in sub-section (3),

(a) omit clause (a)

(b) omit “by giving a notice of at least one month to the
Corporation”.

Section 50.-Omit “for a term not exceeding two months”.

Sections 65 and 66.-Omit “ad hoc” Wherever it occurs.

For section 71, substitute-

“71. Appointment of certain officers. (1) The Administrator shall appoint suitable officers to be
respectively, the Municipal Engineer the Municipal Health Officer, the Municipal chief Accountant the
Municipal Secretary and the Municipal Chief Auditor and may appoint one or more Assistant
Commissioners and such other officer or officers of a status equivalent to or higher than the
status of any of the officers specified earlier in this sub-section as the Administrator may deem fit
on such monthly salaries and allowances, if any, as may be fixed by the Administrator.

(2) The Municipal Chief Auditor shall not be eligible for any office under the Corporation after he has
ceased to hold his office.

71A. Schedule of permanent posts and creation of temporary posts.
(1) The Commissioner shall, from time to time, prepare and lay before the Corporation two Schedules
of posts other than those specified in section 71 setting. forth the designations and grades of
municipal officers and other municipal employees who should be maintained permanently in the
service of the Corporation indicating therein the salaries, fees and allowances which are proposed to
be paid to such officers and other employees.

(2) Of the two Schedules referred to in sub-section (1), the first Schedule shall deal with category A
posts and the second
Schedule with other posts.

(3) The Corporation may sanction the two Schedules either without modifications or with such
modifications as it thinks fit and thereafter may amend them, if it thinks it necessary. Such sanction or
amendment shall be subject to the approval of the Administrator.

(4) The Commissioner may create for a period not exceeding six months any group B C and D posts.
71B. Power to make appointment. (1) Subject to the provisions of section 71, the power of appointing municipal officers and other municipal employees whether temporarily or permanent shall vest in the Commissioner.

(2) The claims of the members of the Scheduled Castes and backward classes of citizens shall be taken into consideration consistently with the maintenance of efficiency of administration, in the making of appointment of municipal officers and other municipal employees.

71C. Recruitment. (1) Notwithstanding anything contained in section 71B, the direct recruitment to various posts may be made by the Administrator through such agencies as may be prescribed by him."

Section 75.-In clause (b), for "sub-section (7) of section 71”, substitute-

"the Schedules referred to in section 71A”.

After section 84, insert-

"84A. The Finance Commission. (1) The Finance Commission constituted under section 107A of the Delhi Municipal Corporation Act, 1957 (66 of 1957.) shall also be responsible for the purposes of this Act, to review the financial position of the Corporation and to make recommendations to the Administrator as to-

(a) the principles which should govern,

(i) the determination of taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Corporation;

(ii) the grant-in-aid to the Corporation from the Consolidated Fund of India;

(b) the measures needed to improve the financial position of the Corporation;

(c) any other matter referred to the Finance Commission by the Administrator in the interest of sound functioning of the Corporation.

(2) The Commission shall determine their procedure and shall have such powers in the performance of their functions as may be prescribed.

(3) The Administrator shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action, taken thereon to be laid before each House of Parliament."

Section 87,-

(a) in sub-section (3), in clause (b), in the proviso, for "five hundred rupees", substitute "ten thousand rupees?;
Section 90,–

(a) in sub-section (1), omit clauses (b) and (c)

(b) in sub-section (6), after “Punjab Motor Vehicles Taxation Act, 1924”, “Punjab Entertainments Duty Act, 1955” and “Punjab Entertainments Tax (Cinematograph Show) Act, 1954”, add respectively “as applicable to the Union territory of Chandigarh”.

Omit sections 113 to 117 (both inclusive).

After section 126, insert-

“126A. Prior approval of the Chief Administrator.
Notwithstanding anything contained in sections 122 to 125, every permission given by the Commissioner shall be subject to the prior approval of the Chief Administrator appointed under clause (e) of section 2 of the Capital of Punjab (Development and Regulation) Act, 1952, (Punjab Act XXVII of 1952) and subject to such conditions as the Chief Administrator may impose in this behalf.”

Omit section 127.15.

Section 152.-In the proviso to sub-section (1), for “one thousand rupees”, substitute “ten thousand rupees”.

Section 174.-Omit clause (c).

Section 225.-Omit sub-section (2).

Omit sections 226 to 275 (both inclusive).

Omit sections 286 to 312 (both inclusive).

Omit sections 343 to 346 (both inclusive).

Section 397.-For sub-section (2), substitute-

“(2) Every rule, regulation or bye-law made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation or bye-law or both the Houses agree that the rule, bye-law or regulation should not be made, the rule, bye-law or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule regulation or bye-law.”.

Section 399.-In sub-section (1), omit Parts B, C and D.

For section 407, substitute-
407. Dissolution of Corporation. (1) If, in the opinion of the Government, the Corporation is not competent to perform its duties or persistently makes default in the performance of duties imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses any of its powers, the Government may, by an order published, along with the reasons therefore, in the Official Gazette, dissolve such Corporation:

Provided that the Corporation shall be given a reasonable opportunity of being heard before its dissolution.

(2) When the Corporation is dissolved under sub-section (1),-

(i) all Councillors of the Corporation shall vacate their offices forthwith;

(ii) all powers and duties of the Corporation during its dissolution shall be exercised and performed by such persons or authority as the Government may, by notification, appoint in his behalf; and

(iii) all property in possession of the Corporation shall be held by the Government.

(3) Upon dissolution of the Corporation under sub-section (1), the Government shall reconstitute the Corporation as specified under sub-section (1) of section 4, and election to reconstitute such Corporation shall be completed before the expiration of a period of six months from the date of dissolution:

Provided that where the remainder of the period for which the dissolved Corporation would have continued, is less than six-months, it shall not be necessary to hold any election under this sub-section for reconstituting the Corporation for such period.

(4) The Corporation reconstituted upon the dissolution of the existing Corporation before the expiration of its duration, shall continue only for the remainder of the period for which the dissolved Corporation would have continued under section 7 had it not been so dissolved.”.

After section 407, insert-

"407A. Appointment of a person to carry out the work of Corporation in certain cases. (1) All powers and duties of the Corporation may, till it remains dissolved and is reconstituted shall be exercised and performed by such persons or authority as the Government may appoint in this behalf.

(2) All properties vested in the Corporation shall till the Corporation remains dissolved and is reconstituted shall vest in and devolve upon the Government.”.

After section 424, insert-

"424A. Application of the Capital of Punjab (Development and Regulation) Act, 1952 and the Punjab New Capital (Periphery) Control Act, 1952. Notwithstanding anything contained in this Act, the provisions of the Capital of Punjab (Development and Regulation) Act, 1952 (Punjab Act XXVII of 1952) and of the Punjab New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1952) and the rules, regulations, bye-laws, notifications, orders, Scheme, form or notice, made thereunder shall continue to be applicable in
relation to the development and regulation of the Union territory of Chandigarh as
Immediately before the commencement of the Punjab Municipal
Corporation Law (Extension to Chandigarh) Act, 1994.”.

After section 428, insert-

428A. Special provision as to transferred functions. (1) In this section “transferred functions” means
such functions of the administration which on the commencement of the Punjab Municipal
Corporation Law (Extension to Chandigarh) Act, 1994, become the functions of the Corporation.

(2) On and from the commencement of the Punjab Municipal
Corporation Law (Extension to Chandigarh) Act, 1994,-

(a) all stores, articles and other movable properties belonging to the administration immediately
before the specified date and utilised for or in connection with the transferred functions shall pass to
and vest in the
Corporation;

17.(b) all appointments, notifications. orders. schemes.
rules, forms, notices or bye-laws made or issued or any licence or permission granted by the
administration immediately before such specified date in connection with the transferred functions
shall continue in force and be deemed to have been made. issued or granted by the Corporation
unless and until they are superseded by any appointment, notification, order, scheme, rule, form,
notice or bye-law made or issued or any licence or permission granted by the
Corporation;

(c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things
engaged to be done by, with or for the administration immediately before such specified date for or in
connection with the transferred functions shall be deemed to have been incurred.
entered into, engaged to be done by, with or for, the
Corporation;

(d) all assessments., valuations, measurements or divisions made by the administration immediately
before such commencement or in connection with the transferred functions shall continue in force and
be deemed; to have been made by the Corporation unless and until they are superseded by any
assessment, valuation, measurement or division made by the
Corporation;

(e) all rates, taxes, fees, rents and other sums of money due to the administration in relation to the
transferred functions immediately before such commencement shall be deemed to be due to the
Corporation;

(f) all rates, fees, rents and other charges leviable in, or in relation to, the transferred functions shall,
unless and until they are carried by the Corporation continue to be levied at the same rate at which
they are being levied by the administration immediately before such commencement;

(g) all suits and it transactions and other legal
Proceedings instituted or which might have been instituted by or against the administration
immediately before such commencement for any, matter in relation to the transferred functions may
be continued or instituted by or against the
Corporation;
(h) every officer and other employee serving under the administration immediately before such commencement in connection with the transferred functions shall be transferred to and become an-officer or other employee of the Corporation with such designation as the Corporation may determine and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same if the Corporation had not been established and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Corporation:

18. Provided that. the tenure remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Administrator:

Provided further that the Corporation may employ any such officer or employee in the discharge of such functions as it may think proper and every such officer or other employee shall discharge those functions accordingly.

(3) As soon as may be after the commencement of the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, the Administrator shall decide,-

(a) which stores, articles and other movable properties referred to in clause (a) of sub-section (2) have been, utilised by the administration for or in connection with the transferred functions;

(b) which debts, obligations, liabilities, contracts matters and things referred to in clause (c) of the said sub-section have been incurred, entered into, or engaged to be done by, with or for the administration or in connection with the transferred functions;

(c) which officers and other employees referred to in clause (h) of that sub-section served under the administration in connection with the transferred functions.

Omit section 431. Omit Schedule I.

Third Schedule Omit “sections 258, 259 (1), 260 (1), 263.(4), 265, 266 (1) and (2), 268, 269, 270, 271, 272 (1) and (2), 273 (1), (2) and (3) and section 274(1), and the entries) there against in the second, third and fourth columns”.

AMENDMENT OF THE CAPITAL OF PUNJAB (DEVELOPMENT AND REGULATION) ACT, 1952.(PUNJAB ACT No. XXVII oF 1952)

For section 7A, substitute-

“7A. Power to apply certain provisions of Punjab Act 42 of 1976 to Chandigarh. (1) The Chief Administrator may, from time to time by notification in the Official Gazette, and with the previous approval of the Administrator of the Union territory of Chandigarh, apply to Chandigarh or any part thereof with such adaptations and modifications not affecting the substance as may be specified in the notification, all or any of the provisions of the Punjab Municipal Corporation Act, 1976 (Punjab Act 42 of 1976), in so far as such provisions are applicable to Chandigarh.
19. (2) While exercising the powers or performing the functions under the provisions of the Punjab Municipal Corporation Act, 1976, (Punjab Act 42 of 1976) applied to Chandigarh by a notification under sub-section (1), the Chief Administrator shall be subject to the control of the Administrator and not to that of the Commissioner or Deputy Commissioner.

(3) Notwithstanding the substitution of section 7A of the Capital of Punjab (Development and Regulation) Act, 1952 (hereinafter referred to as substituted section) the substituted section shall not-

(a) affect the previous operation of the substituted section or anything duly done or suffered thereunder; or

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the substituted section;

or

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against substituted section; affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such privilege, forfeiture or punishment may be imposed as if this substitution has not been made.”


An Act to provide for the constitution of the Airports Authority of India and for the transfer and vesting of the undertakings of the International Airports Authority of India and the National Airports Authority to and in the Airports Authority of India so constituted for the better administration and cohesive management of airports and civil enclaves whereat air transport services are operated or are intended to be operated and of all aeronautical communication stations and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:–

CHAPTER I

PRELIMINARY

CHAPTER II

THE AIRPORTS AUTHORITY OF INDIA

3. Constitution and incorporation of the Authority. (1) With effect from the appointed day, the Central Government shall, by notification in the Official Gazette, constitute an authority to be called the Airports Authority of India.
THE PUNJAB REGIONAL AND TOWN PLANNING AND DEVELOPMENT ACT, 1995

Punjab Act No. 11 of 1995

Legislative History


Notification

The 26th May, 1995

No. 11-Leg./95. - The following Act of the Legislature of the State of Punjab received the assent of the President of India on the 24th May, 1995, and is hereby published for general information :-

AN ACT

to make provision for better planning and regulating the development and use of land in planning areas delineated for that purpose, for preparation of Regional Plans and Master Plans and implementation thereof; for the constitution of a State Regional and Town Planning and Development Board, for guiding and directing the planning and development processes in the State; for Constitution of a State Urban Planning and Development Authority, Special Urban Planning and Development Authorities and New Town Planning and Development Authorities, for the effective and planned Development of planning areas; and for undertaking urban development and housing programmes and schemes for establishing new town; and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Punjab Regional and Town Planning and Development Act, 1995.

(2) It shall extend to the whole of the State of Punjab.

(3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette appoint.
CHAPTER I
PRELIMINARY

2. In this Act, unless the context otherwise requires,-
(a) “agriculture” includes horticulture, farming, ‘growing of crops, fruits, vegetables, flowers, grass, fodder and trees ; or any kind of cultivation of soil, breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees ; and use of land which is ancillary to the farming of land or any other agricultural purposes; but does not include the use of any land attached to a building for the purposes of garden to be used along with such building and expression “agricultural” shall be construed accordingly;
(b) “amenities” means any one or more than one utilities such as roads, streets, open spaces, parks, recreational, grounds, play grounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences ;
(c) “Arbitrator” means an Arbitrator appointed as such under Section 102 ;
(d) “Authority” means the Punjab Urban Planning and Development Authority constituted under Section 17 or a Special Urban Planning and Development Authority constituted under Section 29 or a New Town Planning and Development Authority constituted under Section 31;
(e) “Board” means the Punjab Regional and Town Planning and Development Board constituted under Section 3 ;
(f) “building” means any construction or part of a construction which is intended to be used for residential, commercial, industrial or other purposes, whether in actual use or not, and includes any out-house, stable, cattle shed and garage;
(g) “building operations” include-
(i) erection or re-erection of a building or any part of it ;
(ii) roofing or re-roofing of a building or any part of a building or an open space ;
(iii) any material alteration or enlargement of any building ;
(iv) any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements, or materially affect its security ;
(v) the construction of a door opening on any Street or land not belonging to the owner ;
(h) “bypass” means a * [road specified in the schedule to this Act, provided] as a permanent diversion to a scheduled road, whether such diversion is situated within or without the limits of Local Authority and whether it is constructed before or after the commencement of this Act and includes a road which is specified as bypass by the State Government, by notification, for the purposes of this Act ;
(i) “Chapter” means a Chapter of this Act ;
(j) “Chief Administrator” means the Chief Administrator of the Authority;
“commerce” means the carrying of any trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of, with a view to make profits, hospitals or nursing homes, infirmaries, educational institutions, and also includes hotels, restaurants and boarding houses not attached to educational institutions and the expression “commercial” shall be construed accordingly;


“commercial use” includes the use of any land or building or part thereof for purposes of commerce or for storage of goods, or as an office, whether attached to any industry or otherwise;

“Competent Authority” shall mean any person or authority appointed by the State Government, by notification, to exercise and perform all or any of the powers and functions of the competent authority under this Act:
Provided that in relation to an area falling within the jurisdiction of a Municipality or a Municipal Corporation the powers of the Competent Authority under Chapter XI of this Act, except the powers in respect of change of land use exercised under section 81, shall be exercised and performed by the Municipality or the Municipal Corporation in whose jurisdiction such an area falls;

“court” means a principal civil court of original jurisdiction, and includes any other civil court empowered by the State Government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction;

“development” with its grammatical variations cognate expressions means the carrying out of building, engineering, mining, quarrying or other operations in, on, over or under land or making or any structural or material change in any building or land including that which affects the appearance or any feature of a heritage site and includes demolition of any part or whole of the building or change in use of any building or land and also includes reclamation, redevelopment, a layout or subdivision of any land and the expression “develop” shall be construed accordingly;


“development rights” means a right to carry out development or to develop the land or building or both and shall include the transferable development right in the form of right to utilise the floor area ratio or land utilisable either on the remainder of the land partially reserved for the public purpose or elsewhere, as may be provided in the zoning regulations;

“engineering operations” include the formation or laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage, or of electricity cables or lines or of telephone lines or any other communication lines of cables;

“erect or re-erect” any building includes,-
(i) any material alteration or enlargement of any building;
(ii) the conversion, by structural alteration, into place for human habitation of any building not originally constructed for human habitation;
(iii) the conversion into more than one place for human habitation of a building originally constructed as one such place;

(iv) the conversion of two or more places of human habitation into a greater number of such places;

(v) such alterations of a building as effect an alteration its drainage or sanitary arrangements or materially effect its security;

(vi) the addition of any rooms, buildings, out – houses or other structures to any building; and

(vii) 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 of land;

(r) “Estate Officer” means a person appointed by the Authority to perform the functions of an Estate Officer under this Act;

*(rr) “floor area ratio” means the ratio derived by dividing, the total covered area of all floors by the area of plot;* [Inserted by Punjab Act No. 13 of 2003.]

(rrr) “Heritage site” includes buildings, artefacts, structures, areas, precincts of historical or aesthetical or architectural or educational or scientific or cultural or environmental significance and those natural features of environmental significance or scenic beauty as may be declared as such by the Competent Authority by a notification;]

(s) “Land” includes benefits to arise out of land and things attached to the earth or permanently fastened to any thing attached to the earth;

(t) “local authority” means a Municipal Corporation, a Municipal Committee, a Municipal Council, a Town Improvement Trust, a Cantonment Board, a Zila Parishad, a Panchayat Samiti or a Gram Panchayat, or, any other authority entrusted with the functions of a local authority under any law for the time being in force;

(u) *[“Master Plan” means Master plan prepared under this Act and includes a New Town Development Plan]*;

(v) “means of access” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a road;

(w) “member” means a member of the Board or a member of the Authority and includes –

(i) the Chairman and the Member Secretary, in the case of the Board ; and

(ii) the Chairman, Vice-Chairman and the Chief Administrator, in the case of the Authority ;

(x) “occupier” include,-

(a) a tenant ;

(b) an owner in occupation of, or otherwise using his land or building or part thereof ;

(c) a rent-free occupant of any land or building or part thereof ;
(d) a licence in occupation of any land or building or part thereof;

(e) any person, who is liable to pay to the owner damages for the use and occupation of any land or building or part thereof;

(y) “operational construction” means any construction whether temporary or permanent, which is necessary for operation, maintenance, development or execution of any of the following services, namely :-

(i) railways ;
(ii) national highways ;
(iii) national waterways ;
(iv) airways and aerodromes ;
(v) posts and telegraphs, telephone, wireless, broadcasting and other such like forms of communication ;

(vi) regional grid for electricity ;

(vii) any other service which the State Government may, if it is of opinion that the operation, maintenance, development or execution of such other service is essential to the life of the community, by notification, declare to be a service for the purposes of this clause ;

Explanation – For the removal of doubts, it is hereby declared that the construction of –

(i) new residential buildings except those connected with operations like gate lodges, hospitals, clubs, institutions, schools, railway colonies, roads, drains and the like in the case of railways ; and

(ii) a new building, new structure of a new installation or any extention thereof, in the case of any other service, shall not be deemed to be construction within the meaning of this clause ;

(z) “owner” includes a mortgagee in possession, a person who for the time being is receiving or is entitled to receive, or has received, the rent or premium of any land whether on his own account or on account of or on behalf of or for the benefit of any other person or as an agent, trustee, guardian, or receiver for any other person or for any religious or charitable institution or who would so receive the rent or premium or be entitled to receive the rent or premium if the land were let to a tenant ; and includes the Head of a Government Department, General Manager of a Railway, the Secretary or other principal officer of a local authority, statutory authority or company, in respect of properties under their respective control ;

(za) “Planning Agency” means the Punjab Urban Planning and Development Authority, a Special Urban Planning and Development Authority, a New Town Planning and
Development Authority, a local authority or the Town and Country Planning Wing of the Department of Housing and Urban Development, designated as such by the *State Government* under section 57 of this Act for a planning area;

(zb) “planning area” means a regional planning area, a local planning area or a site for a new town declared as such under section 56 of this Act;

(zc) “prescribed” means prescribed by rules made under this Act;

(zd) “reconstituted plot” means a plot which is altered in ownership or in any other way by the framing of a town development scheme under this Act;

(ze) “Regional Plan” means a Regional Plan prepared under Chapter IX of this Act;

(zf) “regulations” means regulations made by the Board, or the Authority under this Act;

* Substituted by Punjab Act No. 30 of 2006.

(zg) “road reservation in relation to a scheduled road” means the land whether metalled or unmetalled, which vests in the State Government or the Central Government or a local authority, for the purposes of such road and the boundaries of which are demarcated by pillars, post or wires or in any other manner;

(zh) “rules” means rules made under this Act;

(zj) “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 wholly situated, the portion of such road which is situated in the State of Punjab, and includes a “by-pass” and shall also include any road which the State Government may, by notification, add to the Schedule to this Act.[.....].

(zk) “scheme” means any town and development scheme framed under this Act;

(zl) “section” means the section of this Act;

(zm) “transferee” means a person, including a firm or other body of individual, whether incorporated or not, to whom a site or building is sold, leased or transferred under this Act and includes his successors and assignees; and

(zn) “Tribunal of Appeal” means the Tribunal of Appeal appointed as such under section 105.

CHAPTER II

ESTABLISHMENT OF THE PUNJAB REGIONAL AND TOWN PLANNING AND DEVELOPMENT BOARD

3. As soon as may be, after the commencement of this Act, the State Government shall, by notification in the official Gazette, establish for the purposes of carrying out the functions assigned to it under this Act, a Board to be called the Punjab Regional and Town Planning and Development Board.

4.(1) The Punjab Regional and Town Planning and Development Board established under section 3 shall consist of a Chairman, Vice Chairman, a Member-Secretary and the following other members, namely:

(a) not more than twelve *ex officio* members to be nominated by the State Government from amongst the Ministers including the Ministers-in-charge of Housing and Urban Development and Local Government and the Secretaries to Government of Punjab including Secretary to Government of Punjab, Department of Local Government and other officers of the State Government; and

(b) not more than three non-official members to be nominated by the State Government from amongst the persons having special knowledge or practical experience in matters relating to housing, engineering, regional and town planning, development and management thereof.

(2) The Chief Minister, Punjab, and the Minister-in-charge of Housing and Urban Development shall be respectively the Chairman and the Vice-Chairman of the Board:

Provided that in the absence of the Chairman, and the Vice-Chairman any member of the Board to be nominated by the Chairman shall preside over the meeting of the Board.

(3) The Secretary to Government of Punjab, holding the charge of Housing and Urban Development shall be the Member-Secretary of the Board.

(4) The appointment of members nominated under clauses (a) and (b) of sub-section (1) of this section shall be notified by the State Government in the Official Gazette and they shall be entitled to receive such remuneration or allowances or both as the State Government may prescribe.

(5) The members of the Board shall hold office at the pleasure of the State Government.

5.(i) A person shall be disqualified for being nominated as and for being a member of the Board, if he-
(a) has been convicted by a criminal court at any time after the 26th day of January, 1950 for an offence involving moral turpitude, unless such conviction has been set aside;
(b) is an undischarged insolvent;
(c) is of unsound mind.

(2) If any question, dispute or doubt arises as to whether or not any person is eligible for membership of the Board or has incurred any of the disqualifications specified under sub-section (1) whether before or after becoming a member, it shall be determined by the State Government whose decision shall be final and binding.

6. If a member of the Board nominated under clause (b) of sub-section (1) of section 4 –
(a) becomes subject to any disqualification referred to in section 5; or
(b) absents himself, without permission of the Chairman, from three consecutive meetings of the Board, the State Government shall declare his office to be vacant.

7. If the State Government is of opinion that any member nominated under clause (b) of sub-section (1) of section 4 is guilty of misconduct in the discharge of his duties, or is incompetent or has become incapable of performing his duties as such member, or that he should for any other good and sufficient reason be removed the State Government may, after giving the member an opportunity of showing cause against his removal, remove him from office.

8. Any member nominated under clause (b) of sub-section (1) of section 4 may resign from the membership of the Board by giving notice in writing to the State Government and on such resignation being accepted by the State Government, he shall cease to be a member of Board.

9. In the event of a vacancy in the office of any member nominated under clause (a) or clause (b) of sub-section (1) of section 4, the vacancy shall be filled by the State Government in the manner laid down in the aforesaid clause (a) or clause (b), as the case may be.

10. The Board shall have its headquarters at such place as may be notified by the State Government from time to time.

11.(1) The Board shall meet at such times and places as the Chairman may determine and shall, subject to the provisions of sub-section (2) and (3), observe such procedure in
regard to the transaction of business at its meetings as may be laid down by it in the
regulations.

(2) All questions at a meeting of the Board shall be decided, by a majority of the votes of
the members present and voting and in case if equality of votes, the person presiding
shall have a second or casting vote.

(3) Five members shall form quorum at a meeting of the Board:
Provided that if a meeting is adjourned for want of quorum, no quorum shall be
necessary at the next meeting for transacting the same business:
Provided further that a notice of the adjourned meeting shall be sent to all the
members of the Board.

(4) Minutes of the names of the members present and of the proceedings at each
meeting shall be kept in a book to be maintained for this purpose which, shall be
signed at the next ensuing meeting by the person presiding at such meeting.

(5) A copy of the proceedings of every meeting of the Board shall be sent by the
Member-Secretary of the Board to the State Government within fifteen days after the
meeting is held.

(6) No act done or proceedings taken under the Act by the Board shall be invalid merely
on the ground of existence of any vacancy amongst its members, or by reason of
defect or irregularity in its constitution or any irregularity in procedure not affecting the
merits of the case.

12. The Member-Secretary of the Board shall arrange for transaction of business of the
Board, authenticate orders and decisions of the Board and discharge such other
functions of the Board as may be assigned to him by the Board under its regulations.

13. The State Government on the request of the Board, may make available to the Board
such staff as may be necessary for the performance of functions conferred on the
Board under this Act.

14.(1) Subject to the provisions of the Act and rules framed thereunder, the functions of the
Board shall be to advise the State Government *[on the matters]* relating to the
planning,

* Substituted by Punjab Act No. 30 of 2006.
development and use of urban and rural land in the State, and to perform such other
functions as the State Government, from time to time, assign to it.

(2) *[………]
15.(1) The Board may associate with itself in such manner and for such purpose as may be prescribed any person whose assistance or advice it may require in performing any of its functions under this Act.

(2) Any person associated with it by the Board under sub-section (1) for any purpose shall have a right to take part in the discussion of the Board relevant to that purpose but shall not have a right to vote at a meeting.

16. Subject to any rules in this behalf, the Board may from time to time appoint one or more Committees for the purpose of securing efficient discharge of its functions.

* Omitted by Punjab Act No. 30 of 2006.
CHAPTER III
ESTABLISHMENT OF THE PUNJAB URBAN PLANNING AND DEVELOPMENT AUTHORITY, SPECIAL URBAN PLANNING AND DEVELOPMENT AUTHORITIES AND NEW TOWNS PLANNING AND DEVELOPMENT AUTHORITIES.

17.(1) With effect from such date as the State Government may, by notification, specify in this behalf, the State Government shall establish for the purposes of this Act, an Authority to be known as the Punjab Urban Planning and Development Authority with headquarters at such place as the State government may specify.

(2) The Authority established under sub-section (1) shall be a body corporate as well as a local authority, by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both moveable and immovable, and to contract; and shall, by the said name, sue and be sued.

(3) The Authority established under sub-section (1) shall consist of the following members to be appointed by the State Government, namely :-

(i) a Chairman ;

*(i-a) a Co-Chairman:]*

(ii) a Vice – Chairman ;

(iii) a Chief Administrator who shall be appointed from amongst the officers of the Government of Punjab having such qualifications and experience as may be prescribed ; and

(iv) not more than twelve and not less than six official and non-official members including the Secretaries to Government of Punjab holding the charge of Local Government and Town and Country Planning:

* Inserted by Punjab Act no. 30 of 2006.

Provided that the number of non-official members shall not, at any time exceed three.

(4) /*[The Chief Minister, Minister-in-Charge of Housing and Urban Development and the Secretary to Government of Punjab, holding the charge of Housing and Urban Development shall, respectively, be the Chairman, Co-Chairman and the Vice-Chairman of the Authority.]*/

18.(1) The term of office and conditions of service of the members of the Authority shall be such as may be prescribed.

(2) The Chief Administrator shall be entitled to receive from the fund of the Authority such salary and such allowances, if any, as may be prescribed.

(3) Any member, other than the Chief Administrator, may be paid from the fund of the Authority such allowances, if any, as may be prescribed.

(4) The members of the authority shall hold office during the pleasure of the State Government.
A member of the Authority may resign his office by giving notice in writing to the State Government and, on such resignation being accepted by the State government, he shall cease to be a member.

The State Government may remove from office any member of the Authority-

(i) who, without excuse, sufficient in the opinion of the State Government, is absent for more than three consecutive meetings of the Authority;

(ii) who has, in the opinion of the State Government, so abused his position as a member as to render his continuance on the Authority detrimental to the interests of the Authority.

* Substituted by Punjab Act No. 30 of 2006.

Upon occurrence of any vacancy in the office of Chairman, Vice-Chairman, Chief Administrator or any other member of the Authority, a new Chairman, Vice-Chairman, Chief Administrator or member, as the case may be, shall be appointed.

The Authority shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3) observe such procedure in regard to the transaction of its business at such meetings as the Authority may provide by regulations.

At every meeting of the Authority, the Chairman, if present, or, in his absence, the Co-Chairman, or, in his absence, the Vice-Chairman, and if the Vice-Chairman is also not present, then any one of its members, whom the members present may elect, shall preside.

All questions at a meeting of the Authority shall be decided by a majority of votes of the members present and voting and in the case of equality of votes, the member presiding shall have a second or casting vote.

Minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be maintained for the purpose which shall be signed at the next meeting by the member presiding at such meeting and shall be open to inspection by any member during office hours.

For the transactional of business at a meeting of the Authority, the quorum shall be one-third of the number of members actually serving for the time being but shall not, in any case, be less than four:

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting for transacting the same business:

* Substituted by Punjab Act No. 30 of 2006.

Provided further that a notice of the adjourned meeting shall be sent to all members of the Authority.

The Chief Administrator shall be the Chief Executive of the Authority and shall arrange for the transaction of business of the Authority, authenticate orders and
decisions of the Authority and discharge such other functions of the Authority as may be assigned to him by the Authority under its regulations.

23. Subject to any regulations made in this behalf by the Authority, the Authority may, from time to time, appoint one or more committees for the purpose of securing the efficient discharge of the functions of the Authority and in particular for the purpose of ensuring the efficient maintenance of public amenities and execution of development works and projects.

24. (1) The Authority or any committee appointed under Section 23 may associate with itself any person whose assistance or advice it may require in the performance of its functions under this Act.

(2) Any person associated with it by the Authority under sub-section (1) for any purpose shall have a right to take part in the discussions of the Authority relevant to that purpose but shall not have a right to vote at the meeting.

25. No act done or proceedings taken under this Act shall be questioned merely on the ground of –

   (a) the existence of any vacancy in or any defect in the Constitution of the Authority;
   (b) any person associated under Section 24 having voted in contravention of the provisions of this Act in this behalf;
   (c) the failure to serve a notice on any person where no substantial injustice has resulted from such failure;
   (d) any omission, defect or irregularity not affecting the merits of the case.

26. (1) The Authority may appoint such number of officers and other employees including experts for technical and legal work as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(2) The officers and other employees of the Authority shall be entitled to receive, from the fund of the Authority, such salaries and allowances and shall be governed by such conditions of service as may be determined by regulations made in this behalf by the Authority.

(3) The exercise of any powers or discharge of any duties or functions under sub-section (1) by any officer or other employees of the Authority shall be subject to such restrictions, conditions and limitations, if any, as may be laid down by regulations of the Authority, and shall also be subject to its control and supervision.

27. No person who has, directly or indirectly, by himself or through his partner or agent, any share or interest in any contract by or on behalf of the Authority, or in any
28.(1) The objects of the Authority shall be to promote and secure better planning and development of any area of the State and for that purpose the Authority shall have the powers to acquire by way of purchase transfer, ex-change or gift or to hold, manage, plan, develop and mortgage or otherwise dispose of land or other property or to carry out itself or in collaboration with any other agency or through any other agency on its behalf, building, engineering, mining and other operations to execute works in connection with supply of water, disposal of sewerage, control of pollution and other services and amenities and generally to do anything with the prior approval or on direction of the State Government, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Authority itself or in collaboration with any other agency or through any other agency on its behalf,-

(i) if so required by the State Government or the Board, take up the works in connection with the preparation and implementation of Regional Plans, Master Plans and New Township Plans and town improvement schemes;

(ii) undertake the work relating to the amenities and services to be provided in the urban areas, urban estates, promotion of urban development as well as construction of houses;

(iii) promote research, development of new techniques of planning, land development and house construction and manufacture of building material;

(iv) promote companies, association and other bodies for carrying out the purposes of the Act; and

(v) perform any other function which are supplemental, incidental or consequential to any of the functions referred to in this sub-section or which may be prescribed.

29.(1) Where the State Government is of opinion that the object of proper development of any area or group of areas together with such adjacent areas as may be considered necessary will be best served by entrusting the work of development or redevelopment thereof to a Special Authority, instead to the Punjab Urban Planning and Development Authority,
the State Government may, by notification, constitute an Authority for such area to be
called the Special Urban Planning and Development Authority for that area and
thereupon, all the powers and functions of the Punjab Urban Planning and
Development Authority relating to development and redevelopment of that area under
this Act, shall be exercised and performed by the Special Urban Planning and
Development Authority so constituted.

(2) Every notification issued under sub-section (1) shall define the limits of the area to
which it relates.

(3) The Special Urban Planning and Development Authority constituted under sub-section
(1) shall consist of the following members to be appointed by the State Government, namely :-

(i) a Chairman ;
(ii) a Chief Administrator who shall be appointed from amongst
the officers of the Government of Punjab having such
qualifications and experience as may be prescribed ; and
(iii) other members not exceeding ten to be appointed
by the State Government :

* [Provided that out of the aforesaid members, the State Government may appoint a
co-Chairman and Vice-Chairman:
Provided further that out of the said members, atleast three members will be the
members of the local authority or authorities functioning in the area of jurisdiction of
the Special Urban Planning and Development Authority.]

(4) Every Special Urban Planning and Development Authority constituted under sub-
section (1) shall be a body corporate as well as a local authority, by the name
aforesaid, having perpetual succession and a common seal , with power to
acquire, hold and dispose of property both movable and

* [Substituted by Punjab Act No. 30 of 2006.

immovable, and, to contract and by the said name sue and be sued.

(5) The provisions of this Act shall mutatis mutandis apply to Special Urban Planning
and Development Authority constituted under sub-section (1) as they apply in relation
to the Punjab Urban Planning and Development Authority with the modification that
references to the Punjab Urban Planning and Development Authority, shall be
construed as references to the Special Urban Planning and Development Authority.

30.(1) Where the State Government is satisfied that it is expedient in the Public interest so
to do, it may, by notification, designate any local authority functioning in a planning
area to be the Special Urban Planning and Development Authority for that area or
any part thereof and thereupon all the powers and functions of the Punjab Urban
Planning and Development Authority relating to that area or part thereof, as the case may be, shall be exercised by such local authority.

(2) On the issue of a notification under sub-section (1), the powers to be exercised and functions to be performed by the Chairman of the Authority under this Act shall be exercised and performed in the case of a Municipal Corporation by its Mayor, in the case of a Municipal Council by its President, and, in the case of an Improvement Trust by its President and those of the Chief Administrator of the Authority by the Chief Executive Head, by whatever name he is called, of the Municipal Corporation or the Municipal Council, or the Improvement Trust, as the case may be.

31. (1) Where the State Government is of opinion that object of proper planning and development of a site of a new town will be best served by entrusting the work of development thereof to a Special Authority, instead to the Punjab Urban Planning and Development Authority, it may, by notification, constitute a Special Authority for that site to be called the New Town Planning and Development Authority and thereupon, all the powers and the functions of the Punjab Urban Planning and Development Authority relating to the development of that site of the new town under this Act shall be exercised and performed by such New Town Planning and Development Authority.

(2) A New Town Planning and Development Authority constituted under sub-section (1), shall be a body corporate as well as local authority by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both moveable and immoveable and to contract, and by the said name sue and be sued.

(3) A New Town Planning and Development Authority will consist of the following members, namely :-

(i) a Chairman ;

(ii) a Chief Administrator who shall be appointed from amongst the officers of the Government of Punjab having such qualifications and experience as may be prescribed ; and

(iii) other members not exceeding ten to be appointed by the State Government.

(4) The provisions of this Act shall mutatis mutandis apply to a New Town Planning and Development Authority as they apply in relation to the Punjab Urban Planning and Development Authority, with the modification that references to the Punjab Urban Planning and Development Authority shall be construed as references to a New Town Planning and Development Authority.
32. (1) Where the State Government after consultation with the Board, is of the opinion that it is necessary or expedient in the Public Interest or in the interest of the development of the area under the jurisdiction of two or more Special Urban Planning and Development Authorities, that two or more Special Urban Planning and Development Authorities, should be amalgamated, the State Government may, by notification in the official Gazette, provide for the amalgamation of such Special Urban Planning and Development Authorities (hereinafter in this Chapter referred to as the transferor Special Urban Planning and Development Authorities) into a single Special Urban Planning and Development Authority (hereinafter in this Chapter referred to as the transferee Special Urban Planning and Development Authority) with such constitution, property, powers, rights, interest, authorities and privileges; and with such liabilities, duties and obligations, as may be specified in the notification.

(2) Every notification issued under sub-section (1) shall define the limits of the area to which it relates and specify the date with effect from which the amalgamation shall become effective.

(3) Every notification issued under sub-section (1) may also provide for one or any of the following matters, namely:-

(a) the continuance in service of all the employees of the transferor Special Urban Planning and Development Authorities in the transferee Special Urban Planning and Development Authority at the same remuneration and on the same terms and conditions of service, which they were getting, or, as the case may be, by which they were being governed, immediately before the date on which the amalgamation takes effect;

(b) the other terms and conditions for the amalgamation of the Special Urban Planning and Development Authorities;

(c) the continuance by or against the transferee Special Urban Planning and Development Authority of any pending legal proceedings by or against any transferor Special Urban Planning and Development Authority; and

(d) such consequential, incidental and supplementary provisions, as may, in the opinion of the State Government be necessary to give effect to the amalgamation.

(4) Notwithstanding anything contained in clause (a) of sub-section (3), where any employee of the transferor Special Urban Planning and Development Authority by notice in writing given to the transferee Special Urban Planning and Development Authority at any time before the expiry of three months next following the date on which the amalgamation takes effect has intimated his intention of not becoming an employee of the transferee Special Urban Planning and Development Authority, he shall cease to be employee of that Authority on the expiry of the notice served and
shall be entitled to get such gratuity, provident fund and other retirement benefits as are ordinarily admissible to him under the rules or authorisations of the transferor Special Urban Planning and Development Authority immediately before the date of amalgamation;

(5) On and from the date on which the amalgamation takes effect under sub-section (2), the transfer or Special Urban Planning and Development Authorities shall cease to carry on business or to discharge any liability or obligation except to the extent as may be necessary for the implementation of the provisions of the said amalgamation and shall stand dissolved from the date of amalgamation;

(6) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Central Act XIV of 1947) or any other law for the time being in force, the transfer of the service of any employee of the transferor Special Urban Planning and Development Authorities to the transferee Special Urban Planning and Development Authority shall not entitle any such employee to any compensation under that Act or any other law for the time being in-force and no such claim shall be entertained by any court, tribunal or any other authority.

33.(1) Where the State Government after consultation with the Board, is of the opinion that it is necessary or expedient in the Public Interest or in the interest of the development of the area under the jurisdiction of any Special Urban Planning and Development Authority, that any area under the jurisdiction of the said Authority should be excluded from its jurisdiction, the State Government may, by notification in the official Gazette, provide for the exclusion of such area and to constitute new Special Urban Planning and Development Authority for the area so excluded.

(2) On the constitution of a new Special Urban Planning and Development Authority under sub-section (1), the assets and liabilities of the Special Urban Planning and Development Authority from whose jurisdiction the area is so excluded (hereinafter referred to the existing Special Urban Planning and Development Authority) shall be apportioned between the successor Special Urban Planning and Development Authorities in the manner specified hereinafter –

(i) all lands and stores, articles and other goods belonging to the existing Special Urban Planning and Development Authority shall,—

(a) If within the area of jurisdiction of the Special Urban Planning and Development Authority, pass on to the successor Special Urban Planning and Development Authority in whose area they are situated;

(b) If outside the area of the Special Urban Planning and Development Authority, be apportioned between the successor Special Urban Planning and Development Authorities according to ratio of the area falling under their respective jurisdiction.
(ii) The bank balances and grants received from time to time shall be apportioned between the successor Special Urban Planning and Development Authorities according to ratio of the area falling under their respective jurisdiction:

Provided that a grant given for the development of an area which falls within the exclusive jurisdiction of any of the successor Special Urban Planning and Development Authorities, shall be transferred to that successor Special Urban Planning and Development Authority;

(iii) Where before the date of exclusive of any area the existing Special Urban Planning and Development Authority has made any contract for the purpose of that Authorities, that contract shall be deemed to have been made,-

(a) if the purposes of the contract are on and from the date of exclusion of the area exclusively purposes of any one of the successor Special Urban Planning and Development Authority, by that successor Authority; and

(b) If the purposes of the contract are on and from that date not exclusively purposes of any one of the Special Urban Planning and Development Authorities, by all the Special Urban Planning and Development Authorities and, the rights and liabilities which has accrued or may accrue under any such contract shall, to the extent to which they would have been the rights and liabilities of the existing Special Urban Planning and Development Authority, be the rights and the liabilities of the successor Special Urban Planning and Development Authority, or, as the case may be, the successor Special Urban Planning and Development Authorities, according to the ratio of the area falling under their respective jurisdiction.

(3) Where the existing Special Urban Planning and Development Authority is a party to any legal proceedings with respect to any property, rights or liabilities, subject to apportionment under this section, the successor Special Urban Planning and Development Authority which succeeds to or acquires a share in that property or to those rights or liabilities, shall be deemed to be substituted or added as a party to those proceedings and the proceedings may continue accordingly.

(4) (a) Every whole-time employee of the existing Special Urban Planning and Development Authority shall on and from the date of notification under sub-section (1) shall provisionally continue to be an employee of that Authority unless he is required, by general or special order of the State Government, to serve as an employee of any other Successor Special Urban Planning and Development Authority.
(b) As soon as may be after the date of notification under sub-section (1), the State Government shall by general or special order, determine the Successor Special Urban Planning and Development Authority to which every employee referred to in clause (a) shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(c) Every employee who is finally allotted under the provisions of clauses (b), to a Successor Special Urban Planning and Development Authority shall, if he is not already serving with that Authority, be made available for serving with the Successor Special Urban Planning and Development Authority from such date as may be agreed upon between the successor Special Urban Planning and Development Authorities or in default of such agreement as may be determined by the State Government.

(d) The State Government may, by order, establish an advisory committee for the purpose of assisting it with regard to –

(i) the division and integration of the employees among the Successor Special Urban Planning and Development Authorities; and

(ii) the ensuring of fair and equitable treatment to all employees affected by the provisions of this sub-section and the proper consideration of any representations made by such employees.

(e) The terms and conditions of the employees of the existing Special Urban Planning and Development Authority applicable to them immediately before the date of notification under sub-section (1) shall not be varied to their disadvantage except with the previous approval of the State Government.

(f) Notwithstanding anything contained in clause (a) of sub-section (4), where any employee of the existing Special Urban Planning and Development Authority by notice in writing given to the Successor Special Urban Planning and Development Authority at any time before the expiry of three months next following the date of his final allocation has intimated his intention of not becoming an employee of the Successor Special Urban Planning and Development Authority to which he is so allocated, he shall cease to be employee of that Authority on the expiry of the notice period and shall be entitled to get such gratuity. Provident fund and other retirement benefits as are ordinarily admissible to him under the rules or authorisations of the existing Special Urban Planning and Development Authority immediately before the date of amalgamation.

(5) The benefit or burden of any assets and liabilities of the existing Special Urban Planning and Development Authority not dealt within the foregoing provisions of this section shall pass on to the Successor Special Urban Planning and Development Authorities in the manner agreed upon, between them in case no such agreement is reached within a period of one year from the date of exclusion of the area, the State
Government shall be competent to determine the same at the request of either of the Successor Special Urban Planning and Development Authorities.

34.(1) Where the State Government is satisfied that the purposes for which an Authority is constituted or designated under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the State Government unnecessary, the State Government may, by notification, declare that the Authority shall be dissolved with effect from such date as may be specified in the notification and the Authority shall be deemed to be dissolved accordingly.

(2) From the date specified under sub-section (1),-

(a) all properties, funds and dues which are vested in, or realiseable by, the Authority shall vest in, or be realiseable by, the State Government;

(b) all liabilities which are enforceable against the Authority shall be enforceable against the State Government;

(c) for the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the State Government.
CHAPTER IV
RELATIONS BETWEEN THE STATE GOVERNMENT, THE AUTHORITY AND THE LOCAL AUTHORITIES ETC.

35. Where any area has been developed by the Authority, the Authority shall entrust the local authority discharging municipal function, within whose local limits the area so developed is situated, with the responsibility for the maintenance of the amenities which have been provided in the area by the Authority or for the provision of the amenities which have not been provided by the Authority but which in its opinion should be provided, on such terms and conditions including vesting of streets, amenities and public places in that local authority, as may be agreed upon between the Authority and the local authority and where such terms and conditions can not be agreed upon such terms and conditions as are settled by the State Government in consultation with the local authority on a reference being made to the State Government by the Authority.

36.(1) Notwithstanding anything contained in any other law for the time being in force, the State Government, may by notification in the Official Gazette, abolish an Improvement Trust from such date as may be specified in the notification hereinafter referred to as the appointed day.

(2) On and from the appointed day the Improvement Trust specified in the notification issued sub-section (1) shall stand dissolved and all its assets and liabilities shall stand transferred to and vested in the Authority.

(3) The assets of the Improvement Trust shall be deemed to include all rights and all property, whether movable and immovable, belonging to or vested in the Improvement Trust, including in particular cash balances, reserve funds, investments, deposits and all other interests and rights in or arising out of such property as may be in the possession of the Improvement Trust and all books of account or documents kept or maintained by the Improvement Trust, and the liabilities of the Improvement Trust shall be deemed to include all debts, liabilities and obligations of whatever kind existing and pertaining to the Improvement Trust.

37.(1) Where an Improvement Trust has established a provident fund or superannuation fund or any other similar fund for the benefit of its employees and constituted trust in respect thereof, hereinafter referred to as the existing trust, the moneys standing to the credit of any such fund on the appointed day, together with any other assets belonging to such fund shall stand transferred to and vested in the Authority free from any right of such existing trust and the Authority shall, as soon as may be, constitute in respect of the moneys and other assets which are so transferred to and vested in it, one or more trusts having objects similar to the objects of the existing trusts as may be practicable.
(2) Where all the moneys and other assets belonging to the existing trust are transferred to and vested in the Authority under sub-section (1), the trustees of such trust, as from the date of such transfer be discharged from the trust, except as regards things done or omitted to be done before such transfer.

38. (1) Unless otherwise expressly provided by or under this Act, all contracts, arrangements and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which the Improvement Trust is a party or which are in favour of the Improvement Trust, shall be of full force and effect against or in favour of the Authority, as the case may be, and may be enforced or acted upon fully and effectually, as if instead of the Improvement Trust, the Authority had been a party there to or as if they had been entered into or issued in favour of the Authority.

(2) If on the appointed day any suit, appeal or other legal proceedings of whatever nature by or against the Improvement Trust is pending, then, it shall not abate or be discontinued or be in any way prejudicially effected by reason of the transfer to the Authority of the assets and liabilities of the Improvement Trust or of any thing done under this Act, but the suit, appeal or other legal proceedings may be continued, prosecuted and enforced by or against the Authority.

Explanation- For the purposes of this sub-section, legal proceedings include any proceedings under the Land Acquisition Act, 1894 (Central Act 1 of 1894).

39.(1) Every whole-time employee of the Improvement Trust shall, on and from the appointed day, become an employee of the Authority, and shall hold his office therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to gratuity, if any, and other matters as he would have held the same on the appointed day if this Act had not come into force and shall continue to do so unless and until his remuneration, terms and conditions, are duly altered by the Authority with the previous approval of the State Government.

(2) Notwithstanding anything contained in sub-section (1), where any employee of the Improvement Trust by notice in writing given to the Authority at any time before the expiry of three months next following the appointed day, has intimated his intention of not becoming an employee of the Authority, he shall cease to be employee of the Authority on the expiry of the notice period and be entitled to get such gratuity, provident fund and other retirement benefits as are ordinarily admissible to him under the rules or authorisation of the Improvement Trust immediately before the appointed day.

(3) If any question arises as to whether any person was a whole-time employee of the Improvement Trust immediately before the appointed day, the question shall be referred to the State Government whose decision shall be final.
40 (1) The Authority shall carry out such directions as may be issued to it, from time to time, by the State Government for the efficient administration of this Act.

(2) The State Government may depute any officer to inspect or examine the office of the Authority, or its development works and to report thereon and the office so deputed may, for the purposes of such inspection or examination call for,

(a) any extract from any proceedings of the Authority or any Committee constituted under this Act, record, correspondence, plan or other documents;

(b) any return, estimates, statement of accounts or statistics;

(c) any report,

and the Authority shall furnish the same.

41. The Authority shall furnish to the State Government such reports, returns, record and other information as the State Government may, from time to time, require.
CHAPTER V
ACQUISITION AND DISPOSAL OF LAND BY THE AUTHORITY

42.(1) When any land other than the land owned by the Central Government is required for the purposes of the Authority under this Act, the State Government may, at the request of the Authority, proceed to acquire it under the provisions of Land Acquisition Act, 1894, and on payment by the Authority of the compensation awarded under that Act and of any other charges incurred in acquiring the land, the land shall vest in the Authority.

(2) For the purposes of the Land Acquisition Act, 1894, and any other law for the time being in force, the Authority shall be deemed to be a local Authority.

43 (1) Subject to any directions by the State Government under this Act, the Authority may dispose of –

(a) any land acquired by it or transferred to it by the State Government without undertaking or carrying out any development thereon ; or

(b) any such land after undertaking or carrying out such development as it thinks fit to such persons, in such manner and subject to such terms and conditions as it considers expedient for securing proper development.

(2) The transfer of land to any person under sub-section (1) shall be subject to such further conditions as may be prescribed with regard to completion of buildings or parts thereof or with regard to extension of period for such completion and payment of fees for such extension.

(3) Nothing in this Act shall be construed as enabling the Authority to dispose of land by way of gift, but subject to this condition, reference in this Act to the disposal of land shall be construed as reference to the disposal thereof in any manner whether by way of sale, exchange, lease or by the creation of any easement, right or privilege or otherwise.

(4) Subject to the provisions hereinbefore contained, the Authority may sell, lease, or otherwise transfer whether by auction, allotment or otherwise any land or building belonging to it on such terms and conditions as it may, from time to time determine.

(5) The consideration money for any transfer under sub-section (4) shall be paid to the Authority in such manner as may be determined by the Authority.

(6) Notwithstanding anything contained in any other law for the time being in force, any land or building, or both, as the case may be, shall continue to belong to the Authority until the entire consideration money together with interest and any other amount, if
any, due to the Authority, on accounts of the transfer of such land or building or both, is paid.

(7) Unless and until conditions provided in the regulations made by the Authority are fulfilled, the transferee shall not transfer any of his rights in the land or building except with the previous permission of the Authority which may be granted on such terms and conditions and on payment of such fee as may be determined by the Authority.

44. (1) Where any person makes default in the payment of-
(i) any rent due in respect of any lease of any land or building, or both, as the case may be, under section 43; or
(ii) any fees or contribution payable under this Act in respect of any land or building, or both, the Estate Officer may direct that in addition to the amount of arrears, a sum not exceeding that amount shall be recovered from the person by way of penalty:

Provided that no such direction shall be made unless the person affected thereby has been given a reasonable opportunity of being heard in the matter.

(2) Where any person makes default in the payment of any amount, being the arrears or penalty or both directed to be paid under sub-section (1), such amount may be recovered from him, as arrears of land revenue.

45.(1) Where any transferee makes default in the payment of any consideration money, or any instalment, on account of the transfer of any land or building, or both, under section 43, the Estate Officer may, by notice in writing, call upon the transferee to show cause, within a period of thirty days, why a penalty as may be determined by the Authority be not imposed upon him:

Provided that the penalty so imposed shall not exceed the amount due from the transferee.

(2) After considering the cause, if any, shown by the transferee and after giving him a reasonable opportunity of being heard in the matter, the Estate Officer may, for reasons to be recorded, in writing, make an order imposing the penalty and direct that the amount of money due along with the penalty shall be paid by the transferee within such period as may be specified in the order.

(3) If the transferee fails to pay the amount due together with the penalty in accordance with the order made under sub-section (2) or commits a breach or any other condition of transfer, the Estate Officer may, by notice in writing call upon the transferee to show cause within a period of thirty days, why an order of resumption of the land or building or both, as the case may be, and forfeiture of the whole or any part of the money, if any, paid in respect thereof which in no case shall exceed ten per cent of
the total amount of the consideration money, interest and other dues payable in respect of the transfer of the land or building or both, should not be made.

(4) After considering the cause if any, shown by the transferee in pursuance of a notice under sub-section (3), and any evidence that he may produce in respect of the same and after giving him a reasonable opportunity of being heard in the matter, the Estate Officer may, for reasons to be recorded, in writing, make an order resuming the land or building or both, as the case may be, and direct the forfeiture as provided in sub-section (3) of the whole or any part of the money paid in respect of such transfer.

(5) Any person aggrieved by an order of the Estate Officer under section 44 or under this section may, within a period of thirty days of the date of the communication to him of such order, prefer an appeal to the Chief Administrator in such form and manner, as may be prescribed:

Provided that the Chief Administrator may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time:

(6) The Chief Administrator may, after hearing the appeal, confirm, vary or reverse the order appealed from and may pass such order as he thinks fit.

(7) The Chief Administrator may either on his own motion or on an application received in this behalf at any time within a period of six months from the date of the order, call for the record of any proceedings in which the Estate Officer has passed an order for the purpose of satisfying himself as to the legality or propriety of such order and may pass such order in relation thereto as he thinks fit:

Provided that the Chief Administrator shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

(8) Where a person is aggrieved by any order of the Chief Administrator, deciding the case under sub-section (6) or sub-section (7), he may, within thirty days of the date of communication to him of such order, make an application in writing to the State Government for revision against the said order and the State Government may confirm, alter or rescind the order of the Chief Administrator.
CHAPTER VI
POWER TO EVICT PERSONS FROM PREMISES OF THE AUTHORITY

46.(1) If the Estate Officer is satisfied-
(a) that any person authorised to occupy any premises of the Authority has,-
   (i) not paid rent lawfully due from him in respect of such premises for a period of
       more than two months ; or
   (ii) sublet, without the permission of the Estate Officer, the whole or any part of
       such premises; or
   (iii) otherwise acted in contravention of any of the terms expressed or implied,
       under which he is authorised to occupy such premises ; or
(b) that any person is in un-authorised occupation of any premises of the Authority ; or
(c) that any person has not vacated any premises which has been resumed under
   section 45 ;
the Estate Officer may, notwithstanding anything contained in any law for the time
being in force, by notice served by post or by affixing a copy of it on the outer door or
some other conspicuous part of such premises, or in such other manner as may be
prescribed order that person, as well as any other person, who may be in occupation
of the whole or any part of the premises, shall vacate them within a period of thirty
days from the date of the service of the notice :
Provided that no such order shall be passed unless such person has been afforded
an opportunity to show cause as to why such order should not be made.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the
Estate Officer may evict that person from, and take possession of, the premises and
may for that purpose use such force, as may be necessary.

(3) If a person, who has been ordered to vacate any premises under sub-clause (i) or
sub-clause (iii) of clause (a) of sub-section (1), within a period of thirty days from the
date of service of the notice or within such longer time as the Estate Officer may
allow, pays the rent in arrears or carries out or otherwise complies with the terms
contravened by him to the satisfaction of the Estate Officer, as the case may be, the
Estate Officer shall in lieu of evicting such person under sub-section (2) cancel his
order made under sub-section (2) and thereupon such person shall hold the premises
on the same terms on which he held them immediately before such notice was
served on him.

47. Where any person is in unauthorised occupation of any premises of the Authority, the
Estate Officer may in the prescribed manner, assess such damages on account of
the use and occupation of the premises as he may deem fit and may by notice served
by post, or by affixing a copy of it on the outer door or some other conspicuous part of

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such premises or in such other manner as may be prescribed, order that person to pay the damages within such time not being less than thirty days as may be specified in the notice and if any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered from him as arrear of land revenue.

48 (1) Any person aggrieved by an order of the Estate Officer under section 46 or section 47 may within a period of thirty days from the date of the service of notice under section 46 or section 47, as the case may be, prefer an appeal to the Competent Authority: Provided that the Competent Authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred under sub-section (1) the Competent Authority may stay the enforcement of the order of the Estate Officer for such period and on such conditions, as it deems fit.

(3) Every appeal under this section shall be disposed of by the Competent Authority as expeditiously as possible.
49.(1) The Authority shall have and maintain its own fund to which shall be credited-
   (a) all moneys received by the Authority from the State Government and the
       Central Government by way of grants, loans, advances or otherwise;
   (b) all moneys received by the Authority from sources other than the State
       Government or the Central Government, by way of loans or debentures;
   (c) all fees received by the Authority under this Act;
   (d) all moneys received by the Authority from the disposal of lands, buildings and
       other properties, movable and immovable;
   (e) all moneys received by the authority by way of the rent and profits or in any
       other manner or from any other source; and
   (f) all moneys received by the Authority in connection with the execution of any
       town development scheme.

(2) The funds of the Authority shall be applied towards meeting-
   (a) the expenditure incurred in the administration, implementation and carrying
       out the provisions of this Act;
   (b) the cost of acquisition of land for the purposes of this Act;
   (c) the expenditure for development of land and construction of houses; and
   (d) the expenditure for such other purposes as the State Government may direct
       or permit.

(3) The Authority shall keep its fund in any Scheduled Bank or in any Apex Co-Operative
    Bank or a Central Co-Operative Bank.

(4) The Authority may invest any portion of its fund is such securities or in such other
    manner as it may determine from time to time.

(5) The income resulting from investments mentioned in sub-section (4) and proceeds of
    the sale of the same shall be credited to the fund of the Authority.

50. The State Government may make such grants, advances and loans to the Authority,
    as the State Government may deem necessary, for the performance of its functions
    under this Act and all grants, loans and advances so made shall be on such terms
    and conditions as the State Government may determine.
51. (1) The Authority may, from time to time, borrow money by way of loans and debentures or bonds or such other financial instruments from such sources, other than the State Government, and on such terms and conditions as it may determine from time to time.

(2) The Authority may advance money for constructing buildings for residential, industrial or commercial purposes on such terms and conditions, as it may determine from time to time.

52. The Authority shall prepare in such form, and at such time every year, as may be prescribed, a budget in respect of the next financial year showing the estimated receipts and expenditure of the Authority and shall forward to the State Government such number of copies of thereof, as may be prescribed.

53. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form and in such manner as may be prescribed.

(2) The Authority shall cause its accounts to be audited annually by the auditors duly qualified to act as auditors under sub-section (1) of section 226 of the Companies Act, 1956.

(3) As soon as the accounts of the Authority are audited, the Authority shall send a copy thereof together with the audit report thereon to the State Government and also cause the accounts to be published in the prescribed manner.

(4) Notwithstanding anything contained in this section, the State Government may order that there shall be concurrent or special audit of accounts of the Authority by such person or authority as it thinks fit.

(5) The State Government shall cause to be laid a copy of the audit report before the House of the State Legislature.

54. (1) The Authority shall prepare every year a report of its activities during that year, and submit that report to the State Government, in such form and on or before such date as may be prescribed.

(2) The State Government shall, as soon as may be, cause the report submitted by the Authority under sub-section (1) to be laid before the House of the State Legislature.

55. The Authority shall constitute, for the benefit of its whole time paid members and of its officers and other employees in such manner and subject to such conditions, as may be prescribed, such provident fund as it may deem fit.
CHAPTER VIII
PLANNING AREAS AND PLANNING AGENCIES

56. (1) *[The State Government may, from time to time by notification in the official Gazette, declare any area in the State to be a regional planning area, a local planning area or the site for a new town (hereinafter referred to as the planning area).]

(2) Before making the declaration under sub-section (1) the State Government may take into consideration such matters as may be prescribed.

(3) Every notification published under sub-section (1) shall indicate the limits and the name of the area to which it relates.

(4) ***** [………]

(5) ***** [………]

(6) ***** [Except in such class or category of cases, which the State Government may, by order for the reasons to be recorded in writing, exempt, and except in the case of operational constructions or constructions in any area comprised in abadi-deh of any village, falling inside its lal lakir or phirni, no person shall, on or after publication of notification under sub-section (1), and till the date, the Regional Plan or the Master Plan comes into operation under section 64 or under section 75, as the case may be, institute or change the use of land for any purpose or carry out any development in respect of any land without the previous permission of the Competent Authority and the provisions of sections 67 and 68 mutatis mutandis shall apply to the grant of such permission:]

******* [Provided that the exemptions granted in the case of operational constructions and constructions in the areas comprised in abadi-deh of any village falling inside its lal lakir or phirni, shall not apply in the case of development affecting heritage site or its vicinity.]

(7) *[The State Government] may, after following the procedure as laid down in this section, alter the limits of any regional planning area, local planning area or the site for a new town.

57. **[As soon as may be, after declaration of a regional planning area, a local planning area or a site for new town, the State Government may, designate planning agency for that area.]

58. (1) The Designated Planning Agencies will work under the over all directions and control of *** [The State Government.]

(2) The Board may assign any or all of the following functions to the Designated Planning Agency, namely,-
(i) to carry out survey of the regional planning area, local planning area or a site for new town, as the case may be, and, prepare reports on the surveys so carried out;

(ii) **** [to prepare an existing land use map and such other maps, as may be necessary for the purposes of preparing regional plan, master plan, a new town development plan;]

(iii) to prepare a regional plan, a master plan and a new town development plan; and]

(3) ***** [In accordance with the directions of the State Government] a Designated Planning Agency shall exercise all such powers as may be necessary or expedient for the purposes of carrying out its functions under this Act and also perform any other functions which are supplement, incidental or consequential to any of the functions specified in sub-section (2) or as may be prescribed.

59.(1) *[Preparation of present land use map, - As soon as may be, the Designated Planning Agency shall, but not later than six months after its designation or within such time, as the State Government may, from time to time, extend, prepare a present land use map in the form, to be prescribed indicating the present use of every piece of land in the planning area.]*

(2) After the preparation of the present land use map and register under sub-section (1), the Designated Planning Agency shall publish a public notice of the preparation of the map and register and of the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the map and register within thirty days of the publication of such notice.

(3) After the expiry of the period mentioned in sub-section (2), the Designated Planning Agency, after allowing a reasonable opportunity of being heard to all the persons, who have filed the objections and after considering all the objections filed and after making such modifications in the map or register or both as it considers proper, adopt the map and register.

(4) As soon as may be after the adoption of the map and the register under sub-section (3), the Designated Planning Agency shall publish a public notice of the publication of map and register and the place or places where the copies of the same may be inspected and shall submit copies of the map and register to the State Government.

(5) A copy of public notice published under sub-section (4) shall also be published in the Official Gazette and the publication of the public notice in the Official Gazette in
respect of the map and register shall be conclusive evidence that the map and register have been duly prepared and adopted.

* Substituted by Punjab Act No. 30 of 2006.

60. The *[State Government]* may determine in the prescribed manner the amount which a local authority, State Government or any other authority functioning in the Planning Area shall pay to the Designated Planning Agency as contribution towards the expenses incurred by it in the discharge of its functions under this Act and the amount shall be accordingly paid.

* Substituted by Punjab Act No. 30 of 2006.
61. Subject to the provisions of this Act and the rules and regulations made there under, the * [State Government] shall, with a view to securing planned development and use of land in a regional planning area, get surveys thereof carried-out, maps as are necessary for the purpose of preparing regional plan for that area prepared and shall within such period or periods as the **[State Government] may form time to time determine in this behalf, get a report of the surveys and the Regional Plan and such other documents, maps and information as it may deem fit for illustrating or explaining the provisions of the Regional Plan.

62. Subject to the provisions of this Act and any rules made thereunder for regulating the form of a Regional Plan and the manner in which it may be prepared and published, any such Regional Plan shall indicate the manner in which the *** [State Government] proposes that land in the regional planning area should be used, whether by carrying out thereon development or otherwise, the stages by which any such development is to be carried out, the net work of communications and transport, the proposals for conservation and development of natural resources, and such other matters as are likely to have an important influence on the development of the Regional Planning area and any such Regional Plan may in particular provide for all or any of the following matters, or for such matters thereof, as the State Government may direct, namely :-

(a) demarcation of areas for agriculture, forestry, industry, mineral development, urban and rural settlements and other activities ;

(b) reservation of areas for open spaces, recreation, reserves, animal sanctuaries, dairies and health resorts ;

(c) transport and communication network such as roads, highways, railways, waterways, canals and airports including their development ;

(d) water supply, drainage, sewerage, sewage disposal and other public utilities, amenities and services including electricity and gas ;

(e) reservation of sites for new towns, industrial estates and any other large scale developments or projects which are required to be undertaken for proper development of the regional planning area ;

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* Substituted by Punjab Act No. 30 of 2006.
** Substituted by Punjab Act No. 30 of 2006.
*** Substituted by Punjab Act No. 30 of 2006.
(f) preservation, conservation and development of areas of natural scenery, forest, wildlife, *natural resources, land-scaping, heritage site and control of development, which is either affecting the heritage site or its vicinity;]

(g) **[preservation of objects, features, structure or places of historical, natural, architectural or scientific interest, educational value and heritage site;]

(h) areas required for military and defence purposes;

(i) prevention of erosion, provision for afforestation or reforestation, improvement and redevelopment of water front area, rivers and lakes;

(j) irrigation, water supply and hydro-electric works, flood control and prevention of river pollution; and

(k) re-allocation of population or industry from over populated and industrially congested area, indicating the density of population or the concentration of industry to be allowed in any area.

63.(1) The designated planning agency shall, after the surveys have been carried out and necessary maps prepared, prepare or get prepared and publish a draft Regional Plan, by making copy thereof available for inspecting and publish a notice in such form and manner as may be prescribed inviting objections and suggestions from any person with respect to the draft

** Substituted by Punjab Act No. 13 of 2003.
Regional Plan before such date as may be specified in the notice, such date not being earlier than *[thirty days] from the date of first publication of the notice.

(2) Any person may, within such period as may be specified in the notice published under sub-section (1), send to the designated planning agency, his objections and suggestions, if any, in respect of such draft Regional Plan.

(3) **[..].

(4) *** [The Designated Planning Agency shall, after allowing reasonable opportunity of being heard, to all the persons, who have filed objections or suggestions under sub-section (2), finalise the draft regional plan and send it to the State Government for its consideration along with the objections, if any, received under sub-section (2), with its comments thereon.]

(5) **** [..].

(6) ***** [..].

(7) ***** [..].

(8) ***** [..].
64.(1) [Immediately, after a Regional Plan has been approved by the State Government under section 63, the Designated Planning Agency concerned, shall publish in the prescribed form and manner, a notice stating that the Regional Plan has been approved, and naming a place, where a copy thereof, may be inspected at all reasonable hours and shall specify therein, a date on which the Regional Plan shall come into operation; and]

(2) Except in such class or category of cases which the State Government may in its regulations exempt and except in the case of operational constructions and constructions in the areas comprised in Abadi Deh of any village falling inside its Lal Lakir or Phirni, no person shall, on or after the date the draft Regional Plan comes into operation under sub-section (1) institute or change use of any land for any purpose or carry out any development in respect of any land without the previous permission of the Competent Authority:

**[Provided that the exemptions granted in the case of operational constructions and constructions in the area comprised in abadi-deh of any village falling inside its lal lakir or phirni, shall not apply in the case of development affecting heritage site or its vicinity.]**

65. At any time after the date on which the Regional Plan comes into operation, the designated agency may within the prior approval of the State Government make such minor changes in the Regional Plan as may be necessitated by topographical and cartographical errors or omissions, indicate details of proposal not fully indicated on the Regional Plan or provide for changes arising out of the implementation of the proposal in the Regional Plan:

Provided that no such change shall be made unless the same is in the public interest and is notified to the public.

66. If, after the Regional Plan has come into operation, the [State Government] is of the opinion that revision of such Regional Plan is necessary, Board may direct the designated planning agency concerned to undertaken such a revision and
thereupon the foregoing provisions of this Chapter, shall, so far as they can be made applicable, apply to the revision of the Regional Plan as these provisions apply in relation to the preparation, publication and approval of the Regional Plan:

Provided that no such direction shall be given unless a period of five years has elapsed since the coming into operating of the Regional Plan:

67.(1) Every person including a Department of State Government or the Central Government desiring to obtain permission under sub-section (2) of section 64 shall make an application to the Competent Authority in such form as may be prescribed.

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed:

Provided that no fee shall be payable in the case of application made by a Department of the State Government or the Central Government.

(3) On receipt of an application for permission under sub-section (1), the Competent Authority after making such enquiry as it considers necessary, shall, by order, in writing, either grant the permission, subject to such *Conditions and for such period,* as may be specified in the order or refuse to grant such permission.

(4) Notwithstanding anything contained in any law for the time being in-force, the permission referred to in this section shall not be granted otherwise than in conformity with the provisions of the draft Regional Plan or the Regional Plan, as the case may be.

(5) Where the permission is refused under sub-section (3), the grounds of such refusal shall be recorded in writing and communicated to the applicant in the prescribed manner.

(6) The Competent Authority shall keep in such form as may be prescribed a Register of applications for permission under this section.

(7) The Register referred to in sub-section (6) shall contain such particulars including information as to the manner in which applications for permission have been dealt with as may be prescribed and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee as may be prescribed.

68.(1) Any person aggrieved by an order passed under section 67 may appeal, within thirty days of the communication of that order to him, to the State Government in such manner and on payment of such fee as may be prescribed.

(2) The State Government may, after giving reasonable opportunity of being heard to the appellant and the Competent Authority concerned, pass an order dismissing the appeal or accept the appeal by:-

(i) granting permission unconditionally; or

(ii) granting permission subject to such condition as it may think fit:
*(Provided that the grant of permission by the State Government, whether conditional or otherwise, shall be in conformity with the provisions of the Regional Plan.)*

(3) The decision of the State Government on the appeal shall be final and shall not be questioned in any court.

69. Any person who contravenes the provisions of sub-section (6) of section 56 or sub-section (2) of section 64 shall be punishable with imprisonment of either description for a term which may extend to three years or a fine which may extend to ten thousand rupees or with both, and in the case of continuing contravention with a further fine which may extend to one thousand rupees for every day after the date of the first conviction during which he is proved to have persisted in the contravention.

*Inserted by Punjab Act No. 13 of 2003.*
CHAPTER X  
PREPARATION AND APPROVAL OF MASTER PLANS

70.(1) As soon as may be after the declaration of a planning area and after the designation of a Planning Agency for that area, the Designated Planning Agency shall, not later than one year after such declaration or within such time as *[the State Government may, from time to time, extend, prepare and submit to the State Government for its approval a plan (hereinafter called the “Master Plan”) for the planning area or any or its part and the ** […..] Master Plan so prepared shall –

(a) indicate broadly the manner in which the land in the area should be used ;
(b) allocate areas or zones of land for use for different purposes ;
(c) include, define and provide the existing and proposed highways, roads, major streets and other lines of communication ;

***[(cc)indicate areas covered under heritage site and the manner in which protection, preservation and conservation of such site including its regulation and control of development, which is either affecting the heritage site or its vicinity, shall be carried out.]

(d) indicate, regulations (hereinafter called “Zoning Regulations”) to regulate within each zone the location, height, number of storeys and size of buildings and other structures open spaces and the use of building, structures and land.

(2) Subject to the provisions of the rules made under this Act for regulating the form and contents of the ****[…..]Master Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals in the ***** […..] Master Plan.

(3) As soon as after the Master Plan has been prepared under sub – section (1) by the Designated Planning

* Substituted by Punjab Act No. 30 of 2006.
** Omitted by Punjab Act No. 30 of 2006.
**** Omitted by Punjab Act No. 30 of 2006.
***** Omitted by Punjab Act No. 30 of 2006.
****** Substituted by Punjab Act No. 30 of 2006.
Agency, the State Government, not later than such time, as may be prescribed, shall
direct the Designated Planning Agency to publish the existing land use plan and
master plan and the place or places, where the copies of the same may be
inspected, for inviting objections in writing from any person with respect to the
existing land use plan and master plan within a period of thirty days from the date of
publication.]

(4) *[The State Government, after considering the objections and in consultation with the
Board, may, direct the Designated Planning Agency to modify the Master Plan or
approve it as such.]

(5) **[The Designated Planning Agency, after approval of the State Government, shall
publish the final Master Plan in the Official Gazette, after carrying out the
modifications if any, under intimation to the State Government within a period of thirty
days from the date of according approval by the State Government.]

71. *** [……].
72. **** [……].
73. ***** [……].
74. ****** [……].
75. ******* [Coming into operation of Master Plan,- The Master Plan come into operation
from the date of publication, referred in sub-section(5) of section 70.]

76(1) At any after time after the date on which the Master Plan for an area comes into
operation, and atleast once after every ten years, after that date, the Designated
Planning Agency shall after carrying out such fresh surveys as may be considered
necessary or as directed by the ********[State Government], prepare and submit to the
Board, a Master Plan after making alterations or additions as it considers necessary.

** Substituted by Punjab Act No. 30 of 2006.  ****** Omitted by Punjab Act No. 30 of 2006.

(2) The provisions of *[Sections 70 and 75] shall mutatis mutandis as for as may be
possible, apply to the Master Plan submitted under sub-section (1).

77. At any time after the date on which the **[……] Master Plan for a planning area comes
into operation the Designated Planning Agency may with the prior approval of the
***[State Government], make such minor changes in the Master Plan, as may be
necessitated by typographical and cartographical errors and omissions, details of
proposals not fully indicated on plan or changes arising out of the implementation of
the proposals in the Master Plan :
Provided that no such change shall be made unless the same is in the public interest
and is notified to the public.
78. After the designation of a site for a new town and after the designation of a Planning Agency for the same, the Designated Planning Agency shall prepare a Master Plan for the new town and the provisions of \[Sections 70 and 75\] shall mutatis mutandis apply to such a Master Plan.

* Substituted by Punjab Act No. 30 of 2006.
** Omitted by Punjab Act No. 30 of 2006.
*** Substituted by Punjab Act No. 30 of 2006.
**** Substituted by Punjab Act No. 30 of 2006.
79. After the coming into operation of any Master Plan in any area, no person shall use or permit to be used any land or carry out any development in that area otherwise than in conformity with such Master Plan:

Provided that the Competent Authority may allow the continuance of any use of any land, for a period not exceeding ten years, upon such terms and conditions as may be provided by regulations made in this behalf for the purpose and to the extent, for and to which it was being used on the date on which such a Master Plan came into operation.

80. After coming into operation of any Master Plan in any area and subject to the other provisions of this Act, no development in respect of, or change of use of, any land shall be undertaken or carried out, in that area -

(a) without obtaining the permission in writing as provided for hereafter; and

(b) without obtaining a certificate from the Competent Authority certifying that the development charge or betterment charge as leviable under this Act has been paid or that no such charges are leviable:

* [Provided that except in the case of development, affecting heritage site or its vicinity, no such permission shall be necessary-]

(i) for operational constructions and constructions in the area comprised in the abadi-deh of any village falling inside its Lal Lakir or Phirni;

(ii) for carrying out such works for the maintenance, improvement or other alteration of any building


which affect only its interior or which do not materially affect the external appearance of the building;

(iii) *[…] for the carrying out by the Central Government or the State Government or any local authority of,-

(a) any work required for the maintenance or improvement of a highway, road or public street, being work carried out on land within the boundaries of such highway, road or public street;

(b) any work for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;
(iv) for the excavations (including wells and tubewells) made in the ordinary course of agricultural operation or for such constructions which are made for agricultural purposes subservient to agriculture:

Provided that such excavation or constructions are situated in the areas in which agriculture is permitted land use as per the Master Plan;

(v) for the construction of unmetalled roads intended to give access to land solely meant for agricultural purpose.

81.(1) Any person intending to carry out any development in respect of, or a change of use of any land or intending to sub-divide his plot or to layout a private street shall make an application in writing to the Competent Authority for permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed.

(2)(a) In the case of a Department of the State Government or the Central Government or a local authority intending to carry out any development in respect of, or, change of use of, any land, the concerned Department or the local authority, as the case may be, shall notify in writing to the Competent Authority of its intention to do so giving full particulars thereof and accompanied by such documents and plans as may be prescribed, at least, two months prior to the undertaking of such development or change, as the case may be.

(b) Where the Competent Authority has raised any objection in respect of the conformity or the proposed development either to any Master Plan under preparation or to any rules in force at that time, or due to any other material consideration, the Department of the State Government or the Central Government or the local authority, as the case may be, shall either make necessary modifications in the proposals for such development or change of use to meet the objections raised by the Competent Authority or submit *[to the State Government the proposal for such development or change of use together with the objections raised by the Competent Authority for decision.]*

(c) The **[State Government]** on receipt of such proposal together with the objections of the Competent Authority shall either approve the proposals with or without modifications or direct the Department of the State Government or the Central Government or the local authority, as the case may be, to make such modifications in the proposals as it considers necessary in the circumstances.

(3) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed:
Provided that no fee shall be payable in the case of an application made by a Department of the State Government or the Central Government.

(4) On an application having being duly made under

* Substituted by Punjab Act No. 30 of 2006.
** Substituted by Punjab Act No. 30 of 2006.

sub-section (1) and on payment of the development charge or betterment charges if any, as may be assessed under Chapter XIII, the Competent Authority may,-

(a) pass an order –

(i) granting permission unconditionally ; or

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

(iii) refusing permission ;

(b) without prejudice to the generality of clause (a) impose conditions -

(i) to the effect that the permission granted is only for a specified period and after the expiry of that period, the land shall be restored to its previous condition or the use of the land so permitted shall be discontinued ; or

(ii) for regulating the development or use of any land under control of the applicant or for the carrying out of works on any such land as may appear to the Competent Authority expedient.

(5) The Competent Authority in considering the application for permission shall ensure that it is in conformity with the provisions of the Master Plan prepared or under preparation under this Act and where the development or change or use of any land is likely in the opinion of the Competent Authority to interfere with the operation of the Master Plan or to be prejudicial to planned development, or any plan for development of the Authority, the Competent Authority may refuse such permission.

(6) Where permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order and such order shall be communicated to the applicant in the prescribed manner.

(7) *If the Competent Authority does not communicate its decision to grant or refuse permission to the applicant within a period of sixty

expiry of the later date without prejudice to the provisions of this Act, rules and regulations made thereunder:
Provided that any development carried out in pursuance of such deemed permission, which is in contravention of the provisions of the Act, rules and regulations made thereunder, shall be deemed to be an unauthorised development for the purposes of sections 86, 87, 88, 89 and 90.

82. (1) Any person aggrieved by an order passed under section 81 may, within thirty days of the communication of that order to him, appeal to the appellate authority, as the State government may, by notification, appoint, for the purpose of this section, in such manner and on payment of such fees as may be prescribed.

(2) The appellate authority may, after giving a reasonable opportunity of being heard to the appellant and the Competent Authority concerned, pass an order dismissing the appeal or accepting the appeal by,-
   (i) granting permission unconditionally ; or
   (ii) granting permission subject to such conditions as it may think fit ; and
   (iii) removing the conditions subject to which permission has been granted and imposing other conditions, if any, as it may think fit :

*[Provided that the grant of permission by the appellate authority, whether conditional or otherwise, shall be in conformity with the provisions of the Master Plan.]*

(3) The decision of the appellate authority on the appeal shall be final and shall not be questioned in any court.

83. Any permission granted under section 80 shall remain in force for a period of two years from the date of grant of such permission and should the permission be not availed of for the purpose for which it is granted within the aforesaid period, the permission shall be deemed to have lapsed ;

Provided that the Competent Authority may, on application made in this behalf before the expiry of the aforesaid period extend such period from year to year but such extended period shall in no case exceed two years :

Provided further that such lapse shall not bar any subsequent application for fresh permission under section 80.

84. (1) Where any person, aggrieved by an order of the Competent Authority under section 81 or of the appellate authority under section 82 refusing to grant permission or granting permission subject to conditions, claims –

(a) that the land has become incapable of reasonably beneficial use in its existing state ; or

- 46 -
(b) in a case where permission is given subject to conditions, that the **[land and building]** cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with the conditions;

he may, within such time and in such manner as may be prescribed, serve on the State Government a notice (hereinafter referred to as "the acquisition notice") requiring the State Government to acquire his interest in the land.

** Substituted by Punjab Act No. 13 of 2003.

(2) A copy of the acquisition notice referred to in sub-section (1) shall be served on the Competent Authority concerned.

(3) After receiving the notice under sub-section (1), the State Government shall appoint a person having qualifications as may be prescribed who shall after giving a reasonable opportunity of being heard to the person serving the acquisition notice, and the Competent Authority concerned, submit a report thereon to the State Government.

(4) After receiving the report under sub-section (3) the State Government shall –

(a) (i) if it is satisfied that any of the conditions specified in clause (a) or clause (b) of sub-section (1) is not fulfilled; or

(ii) if the order appealed against was passed on the ground that any of the provisions of this Act or the rules made thereunder had not been complied with;

pass an order refusing to confirm the notice; or

(b) if it is satisfied that any of the conditions specified in clause (a) or clause (b) of sub-section (1) is fulfilled, pass an order ---

(i) confirming the notice; or

(ii) directing the Competent Authority to grant such permission or to alter the conditions in such a way as will leave the land or part thereof capable of reasonably beneficial use.

(5) If within a period of one hundred and twenty days from the date of which an acquisition notice is served, the State Government does not pass an order thereon under sub-section (4) the notice shall be deemed to have been confirmed on the expiration of such period.

(6) On an acquisition notice being confirmed under sub-section (4) or deemed to have been confirmed under sub-section (5), the Competent Authority concerned shall get the land or that part thereof acquired in respect of which the notice has been confirmed within one year of such confirmation.
85.(1) If it appears to the Competent Authority that it is necessary or expedient having regard to the Master Plan prepared or *[under preparation or revision]* and to any other material considerations, that any permission to develop land granted under this Act or any other law for the time being in force should be revoked or modified, it may, after giving a reasonable opportunity of being heard to the person in whose favour the permission had been granted, by an order revoke or modify the permission to such extent as appears to it to be necessary:

Provided that –

(a) where the permission relates to the carrying out of building or other operation, no such order -
   (i) shall affect such of the operations as have been previously carried out;
   (ii) shall be passed after these operations have been completed;
(b) where permission relates to a change of use of land, no such order shall be passed at any time after the change has taken place.

(2) When permission is revoked or modified by an order made under sub-section (1), the owner may, within such time and in such manner as may be prescribed, claim compensation for the expenditure incurred in carrying out any work in accordance with such permission and which has been rendered abortive by the revocation or modification of permission.

(3) Where a claim under sub-section (2) is received by the Competent Authority concerned, it shall, after giving the owner reasonable opportunity of being heard, assess the amount of compensation and offer it to the owner.

(4) if the owner does not accept the compensation offered under sub-section (3), and gives notice, within such time as may be prescribed, of such refusal, the Competent Authority shall refer the matter for the adjudication of the prescribed authority and the decision of the prescribed authority shall be final and binding on the owner and the Competent Authority.

86.(1) Any person who, either, by himself or at the instance of any other person, commences, undertakes or carries out development of or changes the use of, any land –

(a) in contravention of any *[Master Plan prepared or under preparation or revision]*; or
(b) without obtaining certificate regarding development charge or betterment charge under section 80; or
(c) without the permission as required under section 81; or
(d) in contravention of any condition subject to which such permission has been granted; or

(e) after the permission for development has been revoked under section 85; or

(f) in contravention of the permission which has been modified under section 85,

shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees, or with both, and in the case of continuing offence with a further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

(2) Any person who continues to use or allows the use of any land or building in contravention of the provisions of a **[Master Plan prepared or under preparation or revision] without

** Substituted by Punjab Act No. 13 of 2003.

having been allowed under section 80 or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees, or, with both, and in the case of continuing offence with a further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

(3) Any person who, either by himself or at the instance of any other person, 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 80, shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees, or, with both, and in case of a continuing offence with a further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

87.(1) Where any development or land has been or being carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 86 or any building has been erected or re-erected or any excavation has been made of extended or any means of access has been laid out to a road in contravention of the provisions of section 80, the Competent Authority may, within four years of completion of such development, erection or re-erection of building, or making or extending any excavation, or laying out of any means of access to a road as the case may be, serve on the owner a notice requiring him, being not less than one month, as may be specified therein,
after the service of the notice, to take such steps, as may be specified in the notice, namely:-

(i) in cases specified clause (a), clause (c), or clause (e) of sub-section (1) of section 86, or sub-section (3) thereof, to restore the land to its condition before the said development, erection, re-erection, excavation or laying out of any means of access to road took place;

(ii) in cases specified in clause (d) or clause (f) of sub-section (1) of section 86, to secure compliance with the conditions or with permission as modified;

(iii) in case specified in clause (b) of sub-section (1) of section 86, to pay the development charge or betterment charge and such penalty, if any, as may be prescribed:

Provided that in case the notice requires the discontinuance of the use of any land, the Competent Authority shall serve a notice on the occupier also.

(2) in particular, any such notice may, for the purposes of sub-section (1), require -

(i) the demolition or alteration of any building or works;
(ii) the carrying out on land, of any building or other operations;
(iii) the discontinuance any use land.

(3) Any person aggrieved by such notice may within such period and in such manner as may be prescribed -

(a) apply for permission under section 81 for the retention on the land of any buildings or works or for the continuance of any use of the land, to which the notice relates; or

(b) appeal to the State Government.

(4) (a) The notice shall be of no effect pending the final disposal or withdrawal of the application or the appeal.

(b) Where permission is granted on an application referred to in clause (a) of sub-section (3), the notice shall not take effect, and where such permission is granted for the retention only of some building or work or for the continuance of use of only a part of the land, such notice shall not take effect regarding such building or work or such part of the land, but shall have full effect regarding the works or other parts of the land.

(5) Where an appeal has been preferred under clause (b) of sub-section (3), the State Government may, after allowing a reasonable opportunity to the appellant and the Competent Authority of being heard, dismiss the appeal or accept the appeal by quashing or varying the notice as it may think fit and the decision of the State Government on the appeal shall be final and shall not be questioned in any court.

(6) If within the period specified in the notice or within such period after the disposal or withdrawal of the application for permission or the appeal under sub-section (3), as
the case may be, the notice or so much of it as continues to have effect, or the notice with variations made in appeal, is not complied with, the Competent Authority may,—

(a) prosecute the owner for not complying with the notice and in the case where the notice required the discontinuance of any use of land prosecute any other person also who uses the land or causes or permits the land to be used in contravention of the notice; and

(b) (i) in the case of a notice requiring the demolition or alteration of any building or other operations, itself cause the restoration of the land to the condition in which it was before the development, erection, re-erection, excavation or laying out of any means of access to a road, as the case may be, took place and secure the compliance with the conditions of the permission or with the permission as modified, by taking such steps as the Competent Authority concerned may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operations;

(ii) may recover the cost of any expenses incurred by it in this behalf from the owner as arrear of land revenue.

(7) Any person prosecuted under clause (a) of sub-section (6) shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees, or, with both, and in the case of a continuing offence, with a further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

88.(1) Where any development of land has been carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 86 or any building has been erected or re-erected or any excavation has been made or extended or any means of access has been laid to any road in contravention of the provisions of section 81, but has not been completed, the Competent Authority may serve on the owner and the person carrying out the development or the erection or re-erection of building or making or extending any excavation or laying out any means of access to a road, a notice requiring him to discontinue the same from the time of service of such notice.

(2) Where a notice has been served under sub-section (1), the person aggrieved by such notice may appeal to the State Government and the provisions of sub-sections (5) and (6) of section 87 shall apply with such modifications as may be necessary.

(3) Any person, who continues to carry out the development of land whether for himself or on behalf of the owner or any other person, after such notice has been served, shall be, punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees, or, with
both, ad when the non-compliance is a continuing one with a further fine which may extend to one thousand rupees for every day after the date of the notice during which the non-compliance has continued or continues.

(4) If a notice under sub-section (1) is not complied with forthwith, the Competent Authority or any office authorised by it in this behalf, as the case may be, may require any police officer to remove such person and other workmen from the land with his assistance and such police officer shall comply with such requisition.

(5) Where action has been taken by a Police Officer under sub-section (4), the Competent Authority or the officer referred to in that sub-section, shall take necessary steps to ensure that such development is not continued.

(6) Any expenses incurred by the Competent Authority under sub-section (4) and sub-section (5), shall be paid by the person at whose instance such development is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as arrear of land revenue.

89.(1) If it appears to the Competent Authority that it is expedient the interests of the proper planning of any area (including the interests of amenities), having regard to the *[Master Plan prepared or under preparation or revision] to be prepared-

(a) that any use of land should be discontinued ; or

(b) that any conditions should be imposed on the continuance of use of any land ; or

(c) that any building or work should be altered or removed.

[Substituted by Punjab Act No. 13 of 2003.]

the Competent Authority, may, by notice served on the owner –

(i) require the discontinuance of that use ; or

(ii) impose such conditions, as may be specified in the notice, on the continuance of use of the land ; or

(iii) require such steps, as my be specified in the notice, to be taken for the alteration or removal of any building or work, as the case may be, within such period, being not less than thirty days from the date of service of such notice, as may be specified therein.

(2) Any person aggrieved by the notice served under sub-section (1), may, appeal to the State Government within such period and in such manner as may be prescribed.

(3) If an appeal is filed under sub-section (2), the provisions of sub-sections (3) and (6) of section 87 shall apply, with such modifications as may be necessary.

(4) If any person,-
(i) who has suffered damage in consequence of the compliance with the notice, by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land; or

(ii) who has carried out any works in compliance with the notice, claims from the Competent Authority, within the time and in such a manner as may be prescribed compensation in respect of the damage, or, any expenses reasonably incurred by him for complying with the notice, the provisions of sub-sections (3) and (4) of section 85 shall apply with such modifications as may be necessary.

(5)(a) If any person interested in the land in respect of which a notice is issued under this section, claims that by the reason of the compliance with the notice, the land will become incapable of reasonably beneficial use, he may within the period specified in the notice or within such period after the disposal of the appeal, if any, filed under sub-section (2) and in the manner prescribed, serve on the State Government, acquisition notice requiring his interest in the land to be acquired.

(b) When a notice is served under clause (a), the provisions of sub – section (2) to (6) of section 84 shall apply with such modifications as may be necessary.

90.(1) If at any time after permission has been granted under sub-section (4) of section 81, the Competent Authority is satisfied that such permission was granted in consequence of any material misrepresentation made or any fraudulent statement or information furnished, the Competent Authority may, after giving an opportunity of being heard to the person in whose favour the permission had been granted, cancel such permission for reasons to be recorded in writing and any development carried out without proper permission shall be treated as unauthorised development in terms of the provisions of section 89 and proceeded with accordingly.

(2) The decision of the Competent Authority in this respect shall be final and no appeal shall lie against such decision.
CHAPTER XII

TOWN DEVELOPMENT SCHEMES

91.(1) Subject to the provision of this Act, the Authority may for the purpose of implementation of the provision of the Master Plan or for providing amenities where the same are not available or are inadequate or for planning for re-development or renewal of area of bad layout or absolute or undesirable developments, prepare one or more town development schemes (hereinafter referred to as the scheme).

(2) The scheme may make provisions for any or all of the following matters, namely:-

(a) the matters specified in section 62 ;

(b) the laying out or relaying out land, either vacant or already built upon ;

(c) the filling up or reclamation or lowlying swampy or unhealthy areas or leveling up of land ;

(d) layout of new streets or roads, construction, diversion, extension, alteration , improvement and closing up of streets, roads and communication ;

(e) the reconstitution of plots ;

(f) the construction, alteration and removal of buildings, bridges and other structures ;

(g) the allotment or reservation of land for roads, open spaces, gardens, recreation, grounds, schools, markets, industrial and commercial activities, green belts and dairies, transport facilities and public purpose of all kinds ;

(h) undertaking housing schemes for different income groups, commercial areas, industrial estates, provision of community facilities like schools, hospitals and similar types of development ;

(i) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal ;

(j) lighting ;

(k) water supply ;

(l) the preservation and protection of objects of historical importance or national interest or 2003 [natural beauty or heritage site] and of building actually used for religious purposes ;

(m) the imposition of conditions and restrictions in regard to the open space to be maintained around building, the percentage of building area for a plot, the number, height and character of buildings allowed in specified areas, the subdivision of plots, the discontinuance of objectionable uses of land or building in any area in specified periods, parking spaces and loading and unloading spaces for any building and advertisement signs ;
the suspension, so far as may be necessary for proper carrying out of the
scheme of any rules, bye-laws, regulation notification or order made or
issued under any Act of the State Legislature or any of the Act which the
State Legislature is competent to amend;

acquisition by purchase, exchange or otherwise of any property necessary for
or effected by the execution of the scheme; and

such other matters not inconsistent with the objects of this Act, as may be
prescribed.

92.(1) The Authority may by resolution declare its intention to make scheme in respect of
any planning area or any part of the planning area.

(2) Not later than thirty days from the date of declaration of intention to make a scheme
(hereinafter referred to as the declaration) the Authority shall publish the declaration
in the Official Gazette and in such other manner as may be prescribed and despatch
a copy thereof together with a copy of the plan showing the area to be included in the
scheme to the State Government and the Board and also to the local authority in
whose jurisdiction the land under the proposed scheme falls.

(3) A copy of the plan referred to in sub-section (2) shall be open to the inspection of the
public at all reasonable hours at the head office of the Authority.

93.(1) Not later than twelve months from the date of declaration, subject, however to sub-
section (3), the Authority shall, with the prior consent of the local authority in whose
jurisdiction the land under the proposed scheme falls, make a draft scheme for the
area in respect of which the declaration was made and publish a notice in the Official
Gazette and in such other manner as may be prescribed stating that the draft scheme
in respect of such area has been made and notice shall state the name of the place
where a copy thereof shall be available for inspection by public and shall also state
that copies thereof or any extract therefrom certified to be correct, shall be available
for sale to the public at a reasonable price.

(2) The local authority shall give its consent under sub-section (1) within the prescribed
period and if such a consent is not given within the prescribed period, the Authority
shall presume that the local authority has no objection to the provisions of the draft
scheme:

Provided that where the local authority conveys its refusal to give
consent to the draft scheme within the prescribed period or where there is a
difference of opinion between the Authority and the local authority with regard to the
draft scheme, the matter shall be referred by the Authority to the Board for decision
and the decision of the Board shall be final.
(3) After thirty days from the date of publication of the notice under sub-section (1) regarding preparation of the draft scheme if any person affected thereby communicates in writing any objection relating to such scheme, the Authority shall consider such objection and may at any time before submitting the draft scheme to the State Government as hereinafter provided, modify such scheme as it thinks fit.

(4) If the Authority fails to make a draft scheme and publish a notice regarding its making within the period specified in sub-section (3) the declaration shall lapse, but any such lapse of the declaration shall not debar the Authority from making afresh declaration any time in respect of the same area.

(5) The State Government may, on application made by the Authority from time to time, by notification in the Official Gazette extend the period specified in sub-section (1) or sub-section (2) by such period not exceeding, six months as may be specified in the notification.

94. If at any time before a draft scheme is submitted to the State Government for sanction, the Authority *suo moto* or on any representation made to it, is of the opinion that additional area be included within the scheme, the Authority may, after informing the State Government and giving notice in the Official Gazette and also in one or more local newspapers, include such additional area in the scheme and thereupon, all the provisions of sections 90, 91 and 92 shall apply in relation to such additional area as they apply to any original area of the scheme and draft scheme shall be prepared for the original area and additional area and submitted to the State Government for sanction.

95.(1) Notwithstanding anything contained in this Act, the State Government may, in respect of any Authority after making such enquiry as it deems necessary, direct that Authority to make and submit for its sanction, a draft scheme in respect of any land in regard to which a scheme may be made after a notice regarding its making has been duly published in the prescribed manner.

(2) If the Authority fails to make the declaration of intention to make a scheme within ninety days from the date of direction made under sub-section (1), the State Government may, by notification in the Official Gazette, appoint an officer to make and submit the draft scheme for the land to the State Government after a notice regarding its making has been duly published as aforesaid and thereupon the provisions of this Act shall, as far as may be applicable, apply to the making of such a scheme.

96.(1) If the draft scheme requires re-constitution of plots, the size and shape of reconstituted plots shall be determined, so far as may be, to render them suitable for building purposes, and where a plot is already built upon, to ensure that the buildings,
as far as possible complies with the provisions of the scheme as regards open spaces.

(2) For the purpose of sub-section (1), a draft scheme may contain proposals,-

(a) to form a re-constituted plot of an original plot by alteration of the boundaries of the original plot, if necessary;

(b) to form a re-constituted plot from an original plot by the transfer wholly or partly of the adjoining lands;

(c) to provide, with the consent of the owners, that two or more original plots each of which is held in ownership in severalty or in joint ownership, shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot;

(d) to allot a re-constituted plot to any owner dispossessed of land in furtherance of the scheme; and

(e) to transfer for ownership of an original plot from one person to another.

97. Where under sub-clause (a) of sub-section (2) of section 91, the purpose is such to which the buildings or areas may not be appropriated or used in pursuance of *[Section 70]*, the building or area shall cease to be used for any purpose other than the purposes specified in the scheme within such time as may be specified in the final scheme, and the person affected by this provision shall be entitled to such compensation from the Authority as may be determined by the Arbitrator:

Provided that, in ascertaining whether compensation is to be paid, the time within which the person affected was permitted to change the use shall be taken into consideration.

98.(1) The Authority not later than six months from the date of publication of the draft scheme under section 92, shall submit the same with any modifications which it may have made therein together with a copy of objections received by it to the State Government, and shall at the same time apply for its sanction.

(2) On receiving application under sub-section (1) and after making such Enquiry as it may think fit, the State Government may, not later than three months from the date of its submission, by notification in the Official Gazette, or not later than such further time as the State Government may extend either sanction such draft scheme with or without modification and subject to such conditions as it may think fit to impose or refuse to give sanction.

(3) If the State Government sanctions the scheme under sub-section (2), it shall in such notification, state at what place and time the sanctioned draft scheme shall be open to the inspection of the public and State Government shall also state therein that copies of the scheme or any extract therefrom certified

* Substituted by Punjab Act No. 30 of 2006.*
to be correct, shall on application be available for sale to the public at a reasonable price.

99.(1) On or after the date on which a declaration of intention to make a scheme is published in the Official Gazette under sub-section (1) of section 93 -

(a) no person shall within the area included in the scheme, institute or change the use of any land or building or carry out any development, unless such person has applied for and obtained the permission of the Authority in the prescribed form;

(b) the Authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt and after enquiry and where an Arbitrator has been appointed in respect of a draft scheme after obtaining his approval may either grant or refuse such permission, or grant it subject to such conditions as the Authority may think fit to impose.

(2) If the Authority communicates no decision to the applicant within sixty days from the date of such acknowledgment, referred to in clause (b) of sub-section (1), the applicant shall be deemed to have been granted such permission.

(3) If any person contravenes the provisions of clause (a) or clause (b) of sub-section (1), the Authority may direct such person by notice in writing to stop any development in progress and after making enquiry in the prescribed manner, remove, pull down or alter any building or other development or restore the land in respect of which such contravention is made to its original condition.

(4) Any expense incurred by the Authority in the discharge of its duties under sub-section (3) shall be a sum due to the Authority under this Act from the person in default or the owner of the plot.

(5) The provisions of Chapter XI shall mutatis mutandis, apply in relation to the development and use of land included in a scheme in so far as they are not inconsistent with the provisions of this Chapter.

(6) The restriction imposed by this section shall cease to operate in the event of the State Government refusing to sanction the draft scheme or the final scheme or in the event of the withdrawal of the scheme under section 114 or in the event of the declaration lapsing under sub-section (4) of section 93.

100.(1) Where the Authority has published a declaration under section 92, the State government may, on an application of the Authority by order published in the Official Gazette suspend to such extent as may be necessary for the proper carrying out of the scheme, any rule, bye-law, regulation, notification or order made or issued under any law which the State Legislature is competent to make or amend.
(2) Any order issued under sub-section (1) shall cease to operate in the event of the State Government refusing to sanction the scheme or in the event of the withdrawal of the scheme under section 114 or in the event of coming into force of the final scheme or in the event of the declaration lapsing under sub-section (4) of section 93.

101.(1) Where there is a disputed claim as to ownership of any piece of land included in an area in respect of which a declaration of intention to make a scheme has been made and any entry in the record of rights or mutation register relevant to such disputed claim, is inaccurate or inconclusive, an enquiry may be held on an application being made by the Authority or the Arbitrator at any time prior to the date on which the Arbitrator draws up the final scheme under clause (xxi) of sub-section (3) of section 102 by such officer as the State Government may appoint for the purpose of deciding as to who shall be deemed to be the owner for the purposes of this Act.

(2) The decision under sub-section (1) shall not be subject to appeal but it shall not operate as a bar to a regular suit in a civil court.

(3) The decision under sub-section (1) shall in the event of a civil court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the Authority either by the civil court or by a person affected by such decree.

(4) Where a decree referred to in sub-section (3) of the civil court is passed after final scheme has been sanctioned by the State Government under section 113, the final scheme shall be deemed to have been suitably varied by reason of such decree.

102.(1) Within one month from the date on which the sanction of the State government to the draft scheme is published in the Official Gazette under sub-section (1) of section 93, the State Government shall, where necessary for the purposes of one or more scheme received by it for sanction, appoint any person possessing such qualifications as may be prescribed to be an Arbitrator and his duties shall be as hereinafter provided.

(2) The State Government may, if it thinks fit at any time, remove for incompetence or misconduct or replace for any good or sufficient reason an Arbitrator appointed under sub-section (1) and shall forthwith appoint another person to take his place and any proceeding pending before the Arbitrator immediately before the date of his removal or replacement shall be continued and disposed of by the new Arbitrator appointed in his place.

(3) In accordance with the prescribed procedure, every Arbitrator may,-

(i) after notice given by him in the prescribed manner, define, demarcate and decide the areas allotted to, or reserved for the public purposes or purposes of the Authority, and also the reconstituted plots;
after notice given by him in the prescribed manner, decide the person or persons to whom a reconstituted plot is to be allotted, when such plot is to be allotted; and when such plot is to be allotted to persons having ownership in common, decide the shares of such persons;

(iii) estimate the value of and fix the difference between the values of the original plots and the values of the reconstituted plots included in the final scheme in accordance with the provisions of clause (f) of sub-section (1) of section 123;

(iv) estimate the compensation payable for the loss of the area of the original plot in accordance with the provisions of clause (f) of sub-section (1) of section 123 in respect of any original plot which is wholly acquired under the scheme;

(v) determine whether the areas allotted or reserved for the public purpose or purposes of the Authority are beneficial wholly or partly to the owners or residents within the area of the scheme;

(vi) estimate the proportion of the sums payable as compensation on each plot use, allotted or reserved for the public purpose or purposes of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the construction of the scheme;

(vii) determine the proportion of contribution to be levied on each plot used, allotted or reserved for a public purpose or purposes of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public;

(viii) determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots or portions thereof exclusively used or occupied for religious or charitable purposes at the date on which the final scheme is drawn up under clause (xxi) of this sub-section;

(ix) estimate the value of reconstituted plots included in the final scheme and the increment to accrue in respect of such plots in accordance with the provisions of section 124;
(x) calculate the proportion in which the increment in respect of the reconstituted plots included in the final scheme shall be liable to contribution to the cost of the scheme in accordance with the provisions of section 123;

(xi) calculate the contribution to be levied on each reconstituted plot included in the final scheme;

(xii) determine the amount to be deducted from or added to, as the case may be, the contribution leviable from a person in accordance with the provisions of section 126;

(xiii) provide for the total or partial transfer of any right in an original plot to a reconstituted plot or provide for the extinction of any right in an original plot in accordance with the provisions of section 130;

(xiv) estimate the amount of compensation payable under section 97;

(xv) where a plot is subject to a mortgage with possession or a lease, decide the proportion of compensation payable to or contribution payable by the mortgagee or lessee on one hand and the mortgagor or lessor on the other;

(xvi) estimate with reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a scheme in accordance with the provisions of section 128;

(xvii) determine the period in which the works provided in the scheme shall be completed by the Authority;

(xviii) determine the amount of development charge leviable under Chapter XIII and the apportionment and mode of recovery;

(xix) determine on the request of the Authority, the amount of betterment charge leviable under Chapter XIII;

(xx) determine such other matters as may be prescribed;

(xxi) draw in the prescribed form the final scheme in accordance with the draft scheme:

Provided that :-
(a) he may make variations from the draft scheme;

(b) he may, with the previous sanction of the State government after hearing the Authority and any owner who may, raise objections, make substantial variations in the draft scheme.

Explanation.-
For the purpose of sub-clause (b) of the aforesaid proviso “substantial variation” means increase in the total cost of the draft scheme by more than twenty per cent or twenty lacs of rupees, whichever is higher, on account of the provision of the works or the reservation of additional sites for public purposes included in the final scheme drawn up by the Arbitrator.

4 The Arbitrator shall decide all matters referred to in sub-section (3) within a period of four months from the date of his appointment:
Provided that the State Government may, if it thinks fit, whether the said period has expired or not, and whether all the matters referred to in sub-section (3) have been decided or not, extend, from time to time, by a notification in the Official Gazette, the period for deciding all the matters referred to in sub-section (3).

103. Except in matters arising out of clauses (iv) to (xi) (both inclusive) and clauses (xiv), (xv), (xvi), (xviii), (xix) and (xx) of sub-section (3) of section 102 every decision of the Arbitrator shall be final and conclusive and binding on all parties including the Authority.

104.(1) Any decision of the Arbitrator under clauses (iv) to (xi) (both inclusive) and clauses (xiv), (xv), (xvi), (xviii), (xix) and (xx) of sub-section (3) of section 102 shall be forthwith communicated to the party concerned including the Authority and any party aggrieved by such decision may, within sixty days from the date of communication of the decision, prefer an appeal to the Tribunal of Appeal constituted under section 105.

(2) The provisions of sections 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963), shall apply to appeals submitted under this section.

105.(1) The Tribunal of Appeal shall consist of a President and Two Assessors.

(2) The person to be appointed as President by the State Government shall be,-

(a) a serving or retired officer of the Government of Punjab not below the rank of Secretary to Government, Punjab; or

(b) a retired or serving District Judge:
Provided that the serving District Judge shall be appointed on the recommendations of the Punjab and Haryana High Court.
The President of the Tribunal of Appeal may appoint fit and proper persons as Assessors, who shall as far as possible, have knowledge or experience of town planning, valuation of land or civil engineering.

The President of the Tribunal of Appeal and the Assessors shall be appointed for such period as may be required to decided appeals preferred against the decisions under clauses (iv) to (xi) (both inclusive) and clauses (xiv), (xv), (xvi), (xviii), (xix) and (xx) of sub-section (3) of section 102.

The State Government may, if it thinks fit, remove for incompetence or misconduct or any good and sufficient reason any Assessor appointed under sub-section (3).

If any Assessor is removed or dies or refuses or neglects to act or becomes incapable of acting, the President of the Tribunal of Appeal shall appoint forthwith a fit and proper person to take the place of such Assessor.

106. (1) The Arbitrator shall not be required to give evidence in the proceedings before the Tribunal of Appeal but the President may require him to assist the Tribunal of Appeal in an advisory capacity.

(2) Where the Arbitrator is required under sub-section (1) to assist the Tribunal of Appeal, he shall, save where he is a salaried officer of the State Government, be entitled to such fees, as the State Government may from time to time determine.

107. The Tribunal of Appeal may sit either at the State Headquarters or at any other place which the State Government may specify from time to time in this behalf.

108. All questions of law and procedure shall be decided by the President and all other questions shall be decided by the President and the two Assessors by a majority.

109. (1) The Tribunal of Appeal shall, after making such enquiry as it may think fit, decide all matters arising out of clauses (iv) to (xi) (both inclusive) and clauses (xiv), (xv), (xvi), (xviii), (xix) and (xx) of sub-section (3) of section 102 in respect of appeals preferred before the Tribunal of Appeal and may either confirm the proposals of the Arbitrator or direct him where necessary to reconsider, vary or modify his proposals only in respect of aforesaid matters.

(2) Every decision of the Tribunal of Appeal under sub-section (1) shall be final and conclusive and binding on all persons and parties including the Authority.

110. Nothing contained in this Act shall be deemed to constitute the Tribunal of Appeal to be a court.

111. (1) The President of the Tribunal of Appeal and the Assessor shall, save where they are salaried Government Officers, be entitled to such remunerations, either by way of
monthly salary or by way of fees or partly in one way and partly in the other, as the State Government may, from time to time decide:
Provided that in exceptional cases where the scheme is a large one or the work involved is complicated the State Government may authorise the President and the Assessor even if they are salaried Government Officers, to receive such special salary or remuneration, as the State Government may, by order, decide from time to time.

(2) The salary of the President of the Tribunal of Appeal or the Assessors who are salaried Government Officers, and any remuneration payable under sub-section (1) of this section and fees payable to an Arbitrator under sub-section (2) of section 106 and all expenses incidental to the working of the Tribunal of Appeal shall, unless the State Government otherwise determines, be defrayed out of the funds of the Authority and shall be added to the cost of the scheme.

112.(1) Where no appeal has been made under section 104 decisions of the Arbitrator under clauses (iv) to (xi) and clauses (xiv), (xv), (xvi), (xviii), (xix) and (xx) of sub-section (3) of section 102 shall be final and binding on the parties.
(2) The Tribunal of Appeal shall send a copy of its decision in appeal to the Arbitrator who shall then where necessary, make variation in the scheme in accordance with such decision and may also rectify such errors or omissions, if any, as may have been brought to his notice after publication of the final scheme as drawn up by him under clause (xxi) of sub-section (3) of section 102 and the Arbitrator shall forward such final scheme together with a copy of his decision under section 102 and a copy of the decision of Tribunal of Appeal to the State Government for the sanction of the final scheme.

113.(1) The State Government may, within a period of one hundred twenty days from the date of receipt of the final scheme under section 112 from the Arbitrator, or, within such further period as the State Government may, extend, by notification in the Official Gazette, either sanction the scheme or refuse to give such sanction:
Provided that in sanctioning the scheme the State Government may make such modifications as may in its opinion be necessary for the purposes of rectifying an error, irregularity or infirmity.
(2) If the State Government sanctions the scheme in terms of sub-section (1) it shall state in the notification –

(a) the place at which a copy of the final scheme is kept open to inspection by the public and also state therein that copies of the scheme or extract
therefrom certified to be correct shall, on application, be available for sale to the public at a reasonable price;

(b) a date which shall not be earlier than thirty days after the date of publication of the notification on which all the liabilities created by the scheme take effect and the final scheme shall come into force:

Provided that the State Government may from time to time, postpone such date, by notification in the Official Gazette, by such period not exceeding ninety days at a time as it thinks fit.

(3) On and after the date fixed in the notification referred to in sub-section (2), the scheme shall have effect as if it were enacted in this Act.

114.(1) If at any time before the final scheme is sanctioned under section 113, the State Government considers it expedient that the scheme should be withdrawn, it may serve a notice in the prescribed manner on the Authority and on all the persons interested in the scheme for its intention to withdraw the scheme.

(2) After considering the objections, if any, received under sub-section (1) and after making such enquiry as it may think fit, the State Government may be notification in the Official Gazette, direct that the scheme shall be withdrawn and on such withdrawal no further proceeding shall be taken in regard to such scheme.

115. On and after the date on which a final scheme comes into force –

(a) all land required by the Authority shall, unless it is otherwise determined in such scheme, vest absolutely in the Authority free from all encumbrances;

(b) all rights in the original plots which have been reconstituted shall terminate and the re-constituted plot shall become subject to the rights settled by the Arbitrator;

(c) the Authority shall hand over possession of the re-constituted plots to the owners to whom they are allotted in the final scheme.

116.(1) On and after the date on which a final scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the final scheme, may in accordance with the prescribed procedure be summarily evicted by the Authority or any of its officers authorised in that behalf by that Authority.

(2) If the Authority is opposed or impeded in evicting such person or taking possession of the land from such person, the District Magistrate shall at the request of the Authority enforce the eviction of such person or secure delivery of possession of the land to the Authority as may be necessary.
117. (1) On and after the date on which the final scheme comes into force, the Authority may, after giving the prescribed notice and in accordance with the provisions of the scheme,-

(a) remove, pull down or alter any building or other work in the area included in the scheme which is such as to contravene the scheme or in the erection of which or carrying out of which any provision of the scheme has not been complied with;

(b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the Authority that delay in the execution of work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by the Authority under this section may be recovered from the person in default or from the owner of the original plot in the manner provided for the recovery of the sum due to the Authority under the provisions of this Act.

(3) If any person questions any action of the Authority taken under sub-section (1) or sub-section (2) on the ground that such an action is not in accordance with or in conformity with the provisions of the scheme, the question so raised shall be referred for decision by the Authority to the State Government or any Officer authorised by the State Government in this behalf and the decision of the State Government or of the officer so authorised, as the case may be, shall be final and conclusive and binding on all persons.

118. (1) If after the final scheme has come into force, the Authority considers that the scheme is defective on account of an error, irregularity or infirmity or that the scheme needs variation or modification of a minor nature, the Authority may apply in writing to the State Government for variation of the scheme.

(2) If, on receiving such application or otherwise, the State Government is satisfied that the variation required is not substantial, the State Government shall, by notification in the Official Gazette, authorise or direct the Authority to prepare a draft of such variation and publish a notice in the Official Gazette, and in such other manner as may be prescribed stating that a draft variation has been prepared.

(3) The notice of preparation of draft variation published under sub-section (2) shall state every amendment proposed to be made in the scheme, and if any such amendment relates to a matter specified in any of the clauses of sub-section (2) of section 91, the draft variation shall also contain such other particulars as may be prescribed.

(4) The draft variation shall be open to the inspection of the public at the office of the Authority during office hours and copies of such draft variation or any abstract therefrom certified to be correct shall be available for sale to the public at a reasonable price.
(5) Not later than thirty days of the date of the publication of the notice regarding preparation of the draft variation any person affected thereby may communicate in writing his objections to such variation, to the State Government and send a copy thereof to the Authority.

(6) After receiving the objections under sub-section (5), the State Government may, after consulting the Authority and after making such enquiry as it may think fit, by notification in the Official Gazette, sanction the variation with or without modifications or refuse to sanction the variation.

(7) From the date of the notification sanctioning the variation, with or without modifications, such variation shall take effect as if it were incorporated in the scheme.

119. Notwithstanding anything contained in section 118, a scheme may at any time be varied by a subsequent scheme made, published by means of notice and sanctioned in accordance with this Act:

Provided that when a scheme is so varied the provisions of this Chapter shall, so far as may be applicable, apply to such variation and making of subsequent scheme and the date of the declaration of intention of the Authority to vary the scheme shall, for the purposes of sections 94, 100, 123, 124 and 126 be deemed to be the date of declaration of intention to make a scheme referred to in those sections.

120. In the event of a scheme being withdrawn or sanction to a final scheme being refused by the State Government, the State Government may direct that the cost of the scheme be borne by the Authority or be paid to the Authority by the owners concerned, in such proportion as the State government may in each case determine.

121. Every party to any proceeding before an Arbitrator or the Tribunal of Appeal shall be entitled to appear either in person or by his agent authorised in writing in that behalf.

122. For the purpose of this Act, an officer appointed under sub-section (1) of section 102 as an Arbitrator or the Tribunal of Appeal may summon or enforce the attendance of witnesses including the parties, interested or any of them and compel them to give evidence and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.

123.(1) The cost of a scheme shall include,-

(a) all sums payable by the Authority under the provisions of this Act which are not specifically excluded from the cost of the scheme.
(b) all sums spent or estimated to be spent by the Authority in the making and in the execution of the scheme, the estimates for works included in the scheme being made on the date, the final scheme is drawn up by the Arbitrator under clause (xxi) of sub-section (3) of section 102;

(c) all sums payable as compensation for land reserved or allotted for any public purpose or purpose of the Authority which is solely beneficial to the owners or residents within the area of the scheme;

(d) such portions of the sums payable as compensation for land reserved or allotted for any public purpose or purpose of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public as is attributable to the benefit accruing to the allotment;

(e) all legal expenses incurred by the Authority in the making and in the execution of the scheme; and

(f) the amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market values at the date of declaration of intention to make a scheme, with all the buildings and works thereon on that date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

(2) If in any case the total of the value of the plots included in the final scheme exceeds the total of the value of the original plots, each of such plots being estimated in the manner provided in clause (f) of sub-section (1), then the amount of such excess shall be deducted in arriving at the cost of scheme as defined in sub-section (1).

124. For the purposes of this Act, the increment shall be deemed to be the amount by which, at the date of the declaration of intention to make a scheme, the market value of any plot, with reference to the improvements contemplated in the scheme on the assumption that the scheme has been completed, would exceed, on the same date, the market value of the same plot estimated without reference to such improvements: Provided that while estimating such value, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

125. (1) The cost of the scheme shall be met wholly or in part—

(a) Where reconstitution of plots is not involved, by the levy of development charge under Chapter XIII, and
(b) in other cases, by a contribution to be levied by the Authority on each re-
constituted plot included in the final scheme calculated in proportion to the
increment which is estimated to accrue in respect of such plot by the
Arbitrator:

Provided that –

(i) no such contribution shall exceed half the increment estimated by the
Arbitrator to accrue in respect of such re-constituted plot;

(ii) no such contribution shall be levied on a plot used, allotted or reserved for a
public purpose or purpose of the Authority, such plot being solely for the
benefit of the owners or residents within the area of the scheme;

(iii) the contribution levied on a plot used, allotted or reserved for a public
purpose or purpose of the Authority which is beneficial partly to the owners or
residents within the area of the scheme and partly to the general public shall
be calculated in the proportion to the benefit estimated to accrue to the
general public from such use, allotment or reservation.

(2) The owner of each re-constituted plot included in a final scheme shall be primarily
liable for the payment of the contribution leviable in respect of such plot.

126. The amount by which the total value of re-constituted plots included in a final scheme
with all the buildings and works thereon allotted to a person falls short of or exceeds
the total value of the original plot with all the buildings and works thereon of such
person shall be deducted from or added to, as the case may be, the contribution
leviable on such person under section 125, each of such plots being estimated at its
market value at the date of the declaration of intention to make a scheme and without
reference to improvements contemplated in the scheme other than improvements
due to the alteration of its boundaries.

127. Any right in an original plot which in the opinion of the Arbitrator is capable of being
transferred wholly or in part, without prejudice to the making of a scheme to a re-
constituted plot shall be so transferred and any right in an original plot which in the
opinion of the Arbitrator is not capable of being so transferred shall be extinguished:

Provided that an agricultural lease shall not be transferred from an original plot to a
re-constituted plot without the consent of all the parties to such lease.
128. The owner of any property or right which is injuriously affected by the making of a scheme shall, subject to provisions of section 130, if he makes a claim before the Arbitrator within sixty days of the receipt of the notice from the Arbitrator, be entitled to obtain compensation in respect thereof from the Authority or from any person benefited or partly from the Authority and partly from such person as the Arbitrator may in each case determine.

129. (1) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reason of any provision contained in the scheme, if under any other law for the time being in force applicable to the area for which such scheme is to be made, no compensation is payable for such injurious affection.

(2) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provisions inserted in a scheme which with a view to securing the amenity of the area included in such scheme or any part thereof, imposes any conditions specified in clause (b) of sub-section (2) of section 96.

130. If the owner of an original plot is not provided with a re-constituted plot in the final scheme or if the contribution to be levied on him under section 125 is less than the total amount to be deducted therefrom under any of the provisions of this Act the net amount of his loss shall be payable to him by the Authority in cash or in such other way as may be agreed upon by the parties.

131. (1) If from any cause, the total amount due to the Authority under the provisions of this Act from the owner of a re-constituted plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Arbitrator shall, at the request of the Authority, direct the owner of such plot to make payment to the Authority of the amount of such excess.

(2) If the owner referred to in sub-section (1) fails to make the payment within the prescribed period, the Arbitrator shall, if the Authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the Authority of the value of such plot estimated as its market value at the date of declaration of intention to make a scheme and without reference to improvements contemplated in the scheme and thereupon the plot included in the final scheme shall vest absolutely in the Authority free from all encumbrances, but subject to the provisions of this Act:
Provided that the payment made by the Authority on account of value of original plot shall not be included in the cost of the scheme.
132. All payments due to be made to any person by the Authority under this Act shall, as far as possible, be made by an adjustment in such person's account with the Authority in respect of the re-constituted plot concerned, or of any other plot in which he has an interest and failing such adjustment shall be paid in cash or in such other any as may be agreed upon by the parties.

133.(1) The net amount payable under the provisions of this Act by the owner of a reconstituted plot included in the final scheme may, at the option of the contributor, be paid in lumpsum or in such annual instalments as may be prescribed and if the owner elects to pay the amount by instalments interest at such rate as may be prescribed shall be charged on the net amount payable and if the owner of a plot fails to elect the option on or before the date specified in a notice issued to him in that behalf by the Authority, he shall be deemed to have elected the option of paying contribution by instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to make an election as aforesaid:

Provided that, where an owner elects to pay the amount in lumpsum but fails to do so, interest at such rate as may be prescribed shall be payable by him to the Authority from the date specified in the notice to the date of payment.

(2) Where two or more reconstituted plots included in a final scheme are in the same ownership, the net amount payable by such owner under the provisions of this Act shall be distributed over his several reconstituted plots in proportion to the increment which is estimated to accrue in respect of each reconstituted plot, unless the owner and the Authority agree to a different method of distribution.

134.(1) An Authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a scheme subject to the power of the State Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on or after the day on which the scheme comes into force.

(2) An agreement, referred to in sub-section (1) shall not in any way affect the duties of the Arbitrator as stated in section 102 or the rights of the third parties but it shall be binding on the parties to the agreement notwithstanding any decision that may be made by the Arbitrator:

Provided that, if any agreement contains any provisions which are inconsistent with the final scheme as drawn up by the Arbitrator under section 102 or the final scheme as sanctioned by the State Government under section 113 such an agreement shall be void:

Provided further that if the agreement is modified by the State Government, either party shall have the option of avoiding it if it so elects.
135.(1) Any sum due to the Authority under this Act, rule or any regulation made thereunder shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the State Government thereon.

(2) Any sum due to the Authority under this Act, rule or regulation made thereunder which is not paid on demand on the day on which it becomes due or on the day fixed by the Authority, shall be recoverable by the Authority from the defaulter as if they were arrears of land revenue.

(3) If any question arises whether a sum is due to the Authority within the meaning of sub-section (2), it shall be referred to the Tribunal of Appeal and the Tribunal of Appeal after making such enquiry as it may deem fit and after giving to the person by whom the same is alleged to be payable, an opportunity of being heard, decide the question and the decision of the Tribunal of Appeal thereon shall be final and shall not be called in question in any court or before any other authority.

(4) The procedure to be followed by the Tribunal of Appeal in deciding questions referred to it under sub-section (3) shall be such as may be prescribed.

136. Where after completing and meeting all the costs of a scheme as provided in this Act, any amount from the sums paid to the Authority under this Act remains as surplus, the Authority shall, in consultation with the owners of the plots, spend such surplus amount for providing further amenities within the area of the scheme.

137.(1) The Authority shall complete all the works provided in a final scheme within the period specified in the final scheme by the Arbitrator under clause (xxi) of sub-section (3) of section 102:
Provided that, in exceptional circumstances on application by the Authority, the State Government may by an order in writing, specifying those circumstances: grant to the Authority in this behalf further extension of time as it may deem fit.

(2) If the Authority fails to complete all the works within the specified period or within the period extended under sub-section (1), the State Government may, notwithstanding anything contained in sub-section (1), require the Authority to complete the works within such further period as it may consider reasonable or appoint an officer to complete such works at the cost of the Authority and recover the cost from the Authority in the prescribed manner.

138. Whoever wilfully destroys or injures or without lawful authority, removes a boundary stone or mark lawfully fixed or constructed, the Competent Authority on receipt of the intimation from the Arbitrator or the Authority, may order such person to pay a penalty not exceeding five hundred rupees for each stone or mark so destroyed, injured or
removed as may in its opinion be necessary to defray the expenses of restoring the same.
139.(1) Subject to the provisions of this Act and the rules made thereunder, the Authority may, with the previous sanction of the State Government, by notification, levy a charge (hereinafter called the development charge) for the recovery of total cost of amenities already provided or proposed to be provided in future by the Authority or on the institution or change of, use of land or buildings or on the carrying out of any development under this Act in the whole or any part of the planning area in the manner hereinafter provided.

(2) (a) Where no other mode of recovery of the cost of any scheme prepared by the Authority under Chapter XII is provided under this Act, the Authority may levy development charge not exceeding the amount of the total cost of amenities already provided or proposed to be provided in future with a view to recover the cost of such amenities.

(b) The development charge may also be levied on the institution, or change of, use of land or building or on the carrying out of any development in the planning area:

Provided that different rates of development charge may be levied for different parts of the planning area and for different uses:

Provided further that no development charge shall be levied on institution, or change of, use of any land or building vested in or under the control or in possession of, the Central Government or the State Government.

(3) The rates of development charge leviable shall be assessed by the Arbitrator on a reference having been made in this behalf to the Arbitrator by the Authority.

140.(1) On receipt of a reference from the Authority for the assessment of development charge under section 141, the Arbitrator may, after serving a notice in writing on the person liable to pay development charge and after giving them opportunity of being heard and after calling a report in this behalf from the Authority, assess the amount of development charge payable by such persons in respect of the lands or buildings owned by them.

(2) On the assessment of development charge under sub-section (1) by the Arbitrator, shall give to the person liable to pay development charge a notice in writing of the amount of development charge payable by him and the date by which such payment shall be made and such notice shall also state that in the event of failure to make such payment on or before such date interest at the rate as may be prescribed shall be payable from such date on the amount remaining unpaid.
(3) For removal of doubts it is hereby declared that no person shall refuse to pay the development charge assessed under sub-section (1) merely on the ground that the amenities already provided or proposed to be provided in future for which the development charge have been levied and assessed are not required by him or he does not want to avail the same.

(4) (a) The development charge payable in respect of any land or building shall be first charge on such land or building subject to the prior payment of land revenue, if any, due to the State Government thereon and any other sum due to the Authority.

(b) All development charges payable in respect of any land or building by any person shall, together with interest due up to the date of realisation, be recoverable from such person or his successor in interest in such land or building as arrears of land revenue.

141.(1) Where a scheme has been prepared under Chapter XII of this Act, the Authority is of the opinion that as a consequence of the scheme having been executed the value of any land or building in a planning area has increased or is likely to increase, the Authority may in respect of such land or building, levy a charge (hereinafter called the betterment charge) keeping in view the increase or likely increase of value resulting from the execution of such a scheme:

Provided that the betterment charge so levied shall not exceed one-third of the amount by which the value of the land or building has increased or is likely to increase:

Provided further that no betterment charge will be levied on the land vested in or under the control, or in the possession of the Central Government or the State Government.

(2) The rates of betterment charge leviable under sub-section (1) shall be assessed by the Arbitrator on a reference having been made to the Arbitrator by the Authority.

(3) As soon as reference is received by the Arbitrator under sub-section (2), he shall serve a notice in writing on the person liable to pay betterment charge and after giving the person concerned an opportunity of being heard and after calling for a report in this behalf from the Authority, the Arbitrator shall assess the amount of the betterment charge payable by such a person.

(4) On the assessment of the betterment charge under sub-section (3), the Authority shall give to the person liable to pay such charge a notice in writing of the amount of betterment charge payable by him and the date by which such payment shall be made and such notice may also state that in the event of failure to make such payment on or before such date, the interest at such rate as may be prescribed shall be charged on the amount remaining unpaid.
(a) The betterment charge payable in respect of any land or building shall be a first charge on such land or building subject to the prior payment of land revenue, if any, due to the State Government thereon and any other sum due to the Authority.

(b) The betterment charge payable in respect of any land or building by any person shall together with interest due up to the date of realisation, be recoverable from such person or his successors in interest in such land or building as arrears of land revenue.

142.(1) Any person aggrieved by an order passed by the Arbitrator under section 139 or section 140 may, within a period of sixty days from the date on which the order was communicated to him, in the manner specified in section 104, prefer appeal against such order to the Tribunal of Appeal.

(2) In disposing of an appeal, the Tribunal of Appeal may, after giving the appellant an opportunity of making his representation and also hearing the Authority –

(i) confirm, reduce, enhance or annual the order of assessment, or

(ii) set aside such order and direct the Arbitrator to make a fresh assessment after such further enquiry as may be directed, or

(iii) pass such other order as it may think fit.

(3) The decision of Tribunal of Appeal shall be final and binding on all the parties to such appeal.

(4) Notwithstanding that an appeal has been preferred under sub-section (1), the payment of development charge or the betterment charge in accordance with the order against which the appeal has been preferred, shall not be stayed:

Provided that the Tribunal of Appeal may, in its discretion, give such directions as it thinks fit in regard to the payment of the development charge or the betterment charge before the disposal of the appeal if the appellant furnishes sufficient security to its satisfaction for such payment, in such form and in such manner as may be prescribed.

(5) Any order passed by the Tribunal of Appeal under the provisions of this section shall be enforced by such Authority and in such manner as may be prescribed.
CHAPTER XIV
CONTROL AND DEVELOPMENT ALONG SCHEDULED ROADS

143.(1) No person shall erect or re-erect any building or make or extend any excavation or layout any means of access to a road within such a distance not exceeding one hundred and fifty metres on either side of the road reservation of a by-pass or within such a distance not exceeding fifty metres on either side of the road reservation of any scheduled road not being a by-pass as the State Government may, by notification, specify from time to time:

Provided that the extent of limits as aforesaid may vary for different stretches of a scheduled road.

* [((2)Nothing in sub-section (1) shall apply-

(a) to a building which was in existence, immediately before the date from which notification specifying the distance under sub-section (1) on either side of the road reservation of a by – pass or of a scheduled road not being a by – pass, has come into force, or, to any repair or erection or re-erection of such a building which does not involve any structural alteration or addition therein; or

(b) to the erection or re-erection of a building referred to in clause (a)which involves any structural alteration or addition, with the permission of the Competent Authority; or

(c) to the laying out of any means of access to a road, with the permission of the Competent Authority; or

(d) to the erection or re-erection of a motor fuel filling station or a bus queue shelter, with the permission of the Competent Authority.)]

(3) Notwithstanding anything contained in any law for the time being in force, no person, authority or a Department of the State Government shall sanction any building plan, give water connection, sewerage connection, telephone connection or electricity connection to any building or land, in respect of which prohibition under sub-section (1) has been imposed.

* Substituted by Punjab Act No. 4 of 1996.

144.(1) Every person desiring to obtain the permission referred to in clauses (b), (c) and (d) of sub-section (2) of section 143 shall make an application in writing to the Competent Authority in such form and containing such information in respect of the land, building, excavation or means of access to a road to which the application relates, as may be prescribed.

(2) On receipt of an application under sub-section (1), the Competent Authority after making such enquiry as it considers necessary, shall by order, in writing, either,-
(a) grant the permission subject to such conditions, if any, as may be specified in the orders; or
(b) refuse to grant such permission.

(3) If, at the expiration of a period of sixty days after an application under sub-section (1) has been made to the Competent Authority, no order, in writing, has been passed by it, the permission shall be deemed to have been given without the imposition of any condition.

(4) The Competent Authority shall maintain such register as may be prescribed with such particulars of all such cases in which permission is given or deemed to have been given or refused by it 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 obtain copy of the extract of the register relevant to such persons on payment of such fee as may be prescribed.

145. Any person aggrieved or affected by an order of the Competent Authority under sub-section (2) of section 144 granting permission subject to conditions or refusing permission may, within thirty days from the date of the receipt of such order, prefer an appeal to the State Government and the order of the State Government on such appeal shall be final.

146. (1) Any person who contravenes the provisions of section 143 or contravenes any conditions imposed by an order under section 144, shall be punishable with imprisonment of either description for a term which may extend to three years and with fine which may extend to ten thousand rupees, and, in the case of continuing contravention, with a further fine which may extend to one thousand 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), if the Competent Authority after making such enquiry as it may consider necessary and after affording an opportunity of being heard to the person concerned, is satisfied that such person has committed a breach of the provisions referred to in the said sub-section, it may pass an order, requiring that person to restore to its original state or to bring into conformity with the conditions which have been violated, as the case may be, building or land in respect of which such contravention as is described in the said sub-section has been committed, and if such person fails to do so within two months of the order, may itself take such measures as may appear to it 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.

147. Nothing in this Chapter shall apply to –

(i) anything made or constructed in the area comprised in the *abadi-deh* of any village falling inside its *Lal-lakir or phirny*;

(ii) a place of worship or a tomb of cenotaph or a wall enclosing graveyard, place of worship, cenotaph or Samadhi; on land which, on the date of the publication of notification under sub-section (1) of section 143, is occupied by or for the purpose of such worship, tomb, cenotaph, graveyard or samadhi;

(iii) excavations including wells or other operations made in the ordinary course of agriculture; and

(iv) the construction of a road intended to give access to land for agricultural purposes or purposes sub servient to agriculture.
CHAPTER XV
ABOLITION OF THE PUNJAB HOUSING DEVELOPMENT BOARD AND TRANSFER OF ITS ASSETS AND LIABILITIES

148.(1) On and with effect from the date of establishment of the Authority under section 17 of this Act, the Punjab Housing Development Board established under the Punjab Housing Development Board Act, 1972 (Punjab Act 6 of 1973) shall stand abolished.

(2) On and with effect from the date of abolition the Punjab Housing Development Board under sub-section (1),-

(a) the members including the Chairman of the Punjab Housing Development Board shall cease to hold office;

(b) all properties, funds and dues which are vested in or realisable by the Punjab Housing Development Board shall vest in and realisable by the Authority;

(c) all liabilities which are enforceable against the Punjab Housing Development Board shall be enforceable against the Authority.

(3) Nothing in this connection shall affect the liabilities of the State Government in respect of loans or debentures guaranteed under sub-section (5) of section 67 of the Punjab Housing Development Board Act, 1972 (Punjab Act 6 of 1973).

149.(1) Unless otherwise expressly provided under this Act, all contracts, agreements and other instruments of whatever nature subsisting or having effect immediately before the date of abolition of the Punjab Housing Development Board and to which that Board is a party or which are in favour of this said Board shall be of as full force and effect against the Authority and may be enforced and acted upon as well as fully and effectually as if instead of the Punjab Housing Development Board the Authority had been a party thereto or as if they had been entered into or issued in favour of the Authority.

(2) If on the date of abolition of the Punjab Housing Development Board under this Act, any suit, appeal or other legal proceedings of whatever nature by or against the Punjab Housing Development Board are pending, then it shall not abate or be discontinued or be in any way prejudicially affected by reason of the transfer to the Authority all the assets and liabilities of the Punjab Housing Development Board or of anything done under this Act, but the suit, appeal or other legal proceedings, may be continued, presented and enforced by or against the Authority.

Explanation,- For the purpose of this sub-section, legal proceedings include any proceedings under the Land Acquisition Act, 1894 (Central Act 1 of 1894).

150.(1) Every whole time employee of the Punjab Housing Development Board (hereinafter referred to as the employee of the Board) shall, on and from the date of its abolition under sub-section(1) of section 148, become an employee of the Authority, and shall
hold his office therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges, if any, other matters as he would have held the same on the said date, if this Act had not come into force and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the Authority with the previous approval of the State Government.

(2) Notwithstanding anything contained in sub-section(1), where any employee of the Punjab Housing Development Board, by notice in writing given to the Authority at any time before the expiry of three months next following the date of abolition of the said Board under section 148, has intimated his intention of not becoming an employee of the Authority, he shall cease to be an employee of the Authority and shall be entitled to get such gratuity, provident fund and other retirement benefits as are ordinarily admissible to him under the rules or authorisation of the Punjab Housing Development Board immediately before its abolition.

(3) If any question arises as to whether any person was a whole time employee of the Punjab Housing Development Board before the date referred to in sub-section (1) the question shall be referred to the State Government whose decision shall be final.

(4) Notwithstanding anything contained in the Industrial Disputes Act 1947 (Central Act XIV of 1947) or in any other law for the time being in force the transfer of the service of any employee of the Punjab Housing Development Board to the Authority shall not entitle any such employee to any compensation under that Act or other law and no such claim shall be entertained by a Court, Tribunal or any other authority.

151.(1) As soon as may be, after the date of abolition of the Punjab Housing Development Board under sub-section (1) of section 148 the State Government may, after consulting the Authority in the prescribed manner, direct by general order that such of the employees serving immediately before the said date in connection with the affairs of the State of Punjab in the Directorate of Housing and Urban Development (hereinafter referred to as the employees of the Directorate) whose assets were transferred to the Punjab Housing Development Board under section 3 of the Punjab Urban Estates (Development and Regulation) Act, 1964 (Punjab Act 22 of 1964) as are specified in such order stand allotted to and serve in connection with the affairs of the Authority with effect from such date as may be specified (hereinafter referred to as the notified date) in such order:

Provided that so far as may be possible,-

(1) no employee shall be transferred to the service of the Authority -

(a) unless such employee give his option in writing for such transfer ; and

(b) the Authority considers him suitable for such transfer to its service:

Provided further that the conditions of service of an employee of the Directorate of Housing and Urban Development, Punjab, transferred to the
service of the Authority shall not be varied by the Authority to his disadvantage.

(2) Notwithstanding anything contained in sub-section (1), where an employee serving immediately before the date of abolition of the Punjab Housing Development Board under sub-section (1) of section 148, in connection with the affairs of the State of Punjab in the Directorate of Housing and Urban Development has not given his option for his transfer to the Authority under sub-section (1), if not absorbed in any service or on any post under the government of Punjab, shall be entitled to such gratuity, provident fund and other retirement benefits as are ordinarily admissible to him under the rules or authorisations of the State Government immediately before the date of abolition of the said Board.

152.(1) The moneys standing in the provident fund account to the credit of any officer or employee transferred from the service to the State Government to the service of the Authority, on the notified date together with any other assets belonging to such fund, shall stand transferred to, and vest, in the Authority with effect from the notified date.

(2) The Authority shall, as soon as may be, after the notified date constitute in respect of the moneys and other assets which are transferred to and vested in it under sub-section (1), similar fund and may invest the accumulations under the fund in such securities and subject to such conditions as may be specified by the Authority with the approval of the State Government.

153.(1) In the case of officers and employees transferred from service of the State Government to that of the Authority, the State Government shall credit the leave salary and pension contribution of such officers and employees to the Authority for each completed year of their service under the State Government on the notified date and they shall be entitled to the benefit of leave to their credit on that date.

(2) The pension contribution paid by the State Government to the Authority shall form the nucleus of the contributory provident fund to which they shall be admitted and they shall have no claim on the State Government in respect of leave and pension.

154. The integration of the employees transferred to the Authority under this Act and their inter se seniority shall be determined in the manner as may be prescribed.
CHAPTER XVI

INSPECTION AND PENALITIES

155. (1) The Authority may authorise any person to enter into or upon any land or building other than the land or building owned by the Central Government or the State Government with or without assistants or workmen for the purpose of,—

(a) making any enquiry, inspection, measurement or surveys or taking levels of such land or building;

(b) examining works under construction and ascertaining the course of sewers and drains;

(c) digging or boring into the sub-soil;

(d) setting out boundaries and intended lines of work;

(e) marking levels, boundaries and lines by placing marks and cutting trenches;

(f) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or rules or regulations made thereunder; and

(g) doing any other thing necessary for the efficient administration of this Act;

Provided that—

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;

(ii) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

(2) Subject to the provisions of proviso to sub-section (1), the Competent Authority or any officer authorised by it may enter into or upon any land, building, execution or operation with or without assistants or workmen for the purpose of checking of any violation of the provisions of this Act.

156. Any person who obstructs the entry of a person authorised under section 155 to enter into or upon any land or building or molests such person after such entry shall be
punishable with imprisonment for a term which may extend to six months or with fine, which may extend to one thousand rupees, or with both.

157. Expect as otherwise provided for in this Act, any contravention of any of the rules or regulations made thereunder shall be punishable with fine which may extend to five hundred rupees, and in the case of continuing contravention, with an additional fine, which may extend to fifty rupees, for each day during which such contravention continues after the first conviction and the court, while passing any sentence on conviction of any person for the contravention of any rule or regulation, may direct that any property or part thereof, in respect of which the rule or regulation has been contravened shall be forfeited to the Authority:

Provided that if a building is begun, erected or re-erected in contravention of any of the building regulations, the Chief Administrator shall be competent to require the building to be altered or demolished by a written notice delivered to the owner thereof, within six months of its having been begun, or having been completed, as the case may be, and the notice so delivered shall also specify the period during which such alteration or demolition has to be completed and if the notice is not complied with the Chief Administrator shall be competent to demolish the said building at the expense of the owner:

Provided further that the Chief Administrator may instead of requiring alteration or demolition of any such building, accept by way of compensation such sum as he may deem reasonable.

158. Any person who contravenes the provisions of this Act, for the contravention of which no penalty is expressly provided elsewhere in this Act, shall, on conviction be punishable with imprisonment for a term, which may extend to six months, or with fine, which may extend to five thousand rupees, or, with both.

159. Where any offence under this Act has been committed by a company, every person, who, at the time the offence was committed, was incharge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided under this Act, if he proves that the offence was committed without his knowledge or that he had 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 committed by a company and it is proved that the offence has been committed with the consent or connivance of, or 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 be deemed to be guilty of that offence and shall also be liable to be proceeded against and punished accordingly.

Explanation- For the purposes of this section-

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

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

160. Where an offence under this Act has been committed by any Department of Government or it is proved that the offence has been committed with the consent or connivance or is attributable to any neglect on the part of any officer or employee of the department the Head of such Department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render the Head of such Department, liable to any punishment under this Act if such Head of Department proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.
CHAPTER XVII
MISCELLANEOUS

161. Where, in the opinion of the State Government, it is necessary that the amenities provided by the Authority in an area should be extended to any land or building situated within the area or within such distance from that area as it may deem expedient, such amenities shall be extended to such land or building and the owner of such land or building shall be liable to pay to the Authority, in the manner prescribed, such development charge therefore as may be fixed by the State Government having regard to the expenses to be incurred for providing such amenities and the benefits to be extended to the land or building.

162. Every member, officer and other employee of the Authority, the Competent Authority, Appellate Authority, Arbitrator and the Tribunal of Appeal shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860.

163. No court inferior to that of a Judicial Magistrate of the first class shall try an offence punishable under this Act.

164. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Authority or the Competent Authority, as the case may be, or any officer authorised by these Authorities.

165. (1) All notices, all orders and other documents required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served, -

(a) where the person to be served in a company, if the document is addressed to the Secretary of the said company, at its registered office or at its principal office or place of business and is either -

(i) send by registered post; or

(ii) delivered at the registered office or at the principal office or place of business of the said company;

(b) where the person to be served is a partnership firm, if the document is addressed to the said partnership firm, at its principal place of business, identifying it by the name or style under which its business is carried on and is either -

(i) send by registered post; or

(ii) delivered at the said place of business;

(c) where the document is to be served on a Government Department, Railway, Local Authority, Statutory, Company, Corporation, Society or any other body, if the document is addressed to the Head of the Government Department, General
Manager of the Railway Secretary or Principal Officer of the local authority, statutory company, corporation, society, or, body, at its principal branch, local or registered office, as the case may be, and is either-

(i) sent by registered post ; or

(ii) delivered at the said office ;

(d) in any other case, if the document is addressed to the person to be served and -

(i) is given or tendered to him ; or

(ii) is sent by registered post to the person ; or

(iii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates.

(2) Any document which is required or authorize to be served to the owner or occupier of any land or building may be addressed to the owner or the occupier, as the case may be, of that land or building (naming that land or building) without further name or description and shall be deemed to be duly served,-

(a) if the document so addressed is sent to be delivered in accordance with clause (b) of sub-section (1) ; or

(b) if the document so addressed or a copy thereof so addressed, is delivered to any person on the land or building or where there is no person on the land or building to whom it can be delivered is affixed on some conspicuous part of the land or building.

(3) Where a document is served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, an officer of the Authority authorised in this behalf may, by notice in writing require the occupier, if any, of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be served upon the minor.

Explanation.- A servant of that person is not a member of the family within the meaning of this section.

166. Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for doing after which no
time is fixed in this Act or the rule or regulation, the notice, order or other document
shall specify a reasonable time for doing the same.

167. All permissions, orders, decisions, notices and other documents of the Authority and
the Competent Authority shall be authenticated under the signatures of an officer
authorised by the Authority or the Competent Authority in this behalf.

168. Nothing in the Registration Act, 1908 shall be deemed to require the registration of
any document, plan or map prepared, made or sanctioned in connection with a
Master Plan or a town development scheme under this Act and all such documents,
plans and maps shall, for the purposes of sections 48 and 49 of that Act, be deemed
to have been registered in accordance with the provisions of that Act:
Provided that copies of documents, plans and maps relating to a sanctioned scheme
shall be sent to the sub-registrar’s office concerned where such copies shall be kept
and made accessible to the public in the manner prescribed.

169. Notwithstanding anything contained in the Indian Evidence Act, 1872, a copy of any
receipt, application, plan, notice, entry in register, or other document, in the
possession of the Authority, if duly certified by the legal keeper thereof or other
person authorised by the Authority in this behalf, shall be received as prima facie
evidence of the existence of such receipt, application, plan, notice, order entry or
document and shall be admitted as evidence of the matters and transactions therein
recorded in every case, where and to the same extent as, the original document
would, if produced have been admissible to prove such matters.

170. No member, officer or other employee of the Authority shall, in any legal proceedings
to which the Authority is not a party, be required to produce any register or document
the contents of which can be proved under the preceding section by a certified copy,
or to appear as a witness to prove the matters and transaction recorded therein,
unless by order of the court made for special cause.

171. No suit, prosecution or other legal proceedings shall lie against the State
Government, the Authority or the Competent Authority or any of its officers or persons
duly appointed or authorised in respect of anything which is in good faith done or
intended to be done or purporting to be done under this Act or any rule or regulation
made thereunder.

172. It shall be the duty of every police officer,-
   (i) to communicate without delay to the proper officer or the employee of the
       Authority any information which he receives of a design to commit or of the
commission of any offence against this Act or any rule or regulation made thereunder; and

(ii) to assist the member or any officer or other employee of the Authority in the lawful exercise of any power vested in such member, officer or other employee under this Act or any rule or regulation made thereunder.

173.(1) A Police Officer, not below the rank of a Sub-Inspector, shall arrest any person who commits, in his view, any offence against this Act or any rule or any regulation made thereunder, if the name and address of such person be unknown to him and if such person, on demand, declines to give his name and address or give such name or address which such officer has reason to believe to be false.

(2) The person so arrested shall, without unavoidable delay be produced before the Judicial Magistrate authorised to try the offence for which the arrest has been made and no person so arrested shall be detained in custody for a period exceeding twenty four hours without any order from the Judicial Magistrate.

174.(1) Save as otherwise expressly provided in this Act, every order passed or direction issued by the State Government or order passed or notice issued by the Authority or the Competent Authority or their officers under this Act shall be final and shall not be questioned in any suit or other legal proceedings.

(2) 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.

175.(1) The Authority may, by a resolution, authorize that any power exercisable by it under this Act or the rules or regulations made thereunder, except the power to make regulations, may also be exercised by such officers of the Authority or the State Government or a local authority, as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The State Government may, by notification, direct that any power exercisable by it under this Act except the power to make rules, may also be exercised as may be mentioned therein by such officers in such cases and subject to such conditions, if any, as may be specified therein.

(3) The Competent Authority may, by order, direct that any power exercisable by it under this Act may also be exercised by such officer as may be mentioned therein in such cases and subject to such conditions, if any, as may be specified therein.

(4) The State Government my, by notification, direct that any power exercisable by Chief Administrator under this Act may be exercised by such officer of the Authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.
176.(1) If, in the opinion of the State Government, the Authority is not competent to exercise or perform or neglects or fails to exercise or perform any power conferred or duty imposed upon by it or under any of the provisions of this Act, the State government or any person appointed in this behalf by the State Government may exercise such power or perform such duty.

(2) Any expenses incurred by the State Government or by the person appointed under sub-section (1) in exercising such power or performing such duty shall be paid out of the fund of the Authority, and if the Authority fails to pay the expenses, then the State Government may make an order directing any person who, for the time being, has custody of such fund to pay such expenses from such fund, and such person shall be bound to obey such order.

177.(1) If any difficulty arises in giving effect to the provisions of this Act, or by reason of anything contained in this Act, or in any other enactment for the time being in force, the State Government may, as occasion arises, by order direct that this Act shall during such period as may be specified in the order but not extending beyond the expiry of two years from the date of commencement of this Act, have effect subject to such adoption whether by way of modification, addition or omission as it may deem to be necessary and expedient.

(2) Every order made under sub-section (1), shall, as soon as may be, after it is made, be laid before the State Legislature.

178.(1) Nothing in this Act shall apply to the operational constructions.

(2) Where the State Government is of the opinion that operation of any of the provisions of this Act causes any undue hardship or circumstances exist which render it expedient so to do, it may, subject to such terms and conditions as it may impose, by general or special order, exempt class of persons or areas, from all or any of the provisions of this Act.

179.(1) Save as otherwise provided in this Act, the provisions of this Act, the rules and regulations made thereunder, shall have effect notwithstanding anything inconsistent therewith contained in other law for the time being in force.

(2) Notwithstanding anything contained in any law –

(a) when permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be not validly undertaken or carried out by reason only of the fact that the permission, approval or sanction required under such other law for such development has not been obtained;
when permission for the development has not been obtained under this Act, such development shall not be deemed to be validly undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development had been obtained.

180.(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(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 remuneration and allowances to be paid to the members under sub-section (4) of section 4;

(b) the manner and purposes for associating persons under sub-section (1) of section 15;

(c) the manner of appointment of committees under section 16;

(d) the functions of the Authority under clause (iv) of sub-section (2) of section 28;

(e) the qualifications and experience for persons to be appointed as the Chief Administrators under section 17, section 29 and section 31;

(f) the term of office and conditions of service of members of the Authority under sub-section (1) of section 18;

(g) the salary and allowances, if any, to be paid to the Chief Administrator under sub-section (2) of section 18;

(h) the allowances to be paid to the members of the Authority, other than the Chief Administrator, under sub-section (3) of section 18;

(i) the conditions regarding completion of buildings and extension of period and fees to be paid under sub-section (2) of section 43;

(j) the form and manner in which an appeal may be filed under sub-section (5) of section 45;

(k) the manner of serving notice under sub-section (1) of section 46;

(l) the manner in which the damages may be assessed and notice to be served under section 47;

(m) the form of the budget of the Authority and the manner of preparing the same under section 52;

(n) the form of balance sheet and statement of accounts under sub-section (1) and manner of publishing the audit report under sub-section (3) of section 53;

(o) the form of annual report and the date on or before which it shall be submitted to the State Government under section 54;
the manner and constitution of the pension and provident fund for whole-time paid members and officers and other employees of the Authority and the conditions subject to which such fund may be constituted under section 55;

the matters to be taken into consideration while making declaration under sub-section (2) of section 56;

the functions to be prescribed under sub-section (3) of section 58;

the regulation of the form of the Regional Plan and the manner of its preparation and publication under section 62;

the form and manner of notice under sub-section (1) of section 63 and under sub-section (1) of section 64;

the form of application under sub-section (1) of section 67;

the fees to be paid under sub-section (2) of section 67;

the manner of communicating the grounds of refusal under sub-section (5) of section 67;

the form of Register of applications under sub-section (6) of section 67;

the manner for dealing applications and fees to be paid under sub-section (7) of section 67;

the manner of filing appeals and fee payable for such appeals under sub-section (1) of section 68;

the manner of regulating the form and the contents of the *[……] Master Plan and the time to be prescribed under section 70;

**[……]***

***[……]***

**** [……]

***** [……]

the form of application and payment of fees under sub-section (1) and sub-section (3) of section 81;

the documents and plans to be submitted under clause (a) of sub-section (2) of section 81;

the mode of communication of order under sub-section (6) of section 81;

the manner of filing appeals and payment of fee under sub-section (1) of section 82;

the time and manner in which acquisition notice under sub-section (1) of section 84 is to be served;
the time within which and the manner in which compensation is to be claimed under sub-section (2) and the time within which notice is to be given under sub-section (4) of section 85;

the time and the manner for applying under sub-section (3) of section 87;

the manner of serving acquisition notice under clause (a) of sub-section (5) of section 89;

the manner of publication of notice under sub-section (1) and the time within which local authority is to give consent under sub-section (2) of section 93;

the qualifications for appointment as Arbitrator under sub-section (1) and form of final scheme under clause (xxi) of sub-section (3) of section 102;

the manner of serving notice under sub-section (1) of section 114;

the procedure for eviction under sub-section (1) of section 116;

the particulars to be given in the notice under sub-section (1) of section 117;

the manner of publication of notice under sub-section (2) of section 118;

the particulars of draft variations under sub-section (3) of section 118;

the period to make payment under sub-section (2) of section 131;

the procedure to be followed by the Tribunal of Appeal under sub-section (4) of section 135;

the manner of recovery of cost under sub-section (2) of section 137;

the rates of interest under sub-section (2) of section 140 and sub-section (4) of section 141;

the form and the manner of furnishing security under sub-section (4) of section 142;

the authority and the manner of enforcing order under sub-section (5) of section 142;

the manner and form of application under sub-section (1) of section 144;

the register to be maintained and the fee to be prescribed under sub-section (4) of section 144;

the manner of consultations under sub-section (1) of section 151;

the integration and fixation of inter-se seniority of the employees transferred to the Authority under section 154;
the manner of fixing development charge under section 161;

the manner of keeping copies of documents, plans and maps under section 168; and

any other matter which has to be or may be prescribed.

Every rule made under this section shall be laid as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive session and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid the House agrees in making any modification in the rules or the House agrees that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

181. The Board may make regulations, consistent with this Act and the rules made thereunder, to carry out the purposes of this Act, and, without prejudice to the generality of this power, the Board may make regulations,-

(a) for regulating its procedure and the conduct of the business under section 11;

(b) providing for the functions which the Member Secretary of the Board may discharge under section 12;

(c) the functions to be assigned by the Board to the Member-Secretary under section 12;

(d) *[…….]

** [(dd) for the matters relating to heritage site;] **

* Omitted by Punjab Act No. 30 of 2006.
** Inserted by Punjab Act No. 13 of 2003.

(e) *[…….]

(f) providing for any other matter which has to be or may be specified by regulations.

182.(1) The Authority may make regulations, consistent with this Act, and the rules made thereunder, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of this power, such regulations may provide for,-

(a) the summoning or holding of the meetings of the Authority, the time and place where such meetings are to be held and the conduct of business at such meetings under sub-section (1) of section 21;
(b) the functions to be assigned to the Chief Administrator by the Authority under section 22;

(c) the appointment of committees under section 23;

(d) the salaries, allowances and conditions of service of officers and other employees of the Authority under sub-section (2) of section 26;

(e) the powers and duties of the officers and other employees of the Authority under sub-section (3) of section 26;

(f) any other matter which has to be, or may be, determined by regulations.

183. (1) The following Acts are hereby repealed, namely: -

(i) the Punjab Scheduled Roads and the Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963); and


(2) The Punjab Housing Development Board Act, 1972 (Punjab Act 6 of 1973) shall stand repealed on and with effect from the date on which the Punjab Housing Development Board is abolished under section 148 of this Act.

*(3) Subject to the provisions of the sub-section (2) of section 143, the repealing of the Acts under sub-sections (1) and (2) shall not affect: -

(i) The previous operations of the Acts so repealed or anything there under duly done or suffered;

(ii) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed;

(iii) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts so repealed;

(iv) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed as if the aforesaid Acts had not been repealed.

(4) Notwithstanding such repeal, anything done or any action taken under the Acts so repealed (including any notification, order, notice issued, application made, or permission granted) which is not inconsistent with the provisions of this Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.
as if this Act was in force at the time such thing was done, or action was taken, and shall continue to be in force, unless and until superseded by anything done or any action taken under this Act.

* Substituted by Punjab Act No. 4 of 1996.
THE SCHEDULE
(See section 2(zi))

SCHEDULED ROADS

1. Grand Truck Road (from Haryana boundary to Amritsar and on the border with Pakistan).
3. Ambala - Kalka Road (Portion falling in the territory of the State of Punjab).
4. Amritsar - Pathankot Road.
8. Malout - Fazilka Road.
12. Ludhiana - Ferozepur Road.
16. Harke - Khaira Road.
17. Ajnala - Amritsar Road.
18. Patiala – Patran – Narwana Road.
19. Moga – Kotakpura Road.
20. Chandigarh – Rajpura Road (commencing from the point where the Punjab Boundary starts).
21. Chandigarh – Ambala Road (commencing from the point where the Punjab Boundary starts and touches the Ambala –Kalka Road near Dera Bassi).
24. Morinda – Bela Road.

BAKHSHISH KAUR,
Secretary to Government of Punjab,
Department of Legal and Legislature Affairs.

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LUDHIANA CITY DEVELOPMENT PLAN

Appraisal Report

Overall Observations
1. The final CDP report (3rd revision) submitted by the Municipal Corporation of Ludhiana (MCL) is comprehensive. The report incorporates all the relevant aspects concerning civic infrastructure, environment, services for urban poor and growth management issues as required under JNNURM. The plan prepared through extensive consultations, identifies the needs, presents the city investment plan (CIP) and prioritizes the investments keeping in view the overall sustainability (FOP).

2. **The Vision:** Based on the discussions with various stakeholders the vision envisages:
   - The City of Ludhiana to become a leading economic centre of the country, and
   - The city of Ludhiana to be providing best possible ‘Quality of Life’ to its citizens.

3. These are to be achieved through a set of actions aimed at transforming the city into an internationally competent urban area. The set of actions are:
   - To make provisions for the supply of basic services at optimum levels for the entire city,
   - To provide housing and services to the homeless and slum dwellers on priority basis,
   - Taking actions to prevent deterioration in Environment, and
   - To effectively manage urban growth.

4. The vision of the city has achievements of MCL as the basis. The city has a vibrant economic base, sound financial status and an effective local government. On a comparative scale the city fares better in terms of service delivery as well as other quality of life indicators.

The City, its needs and its plans
5. **Consultations:** Wide-ranging Stakeholder consultations, both carried out specifically as part of CDP preparation, others which include meetings of ULB and other city associations, have provided inputs in preparation of the CDP. The stakeholders include elected public representatives, heads of government departments, NGOs, Trade/business/industry Associations, Welfare Associations, Urban Poor (through ward meetings) and professional bodies. A local newspaper also contributed to the preparation of CDP by eliciting public views on the city. A diagnostic analysis included as part of consultation process identifies sector-wise deficits/gaps and solutions.

6. The document has been made available for public review as part of the city’s website.

7. **Urban Economy:** Ludhiana is one of the prime manufacturing and education centre in the northern India. It is known for hosiery industry, dyes, bicycles and parts, mopeds, sewing machines and motor parts. Trading in these materials is also a source of employment and wealth generation in the city. The city also has several educational institutions. The Agricultural University is well known for its contribution to agricultural revolution. While textiles add dynamism to the city, it also poses threat to environment. Industrial effluent management system needs attention. To successfully implement proposals envisaged towards waste water
management would require ULB partnership with Industry department and private entrepreneurs. Alternate delivery and management options need to be explored.

Growth Management

8. **Population Growth**: The Population of the city has grown from 10.42 to 13.95 lakh during 1991-2001 period recording 38% decadal growth rate. The growth rate had been very rapid (50% +) during the decades 1961-71, 1971-81 and 1981-91. Growth rates declined during previous decade. Assuming high rate of growth (of 48% and 59%) the city estimates the population to be 20.66 Lakh and 32.96 lakh by 11 and 21 respectively. The estimate for 2005 is 16.65 Lakh people. Forecasts appear to be on the higher side.

9. **Master Plan**: The existing situation analysis is cursory. Unplanned growth is a major concern. A 20 year Draft Master Plan was prepared by the Town Planning Department of Punjab. It was revised in 1992 and again in 2003. However final sanction has not been granted. Building permissions are issued by the ULB (Town Planning department). Any approvals for revisions in the zoning have to be provided by the Local Government Department of Punjab. General compliance levels to regulations are low.

10. In terms of other natural disasters, low intensity floods occur once in a while. Upstream dams provide protection from flood. Details of disasters and management capability of the city have not been provided.

11. Planning function is still under the State department.

12. Maps provided in the report would have been made more communicative.

Heritage

13. Except for a dilapidated fort which has shrunk in size from 22 acres to a mere 6 acres due to encroachment and the clock tower which has been renovated, no other historical building of heritage value exists in the city. The fort wall is surrounded by illegal housing and is not in a state of recovery (as informed by the ULB official). No specific projects have been identified under the head heritage conservation.

Urban Poor (Housing and Services)

14. As the economic base of the city is relatively sound and the hinterland is well developed the population below poverty line is low at 10%. The population living in the slums is also low at 14%. Out of 209 slum pockets identified in the city, 57 have already been provided with the basic amenities including – water supply through house taps, sewerage, individual toilets, roads, street lights. There are 68 partially upgraded slum pockets in the city where, water supply, roads and street lights have been provided. Rest of the 84 slum pockets are to be considered for provision of services immediately.

15. A total amount of Rs. 222 Crores (5.6% of total investment proposed) has been proposed exclusively for urban poor housing and services. MCL (in collaboration with the Improvement Trust) intends to build about 7000 pucca houses of about 30 sq. meters area each to relocate the slum dwellers (Investment of Rs. 139 Crores proposed at Rs. 1.97 Lakh per unit-inclusive of land
cost). Upgrading basic infrastructure facilities (housing, water supply, sewerage, toilets, roads and street lights) in slums is on the priority list of projects (Rs. 27.62 Crores investment proposed). The Municipal Corporation of Ludhiana proposes social development activities such as adult education, awareness programmes, vaccination etc. in slum areas (Rs. 56 Crores investment proposed).

**Infrastructure**

16. Significant gaps in infrastructure have been observed. The effort as part of this CDP is to fill these gaps and also to meet with the needs arising during the next 5 to 10 years. The project description is broad and hence costing appears to be based on thumb rules.

17. **Water Supply:** PWSSB plans, designs and executes the water supply projects on behalf of MCL. MCL is responsible for operation and maintenance of water supply systems.
   - The city is completely dependent on ground water. Depletion of water table is reported. (Water is extracted from deep tubewells at 400-450 feet depth and shallow wells at 180 feet).
   - The per capita supply is 196 LPCD. Installed capacity is 415 MLD. With high population estimate (18 Lakh population including floating population @ 220 LPCD) the present gaps are estimated to be in the order of 62 MLD. By 2011 additional 23 MLD additional demand has been estimated.
   - As major source is ground water direct pumping is generally the practice followed to distribute water.
   - Coverage is fairly adequate (85% population). Water supply is to extend the system to the remaining 15% of the population living in areas outside declared service area.
   - The length of distribution network is about 1600 kms (additional requirement is 464 kms)
   - There are 1.6 lakh registered connections out of which 1.5 lakh are residential and 12000 commercial connections. Water metering system does not exist. Persons per connection are about 10 per connection which is very large indicating large number of illegal connections.
   - There are 500 stand posts in 209 slum areas which is grossly inadequate.
   - Water quality is monitored by MCL.
   - Domestic Consumers are charged on a monthly flat rate as below. These are notified by Punjab Government. For new connection Rs. 600 is charged. A notification excluding households with house size below 5 marla from payment of water charges would have adverse impact on the overall reform process.

<table>
<thead>
<tr>
<th>Plot size</th>
<th>Rate per connection (Rs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upto 5 marla</td>
<td>50.00</td>
</tr>
<tr>
<td>&gt; 5 marla and upto 10 marla</td>
<td>75.00</td>
</tr>
<tr>
<td>&gt; 10 marla but less than 1 kanal</td>
<td>100.00</td>
</tr>
<tr>
<td>1 kanal and above</td>
<td>Only metered connections</td>
</tr>
</tbody>
</table>

- Details of non-revenue water are not given.
- The sector expenditure and revenue analysis show low recovery rates.

18. The sector development proposals include extension of coverage to undeclared areas (Rs. 35 Crores proposed). Reform agenda is not clear.
19. **Wastewater Management:** In terms of UGD, 57% of the municipal area has been covered (67% of declared) with a network of 1384 kms. Three treatment plants are under construction. Upon completion these have the capacity to treat 311 MLD of waste water. The gap of 171 MLD is proposed under the plan. Total connections are 1.4 lakh of which 1.2 are residential and balance 15000 commercial connections. The charges are similar to water charges and are collected through six monthly bills. Rs. 750 is charged for new connections.

20. The proposals are for developing sewerage network costing Rs. 436 Crores to extend services to uncovered areas and one STP at a cost of Rs. 52 Crores.

21. **Water sector recovery:** For the year 2005-6 total water sector demand (Water and Sewerage) including arrears was 135 Crores (Current demand of Rs. 32.94 Crores) of which MCL recovered only 15% i.e Rs. 21 Crores.

22. **Solid waste Management:** The city still has to put in place a functioning door-to-door solid-waste collection system. There are 251 Mohalla Sudhar Committees (MSCs) within the city, representing specific localities, which are supposed to undertake the responsibility of house-to-house collection of solid waste by engaging and supervising a limited number of safai sevaks (sanitary workers). Open dumping is still the practice to dispose the waste.

23. The proposals of Rs. 140 Crores are for improved collection and transportation system (Rs.100 Crores) and development of Sanitary Landfill Sites (Rs. 40 Crores).

24. **Storm Water:** Flooding is not a major issue in Ludhiana. As there is limited sewerage network coverage sewage is directly let into adjacent watercourses (Budha nallah). The nallah is polluted throughout the city, not just with grey water but also with foul sewage, domestic refuse and industrial waste. In close proximity to nallah, some of the poorest communities have made their housing exposing themselves to substantial health risk.

25. SWD plan is proposed at a cost of Rs.280 crores. The proposal includes SWD network (Rs. 200 Crores), Budha Nallah Development (Rs. 60 Crores) and ground water recharging (Rs. 20 Crores).

26. **Urban transport:** A total of 1356 kms of road network exists. Generally road condition is poor. The city has built 2.3 km long elevated road cutting across the city to facilitate through traffic movement. Traffic problems are severe, especially in major commercial areas. At present no city bus services are being operated in the city.

27. The proposal titled ‘Integrated Road Development Plan’ envisages an investment of Rs. 826 Crores under NURM and Rs. 1552 Crores through other sources. The elements under NURM are improvement of existing roads, new roads, pedestrian and bicycle facilities and construction of flyovers/ elevated roads. A bye pass in the form of Ring Road is also proposed through PPP mode.

**Urban Finance**

28. The Urban Local Body has a reasonably sound financial base and technical expertise. Total revenue income has shown a consistent growth in the past years.
29. Octroi accounts for the major share of revenue income of the MCL (about 60% in 2005-2006). It was 58.97% of total revenue income in 2001-2002 and reached 66% in the year 2004-2005. The city being a major industrial base, it continues to attract several new industries as well as expansion of already existing industries. It may be safe to assume normal rate of growth in income from Octroi. However, there is a demand for abolishing Octroi. It is evident that abolition of octroi from the city may lead to a financial crisis for the MCL. In lieu of this the suggestion is to share a part of VAT. Impacts of such a change from own source to state dependent source is less likely to be positive.

30. The MCL’s income from fees and other charges accounts about 13% of the total revenue income (in 2005-2006). Major portion is contributed by water and sewerage charges (8.8%).

31. Income from all other taxes excluding octroi in Ludhiana is 25% (in 2005-2006). Contribution from property taxes in Ludhiana is considerable (approx.. 16%). Collection performance has worsened. The MCL hopes to increase the tax collection further. The demand collection and balance statement of MCL is shown as under:

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Description</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No. of Properties</td>
<td>127,000</td>
<td>139,000</td>
<td>144,000</td>
<td>145,000</td>
<td>148,000</td>
</tr>
<tr>
<td></td>
<td>• Residential</td>
<td>76,086</td>
<td>54,466</td>
<td>58,248</td>
<td>58,286</td>
<td>61,262</td>
</tr>
<tr>
<td></td>
<td>• Non-Residential</td>
<td>80,682</td>
<td>83,691</td>
<td>85,540</td>
<td>85,860</td>
<td>86,130</td>
</tr>
<tr>
<td>2</td>
<td>Rateable value (Rs. Lakh)</td>
<td>475.90</td>
<td>613.89</td>
<td>599.98</td>
<td>658.96</td>
<td>809.84</td>
</tr>
<tr>
<td>3</td>
<td>Demand (Rs. Lakh)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Current</td>
<td>2,732.00</td>
<td>2,875.90</td>
<td>3,060.20</td>
<td>3,160.40</td>
<td>3,270.20</td>
</tr>
<tr>
<td></td>
<td>• Arrear</td>
<td>2,969.00</td>
<td>3,113.00</td>
<td>3,114.00</td>
<td>3,346.00</td>
<td>3,562.50</td>
</tr>
<tr>
<td></td>
<td>Total Demand</td>
<td>5,701.00</td>
<td>5,988.90</td>
<td>6,174.20</td>
<td>6,506.40</td>
<td>6,832.70</td>
</tr>
<tr>
<td>4</td>
<td>Collection (Rs. Lakh)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Current and arrears</td>
<td>3,240.69</td>
<td>3,325.26</td>
<td>3,442.58</td>
<td>3,556.58</td>
<td>3,766.73</td>
</tr>
<tr>
<td></td>
<td>Total Collection</td>
<td>3,240.69</td>
<td>3,325.26</td>
<td>3,442.58</td>
<td>3,556.58</td>
<td>3,766.73</td>
</tr>
<tr>
<td>5</td>
<td>Collection Performance (%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Current and arrears</td>
<td>118.62</td>
<td>115.63</td>
<td>112.50</td>
<td>112.54</td>
<td>115.18</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>56.84</td>
<td>55.52</td>
<td>55.76</td>
<td>54.66</td>
<td>55.13</td>
</tr>
<tr>
<td>6</td>
<td>Collection Performance (%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Current and arrears</td>
<td>49%</td>
<td>46%</td>
<td>43%</td>
<td>40%</td>
<td>38%</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>49%</td>
<td>46%</td>
<td>43%</td>
<td>40%</td>
<td>38%</td>
</tr>
</tbody>
</table>

**Expenditure:** The MCL performance is fairly good on revenue accounts side. It is generating a revenue surplus of Rs.35–70 crore. The capital grants to the city are less and do not meet city’s requirements; but the gaps are met by the revenue surplus and the city has been able to invest in its infrastructure significantly in the past years. MCL spends reasonable amount on O&M. The growth rate in expenditure is 9.5% which is higher than the rate of increase in income (7.5%).
Institutional Framework

32. **Implementation of 74th Constitutional Amendment:**
- Regularity in holding of elections: The elections are held regularly. The first elected house of Corporation was constituted in 1991. The previous election was conducted in 2002. The next election to be held in 2007.
- Constitution of Ward committees: The ward committees are constituted as per the provision of 74th CAA. The role is still advisory.
- No instances of dissolution, if any, under Article 243U since 1991 has occurred.
- Whether there has been any hiatus at all between the completion of a municipality’s term of five years and the holding of elections thereafter?: No such instance has occurred
- Devolution of Planning Functions: No. (Master Plan is prepared by the State Town Planning Department and CDP by City Government). Building permission by the ULB.
- Establishment of the DPC/MPC: Yet to be constituted

33. MCL is empowered with powers to deliver all basic services.

### Table 3: Institutional framework for various urban services

<table>
<thead>
<tr>
<th>Urban Infrastructure</th>
<th>Planning &amp; Design</th>
<th>Construction</th>
<th>Operation &amp; Maintenance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Supply</td>
<td>PWSSB</td>
<td>PWSSB</td>
<td>MCL</td>
</tr>
<tr>
<td>Sewerage</td>
<td>PWSSB</td>
<td>PWSSB</td>
<td>MCL</td>
</tr>
<tr>
<td>Storm Water Drainage</td>
<td>PWSSB</td>
<td>PWSSB</td>
<td>MCL</td>
</tr>
<tr>
<td>Solid Waste Management</td>
<td>MCL</td>
<td>MCL</td>
<td>MCL</td>
</tr>
<tr>
<td>MRI (Municipal Roads &amp; Infrastructure)</td>
<td>MCL</td>
<td>MCL</td>
<td>MCL</td>
</tr>
</tbody>
</table>

**Note:**

a. PWSSB stands for Punjab Water Supply & Sewerage Board

b. PWSSB is related for planning; design; and construction of water supply, sewerage and storm water drains, but entire costs involved are borne by the MCL.

34. **Human Resources:** The city government has total staff strength of 6748 employees, and is headed by the Municipal Commissioner (a senior officer from the Indian Administrative Service). The technical cadre employees of the Corporation include 4 Joint Commissioners, 1 Assistant Commissioner and 131 engineers (including Senior Engineer, Executive Engineers, Assistant Engineers and Junior Engineers). There are in all a team of 14 doctors employed under the Health Department of the Corporation. This is as per the staff pattern approved by the State. There are about 1082 vacancies. The staff has been attending training programmes conducted by regional institutions, national and international agencies. Inadequacies in human resources are evident in several sectors. No specific plan has been drawn up towards capacity building.

### Table 4: Staffing pattern of MCL

<table>
<thead>
<tr>
<th>Staff Designation</th>
<th>No. of employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Commissioner</td>
<td>1</td>
</tr>
<tr>
<td>Joint Commissioners</td>
<td>4</td>
</tr>
<tr>
<td>Assistant Commissioner</td>
<td>1</td>
</tr>
</tbody>
</table>

**No. of engineers**

- Senior Engineer        4
- Executive Engineers    13
- Assistant Engineers    37
### Total Engineers

- Junior Engineers: 77
- Total Engineers: 131

### No. of Doctors

- Medical Officer of Health (MOH): 3
- Part time doctors: 10
- Full time doctor: 1
- Total Doctors: 14

### Total sanctioned posts by the state

- 7830

### Vacant posts

- 1082

### Total staff of MCL (class I, II, III, IV employee)

- 6748

---

**Table 5: Detail of total sanctioned posts (7830) i.e. staff strength**

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Department/Branch</th>
<th>Permanent</th>
<th>Non permanent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Administration</td>
<td>126</td>
<td>07</td>
<td>133</td>
</tr>
<tr>
<td>2</td>
<td>Revenue collection (including all taxes and non tax levies)</td>
<td>557</td>
<td>--</td>
<td>557</td>
</tr>
<tr>
<td>3</td>
<td>Engineering branch</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Roads, street, building and bridges</td>
<td>1230</td>
<td>-</td>
<td>1230</td>
</tr>
<tr>
<td></td>
<td>- Street light</td>
<td>180</td>
<td>-</td>
<td>180</td>
</tr>
<tr>
<td></td>
<td>- Park, playground and other</td>
<td>649</td>
<td>-</td>
<td>649</td>
</tr>
<tr>
<td>4</td>
<td>Water supply and sewerage</td>
<td>1639</td>
<td>-</td>
<td>1639</td>
</tr>
<tr>
<td>5</td>
<td>Sanitation and solid waste management</td>
<td>2420</td>
<td>519</td>
<td>2939</td>
</tr>
<tr>
<td>6</td>
<td>Regulatory functions</td>
<td>479</td>
<td>-</td>
<td>479</td>
</tr>
<tr>
<td>7</td>
<td>Others (Library)</td>
<td>24</td>
<td>-</td>
<td>24</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>7304</strong></td>
<td><strong>526</strong></td>
<td><strong>7830</strong></td>
</tr>
</tbody>
</table>

Note: Total strength of the staff including Class I, II, III and IV employees
In respect of Engineering, Water supply and sewerage branch all permanent and non permanent employees (i.e. temporary, adhoc, work charged, casual/contract staff included) while mentioning staff strength

### City Investment Plan (CIP)

35. Projects worth Rs.3995 crore have been identified by the MCL for city development. The MCL is exploring various financing options including JNNURM for funding these projects. However, it expects about 50% (Rs.2053.70 crore) of the total cost required from the first phase of JNNURM alone.

36. It is evident from the CIP that, the MCL’s approach is to finance some of the projects completely from JNNURM, rather than financing all the projects partially. The approach is found to be a positive sign as it might increase MCL’s efficiency in executing the projects.

37. Large amount of investment is allocated for the improvement of roads and water supply services in the city (Rs.826 crore, Rs.803 crore respectively). Whereas, projects worth Rs.167 crore for urban poor are on the priority cards of the MCL. The MCL requires Rs.140 crore for the upgradation of SWM services. Rs.20 crore has been demanded for improving urban governance in the city.

38. The yearwise investment plan of the MCL for utilizing the JNNURM (I Phase) grant is as follows:
Table 5: Year-wise Investment Plan

<table>
<thead>
<tr>
<th>Year</th>
<th>Share of the JNNURM (I Phase) grant</th>
<th>Amount (in Rs. crore)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006-2007</td>
<td>1.85%</td>
<td>38.00</td>
</tr>
<tr>
<td>2007-2008</td>
<td>29.81%</td>
<td>612.33</td>
</tr>
<tr>
<td>2008-2009</td>
<td>27.54%</td>
<td>565.77</td>
</tr>
<tr>
<td>2009-2010</td>
<td>21.40%</td>
<td>439.60</td>
</tr>
<tr>
<td>2010-2011</td>
<td>11.07%</td>
<td>227.50</td>
</tr>
<tr>
<td>2011-2012</td>
<td>8.33%</td>
<td>170.50</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>2053.70</strong></td>
</tr>
</tbody>
</table>

39. **Investment sustainability:** A detailed FOP has been prepared on the basis of MCL’s budgets for the year 2001-2002 to 2005-2006. The spreadsheet FOP model has been customized for estimating the ultimate sustainable investment capacity of the MCL. The assumptions are reasonable and the account continues to present a positive balance. Overall, the investments forecasted appear financially sustainable. The Urban Local Body has identified the current gaps in the city’s infrastructure through detailed need assessment. Based on this, the city government has proposed a plan for investments worth Rs. 2053.70 Crores under NURM. Additionally city has proposed Rs. 1941.30 Crores on PPP basis or through funds generated with the help of other agencies.

**Recommendations**

40. The level of services in the city is fairly good but the issue, in the short term is of improvement management of delivery. However, the effort of the plan is to improve infrastructure and thus contribute to quality of life improvements. MCL has a sound financial position. Human resource capacities are limited. Within these strengths and weaknesses MCL proposes to invest over Rs. 2000 Crores in the next 6 years. Though it appears financially sustainable, in terms of implementation, given the limited institutional capacity, MCL is less likely to achieve the target. A specific action plan to develop detailed projects and implementation framework are necessary. Strengthening O & M operations is also required.

41. On the whole the plan responds to the guidelines of JNNURM and provides reasonable base for the next step in terms of detailed project development and definition of reform implementation actions inclusive of financial planning and management measures.

42. The plan is recommended for approval.
City: Ludhiana  
State: Punjab

Category: Business & Industrial Centre, Tier 2

Ludhiana city lies within the Ludhiana district in the state of Punjab, and is the largest city in the province in terms of area and population. Official sources suggest that the city is spread over 159.37 sq km and has a population of approximately 1.6 million people. The north Indian city is settled along the banks of Sutlej River and hosts the largest agricultural university in Asia. The city is also a well-developed manufacturing and commercial hub in northern India, as well as being an important pilgrimage center for Sikhs.

### 1. Demographic Profile

<table>
<thead>
<tr>
<th>Indicator</th>
<th>City (Municipal Corporation)</th>
<th>State (Urban)</th>
<th>India (Urban)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>1618879</td>
<td>10399146</td>
<td>377,106,125</td>
</tr>
<tr>
<td>Total Population of UA (if)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population Growth Rate (AEGR) 2001-11</td>
<td>1.46</td>
<td>2.30</td>
<td>2.76</td>
</tr>
<tr>
<td>Area (sq. km)*</td>
<td>159.37</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Share of ULB area in district (%)**</td>
<td>4.24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Density of population (person per sq. km)*</td>
<td>10158</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Literacy Rate (%)</td>
<td>85.77</td>
<td>83.18</td>
<td>84.11</td>
</tr>
<tr>
<td>Schedule Caste (%)</td>
<td>14.32</td>
<td>22.72</td>
<td>12.60</td>
</tr>
<tr>
<td>Schedule Tribes (%)</td>
<td>0</td>
<td>0</td>
<td>2.77</td>
</tr>
<tr>
<td>Youth, 15 - 24 years (%)</td>
<td>19.81</td>
<td>19.93</td>
<td>19.68</td>
</tr>
<tr>
<td>Slum Population (%)</td>
<td>15.08</td>
<td>22.58</td>
<td>17.36</td>
</tr>
<tr>
<td>Working Age Group, 15-59 years (%)</td>
<td>66.82</td>
<td>66.56</td>
<td>65.27</td>
</tr>
</tbody>
</table>

Source: Census of India, 2011
* District Census Handbook, Census of India, 2011
** The ULB is spread in more than one district

### 2. Economic Profile

<table>
<thead>
<tr>
<th>Indicator</th>
<th>City (Municipal Corporation)</th>
<th>State (Urban)</th>
<th>India (Urban)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Capita Income (Rs.) at 2004-05 constant price *</td>
<td>51633</td>
<td>42868</td>
<td>Rs. 35,947   *</td>
</tr>
<tr>
<td>Urban Poverty Ratio (% of urban population)**</td>
<td>9.51</td>
<td>9.2</td>
<td>13.7</td>
</tr>
<tr>
<td>Unemployment Rate, 2011-12***</td>
<td>0</td>
<td>2.8</td>
<td>3.4</td>
</tr>
<tr>
<td>Work Participation Rate, 2011-12***</td>
<td>38.26</td>
<td>36.8</td>
<td>35.5</td>
</tr>
<tr>
<td>Work Status, 2011-12 (%) ***</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-employed:</td>
<td>33.74</td>
<td>44.5</td>
<td>42.0</td>
</tr>
<tr>
<td>Regular/wage salaried employees:</td>
<td>63.6</td>
<td>47.8</td>
<td>43.4</td>
</tr>
<tr>
<td>Casual labour:</td>
<td>2.66</td>
<td>7.6</td>
<td>14.6</td>
</tr>
<tr>
<td>Sectoral Distribution of Workers, 2011-12 (%) ***</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary</td>
<td>0.85</td>
<td>5.7</td>
<td>7.5</td>
</tr>
<tr>
<td>Secondary</td>
<td>51.49</td>
<td>37.4</td>
<td>34.2</td>
</tr>
<tr>
<td>Tertiary</td>
<td>47.66</td>
<td>56.9</td>
<td>58.3</td>
</tr>
<tr>
<td>Workers Classified by Major Occupation, 2011-12(%) ***</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legislators, senior officials and managers</td>
<td>8.22</td>
<td>16.4</td>
<td>15.8</td>
</tr>
<tr>
<td>Professionals</td>
<td>4.80</td>
<td>7.9</td>
<td>8.8</td>
</tr>
<tr>
<td>Technicians and associate professionals</td>
<td>9.14</td>
<td>7.1</td>
<td>6.7</td>
</tr>
<tr>
<td>Clerks</td>
<td>1.19</td>
<td>4.4</td>
<td>5.0</td>
</tr>
<tr>
<td>Service workers and shop and market sales workers</td>
<td>14.55</td>
<td>14.0</td>
<td>14.7</td>
</tr>
<tr>
<td>Skilled agricultural and fishery workers</td>
<td>0.81</td>
<td>5.4</td>
<td>4.6</td>
</tr>
<tr>
<td>Craft and related trades workers</td>
<td>20.31</td>
<td>18.3</td>
<td>19.2</td>
</tr>
<tr>
<td>Plant and machine operators and assemblers</td>
<td>18.49</td>
<td>10.0</td>
<td>9.2</td>
</tr>
<tr>
<td>Elementary occupations</td>
<td>22.47</td>
<td>16.6</td>
<td>16.1</td>
</tr>
<tr>
<td>Workers not classified by occupation</td>
<td>0</td>
<td>0</td>
<td>0.1</td>
</tr>
<tr>
<td>Primary Commodity Manufactured*</td>
<td>Hosiery and textile goods, cycles and cycle</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Major Industries**

| Parts, machinery and auto parts |

### Textile, and cycle parts

| Automobile, bicycle and parts, other products of aluminium and brass, copper, iron, and steel. |

### No. of sanctioned SEZ

| 0 | 4 | 413 |

Note: 3 year average of 2009-10, 2010-11 and 2011-12

Source: * Directorate of Economics and Statistics of respective State Governments and for all India- Central Statistics Office

**Unit Level Data of National Sample Survey Organization, Household Consumer Expenditure in India, 68th Round, 2011-12

***Unit Level Data of National Sample Survey Organization, Employment and Unemployment Situation in India, 68th Round, 2011-12

–*District Census Handbook, Census of India, 2011

**District Industrial Profile, Micro, Small and Medium Enterprises, Government of India

### 3. Infrastructure Status

<table>
<thead>
<tr>
<th>Indicator</th>
<th>City (Municipal Corporation)</th>
<th>State (Urban)</th>
<th>India (Urban)</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of households with access to tap water (from treated source) within Premises</td>
<td>80.93</td>
<td>66.08</td>
<td>84.14</td>
</tr>
<tr>
<td>% of households with access to electricity</td>
<td>98.89</td>
<td>98.34</td>
<td>92.68</td>
</tr>
<tr>
<td>% of households having toilet facilities within premises</td>
<td>92.58</td>
<td>85.61</td>
<td>72.57</td>
</tr>
<tr>
<td>% of household Waste water outlet connected to drainage</td>
<td>89.47</td>
<td>90.9</td>
<td>81.77</td>
</tr>
<tr>
<td>Type of sewerage system*</td>
<td>Underground sewerage system</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of solid Waste system*</td>
<td>Door to Door</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of households with access to computer/laptop with internet</td>
<td>11.75</td>
<td>10.55</td>
<td>8.27</td>
</tr>
<tr>
<td>without internet</td>
<td>10.55</td>
<td>11.64</td>
<td>10.40</td>
</tr>
<tr>
<td>% of households with access to mobile phones</td>
<td>65.30</td>
<td>63.17</td>
<td>64.33</td>
</tr>
<tr>
<td>Ownership Pattern of Housing (%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned</td>
<td>69.12</td>
<td>78.30</td>
<td>69.16</td>
</tr>
<tr>
<td>Rented</td>
<td>27.76</td>
<td>18.63</td>
<td>27.55</td>
</tr>
<tr>
<td>% of households living in congested houses</td>
<td>30.90</td>
<td>24.20</td>
<td>32.94</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicator</th>
<th>City (Municipal Corporation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Hospitals per 1,00,000 people *</td>
<td>0.06</td>
</tr>
<tr>
<td>No of Schools per 1,00,000 people</td>
<td></td>
</tr>
<tr>
<td>Primary</td>
<td>15</td>
</tr>
<tr>
<td>Middle</td>
<td>3</td>
</tr>
<tr>
<td>Secondary</td>
<td>10</td>
</tr>
<tr>
<td>College</td>
<td>5</td>
</tr>
</tbody>
</table>

Source: Tables of Houses, Household Amenities and Assets, Census of India, 2011

* District Census Handbook, Census of India, 2011

### 4. Political Profile: Leadership and Administrative Structure

Architectural Governance

Structure of Elected and Executive Bodies. Give indication of hierarchies

Civic Administration in Ludhiana is mainly under the management and control of Municipal Corporation of Ludhiana (MCL). Apart from MCL other institutions are involved in the overall management of the city development. MCL is divided into four zones viz. Zone A, Zone B, Zone C & Zone D each headed by a Zonal Commissioner under the overall control of the commissioner MCL. Joint Commissioners/ Additional Commissioners are also attached to assist the Commissioner for controlling and monitoring of specific duties of different branches assigned to them. The elected wing consists of councilors (corporators) elected by the citizens of MCL from single member constituencies on an adult franchise. A senior deputy mayor and depty mayor, elected amongst the corporate assit the mayor. The term of these three mayors is for a period of five years. The MCL has finance and contract committees and House tax
assessment committee i.e. two statutory committees and ward committees which consists of elected councilors of the respective wards and headed by a chairperson.

Ludhiana Improvement Trust is responsible for providing planned development thereby controlling haphazard urban sprawls; providing planned decentralisation of activities in a congested city area by developing competitive activity centers, neighborhood (residential development scheme) at suitable locations in the outer suburban areas with municipal limits; providing hierarchical road network & infrastructure facilities.

Greater Ludhiana Area Development Authority is responsible for comprehensive, integrated and orderly development in Ludhiana by improving the planning, development, and management and delivery capacities of the urban centres. The Chief Minister is the chairman and vice chairman is appointed by the government.

Punjab Water Supply and Sewerage Board (PWSSB) is responsible for planning designing and execution of various water supply and sewerage works of Urban Local Bodies.

Punjab Urban Development Authority (PUDA) is working independently for the development of specific areas in the town. PUDA is an apex institution established in July 1995 for the development of balanced urban growth in the State of Punjab. PUDA is committed to provide planned residential, commercial and industrial spaces incorporating the latest state of the art technology and town planning norms. It has the power for prosecution of the private developers of colonies without getting approval from them.

Punjab Pollution Control Board Ludhiana (PPCB) is responsible for control of industrial pollution and MSW of the MCL under the environmental pollution act 1996 along with the air pollution check.

The activities related to town planning are conducted by urban development department. The department is responsible for preparation of Master plans; updation and review of the Master Plans; preparation of development plans; Implementation of Schemes such as the Town Protection Scheme, VAMBAY, National Slum Development Programme, Slum Improvement and upgradation project for Kohima. Nagaland State Pollution Control Board (SPCB) has the mandate for environmental management at the state level, with emphasis on air and water quality. The Department of Science, Technology & Environment performs the functions similar to the MoEF at the state level.

| No of elected representatives | NA |
| Elected Details | Mr. Parkash Singh Badal from Shiromani Akali Dal is the Chief Minister of Punjab. He was elected on 15-Mar 2012. The Commissioner is Mr. G.K. Singh. The council is headed by Mayor Mr. Harcharan Singh Gohalwaria of Shiromani Akali Dal, elected in Sep 2012. The municipal elections were held in the year 2012. |

5. Performance of Urban Local Body (ULB)

Credit and Tax

| Credit Rating of ULBs (As on Nov 2012)* | BBB- |
| Property Tax* | Coverage (%): 57.1 |
| | Collection Efficiency (%): 68 |
| | Amount(Rs.): 61.33 crores |

Source: “www.jnnurms.nic.in”

E-governance& Computerization in ULB

| Reform | Status (implemented, in progress and any comment) |
| Property Tax* | Implemented |
India Smart City Profile

<table>
<thead>
<tr>
<th>Accounting*</th>
<th>Implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Supply &amp; Other Utilities*</td>
<td>Implemented</td>
</tr>
<tr>
<td>Birth &amp; Death Registration and Health programmes*</td>
<td>Implemented</td>
</tr>
<tr>
<td>Citizens’ Grievance Monitoring*</td>
<td>Implemented</td>
</tr>
<tr>
<td>Personnel Management System*</td>
<td>Implemented</td>
</tr>
<tr>
<td>Building Plan Approval*</td>
<td>Implemented</td>
</tr>
<tr>
<td>e-Procurement*</td>
<td>Implemented</td>
</tr>
</tbody>
</table>

- Can Citizens pay their bills and Taxes at citizen facilitation centre (CFC)?
  - Only on CFC
- Does ULB has facility to Accept Online Payments*
  - No
- What is the E-mail Software being used in the ULB*
  - NIC
- Are ULB offices connected with each other through local area network (LAN)/ wide area network (WAN)*
  - No
- Do you have access to State Data Centre (SDC)*
  - No
- Does the ULB have their own website*
  - Yes: mcludhiana.gov.in
- Implementation of 74th CAA*
  - 2 functions are yet to be transferred. They are Urban poverty alleviation; Safeguarding the interests of weaker sections society

Note: * Modules of e-governance implemented in ULB
Source: * Reform Appraisal Report, JNNURM, Ministry of Urban Development, Government of India and respective ULB’s website
#Information and Services Need Assessment (ISNA) Study for Urban Local Bodies, Ministry of Urban Development, Government of India, 2012

Recognitions

List any national or international recognition such as awards, pilots, horizontal networks.

- ACCCRN projects
- India Today Best City Awards: Best Emerging in Housing
- Smart Cities Council India’s Top 20 Promising Cities

6. Finance and Health

**Financial**

<table>
<thead>
<tr>
<th>Indicator</th>
<th>City (Municipal Corporation)</th>
<th>State (Urban)</th>
<th>India (Urban)</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of households with access to banking facilities *</td>
<td>64.81</td>
<td>68.97</td>
<td>67.77</td>
</tr>
</tbody>
</table>

**Financial Status**

- Details of municipal income and expenditure (Rs. Lakhs)
  - Income
  - Expenditure
  - 2009-10: 41364.01 / 35803.05
  - 2010-11: 55512.15 / 56818.06
  - 2011-12: 58078.48 / 59742.85

- % of municipal Budget reserved for urban poor@

Source: * Tables of Houses, Household Amenities and Assets, Census of India, 2011
#Information and Services Need Assessment (ISNA) Study for Urban Local Bodies, Ministry of Urban Development, Government of India, 2012
@ Reform Appraisal Report, JNNURM, Ministry of Urban Development, Government of India

**Environmental**

- Swatch Bharat ranking *
  - 381
- Comprehensive Environmental Assessment for available cities*
  - 81.66

*Central Pollution Control Board, Ministry of Environment and Forests, Government of India, 2009

7. Capacity: Track Record & Initiatives

**JNNURM Projects**

<table>
<thead>
<tr>
<th>Status or Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>BSUP/IHSDP</td>
</tr>
</tbody>
</table>
UIG/UIDSSMT

Total Approved Cost of projects (Rs.Lakhs)  

33924.00

Sectorwise details of projects

<table>
<thead>
<tr>
<th>Sector</th>
<th>No of Projects</th>
<th>Total Cost (Rs Lakhs)</th>
<th>Share of sector in total projects approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewerage</td>
<td>1</td>
<td>24139</td>
<td>71.2</td>
</tr>
<tr>
<td>SWM</td>
<td>1</td>
<td>9785</td>
<td>28.8</td>
</tr>
</tbody>
</table>

Share of Central Assistance released (%)  47.95

% of work completed (Physical Progress)  26

Funds Utilised (%)  49.98

Source: www.jnnurm.nic.in (accessed on November, 2015)

Alignment with MoUD Schemes

<table>
<thead>
<tr>
<th>Scheme</th>
<th>Status, Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage City Development and Augmentation Yojana (HRIDAY)</td>
<td></td>
</tr>
<tr>
<td>AMRUT</td>
<td>City is covered under AMRUT Mission</td>
</tr>
<tr>
<td>JNNURM</td>
<td>City was covered under UIG component of JNNURM</td>
</tr>
<tr>
<td>NUIS</td>
<td>City is covered under NUIS</td>
</tr>
<tr>
<td>North Eastern Region Urban Development Programme (NERUDP)</td>
<td></td>
</tr>
</tbody>
</table>

Source: Ministry of Urban Development, Government of India
Questionnaire
INTERVIEW SCHEDULES

INTERVIEW SCHEDULE FOR THE OFFICIALS OF THE TOWN PLANNING AUTHORITIES

Socio Demographic Profile

1. Name (Optional) ____________________________________________________________
2. Position held in the organization/ department ______________________________
3. Age __________________
4. Educational Qualification ________________________________________________

GENERAL QUESTIONS

1. How long have you been associated with the organisation?
2. Is the division of roles and responsibilities between governing body members and executive staff is clear?
3. What is the regularity quotient of meetings between the governing body members and the executive staff?
4. Do the governing body members receive timely information from the staff?
5. What is the level of public participation/ cooperation?
6. Does the governing body regularly reviews the risks to which we are subject and takes action to mitigate the risks identified?

NOTE: Please put a tick ( ) mark on one of the alternatives given against each item.

<table>
<thead>
<tr>
<th>QUESTIONS</th>
<th>STRONGLY AGREE (1)</th>
<th>AGREE (2)</th>
<th>NEITHER A NOR D (3)</th>
<th>DISAGREE (2)</th>
<th>STRONGLY DISAGREE (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is there a provision for a State Spatial Planning Board with composition, powers and functions defined?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Are there three levels of SDPs (Master Plans) mandated in the Act i.e. Metropolitan, Municipal and Ward?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Does the Planning Act conform to constitutional provisions of decentralization in preparation of the SDPs</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>4. Is the role of Planning Authority for the Municipal Spatial Development Planning</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
<td></td>
<td></td>
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<tr>
<td>-------------------------------------------------------------------------</td>
<td>--------</td>
<td></td>
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</tr>
<tr>
<td>performed by the Municipality?</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>5. Is there a clear decentralised procedure for approval of each level of Plans?</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>6. Is there a provision for the establishment of Planning Authorities for notified new towns or special developments?</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>7. Is there adequate institutional capacity to enforce the provisions of the Act?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Are planning boundaries for all three levels of plan notified in conformity with political and administrative structures of District or Metropolitan Region / Municipality / Ward?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Is the public process of dissemination of the SDP and participation held through formal platforms of Area Sabhas or equivalent structures and processes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Are there enabling policies on maximising land utilisation for development and financing?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Is there a framework to evaluate the success of the SDP on economy, environment, heritage conservation and quality of life?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Are you following a City Development Plan or another kind of urban development plan?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. What is the Percentage of Own Revenues to Total Expenditure for the ULB?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Has your city recently undergone political, economic, spatial or sociological changes which raised your awareness concerning planning processes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Are the planning competencies of urban local governments (urban planning/budget planning) in the planning tasks and institutions of local and national governments related?</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td>---</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Do you enforce a vision statement reflecting unique and singular values of your city? Did it help you to make strategic choices?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Does the financing strategy of the state government direct the capital and operating budget of the city purely to planning?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Did political lobbying (up/down; internal/external) and leadership play a role in the implementation of your urban plan?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>In the spirit of increased intergovernmental relations, is your city aligning its planning policy with national and urban priorities?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>Do you set up proper targets and specific indicators to measure the necessary performance of the City?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>Has the State Government enacted the Public Disclosure Law (PDL)?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>Has the state mandated guaranteed public service delivery to citizens?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Does the ULB harness the spirit of volunteerism among its citizens and provide such opportunities for them?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>Do you feel citizens, NGOs and external stakeholders can play in decentralised planning, prioritising and budgeting of municipal programmes?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>Are there tangible benefits of computerised land record projects that have been under way in various states, especially as they relate to urban land issues?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26.</td>
<td>Is there an impact of unreliable land records on urban growth and planning?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>Most planning in urban areas is related to zoning and land use policies, and giving</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
<td></td>
<td></td>
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<tr>
<td>------------------------------------------------------------------------</td>
<td>--------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>directions for urban growth. Is this a sufficient role for planning?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28. Current urban growth in our cities tends to take place along major road corridors like national and state highways. Is this desirable or undesirable?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29. The traditional form of BPL identification has been replaced in states like Kerala by a Poverty Index, which tracks more easily identifiable vulnerabilities. Should there be a way of beneficiary identification among the urban poor?</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>30. Does the private sector play a role in the definition of the action plan?</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>31. Are mechanisms used to consult the states and municipalities to incorporate their objectives in the national urban transport policies?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32. Are there national standards for safety, air quality, visual intrusion, noise pollution which are to be complied with in major projects?</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>33. Is there a document describing the major regulatory policies in the sector? Is this framework restrictive?</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>34. Did your city realize the necessity to establish a diagnosis to identify the main problems? Was it related to ongoing reforms in your country?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35. Is training a regular/routinised part of your service?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
INTERVIEW SCHEDULE FOR THE OFFICIALS OF THE SOLID WASTE MANAGEMENT AUTHORITIES

Socio Demographic Profile

5. Name (Optional) _________________________________________________
6. Position held in the organization/ department __________________________
7. Age __________________
8. Educational Qualification________________________________________

GENERAL QUESTIONS

1. How long have you been associated with the organisation?
2. Is the division of roles and responsibilities between governing body members and executive staff is clear?
3. What is the regularity quotient of meetings between the governing body members and the executive staff?
4. Do the governing body members receive timely information from the staff?
5. What is the level of public participation/ cooperation?
6. Does the governing body regularly reviews the risks to which we are subject and takes action to mitigate the risks identified?

NOTE: Please put a tick ( ) mark on one of the alternatives given against each item.

<table>
<thead>
<tr>
<th>QUESTIONS</th>
<th>STRONGLY AGREE(1)</th>
<th>AGREE (2)</th>
<th>NEITHER D NOR A (3)</th>
<th>DISAGREE (4)</th>
<th>STRONGLY DISAGREE (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. For the clearance of the waste generated do you following any specific legislation / bye law/ guideline?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Are there levels of waste management mandated in the Act?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Does the working of the ULB conform to provisions of decentralisation in preparation of the planning of waste management?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Is the role of the waste generation performed by the municipality only or are their other institutions as well?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>5. Is there a clear decentralised procedure for the functioning of each level of hierarchy/planning/management along with the</td>
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<td>institutionalization of civil society?</td>
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<td>6. Is there a provision for the establishment of Planning/Managing/Functionaries of waste management for notified new towns or special developments?</td>
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<td>7. Is there adequate institutional capacity to enforce the needs of the growing population?</td>
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<td>8. Is waste management carried out in conformity with political and administrative structures of District or Metropolitan Region/Municipality Ward?</td>
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<td>9. Is the public process of dissemination and are there mechanisms of official-citizen interface?</td>
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<td>10. Are there enabling policies on maximising resource utilisation for development and financing?</td>
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<td>11. Is there a framework to evaluate the success of the SDP on economy, environment, heritage conservation and quality of life?</td>
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<td>12. Are you following a City Development Plan or another kind of urban development plan?</td>
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<td>13. Has the two level waste collection, Solid Waste collection-Household Waste collection generated civic awareness?</td>
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<td>14. Has your city recently undergone political, economic, spatial or sociological changes which raised your awareness concerning planning and monitoring processes?</td>
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<td>15. For the collection/transportation/disposal do you have permanent staff or you outsourcing it?</td>
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<td>16. Do you enforce a vision statement reflecting unique and singular values of your city? Did it help you to make strategic choices?</td>
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<td>17. Does the financing strategy of the state government direct the capital and operating budget of the city purely to match the means and ends of its administration and</td>
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<td>Did political lobbying (up/down; internal/external) and leadership play a role in the implementation of your urban plan?</td>
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<td>Has the State Government enacted the Public Disclosure Law (PDL)?</td>
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<td>Has the state mandated guaranteed public service delivery to its citizens?</td>
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<td>Does the ULB harness the spirit of volunteerism among its citizens and provide such opportunities for them?</td>
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<td>Are there tangible benefits of computerised records of the projects that have been under way in various spheres, especially as they relate to e-governance?</td>
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<td>Is there an impact of unmanageable solid waste on urban growth and planning?</td>
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<td>Most planning in urban areas is related to zoning and land use policies, and giving directions for urban growth. Does this have a direct impact on solid waste management?</td>
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<td>Current urban growth in our cities has led to the deposition of waste to open dumping grounds expanding the limits of the cities. Is this desirable or undesirable?</td>
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<td>The concepts of Alandur’s Sewage Plan and Waste to Wealth in Rajkot, has brought about a new perspective of government-citizen engagement. Should there be a way</td>
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in every urban set up relieving the populace of manual scavengers and rag pickers?

30. Does the private sector play a role in the definition of the action plan?

31. Are mechanisms used to consult the states and municipalities to incorporate their objectives in the national urban policies?

32. Are there national standards for safety, air quality, health hazards and environmental degradation to be complied with in major projects?

33. Is there a document describing the major regulatory policies in the sector? Is this framework restrictive?

34. Did your city realize the necessity to establish a diagnosis to identify the main problems? Was it related to ongoing reforms in your country?

35. Is there training at all levels of hierarchy? Is training regular or routined part of your service?
INTERVIEW SCHEDULE FOR THE OFFICIALS OF THE URBAN TRANSPORT AND TRAFFIC MANAGEMENT AUTHORITIES

Socio Demographic Profile

9. Name (Optional) ____________________________________________
10. Position held in the organization/ department _______________________
11. Age _______________
12. Educational Qualification _________________________________

GENERAL QUESTIONS

1. How long have you been associated with the organisation?
2. Is the division of roles and responsibilities between governing body members and executive staff is clear?
3. What is the regularity quotient of meetings between the governing body members and the executive staff?
4. Do the governing body members receive timely information from the staff?
5. What is the level of public participation/ cooperation?
6. Does the governing body regularly reviews the risks to which we are subject and takes action to mitigate the risks identified?

NOTE: Please put a tick ( ) mark on one of the alternatives given against each item.

<table>
<thead>
<tr>
<th>QUESTIONS</th>
<th>STRONGLY AGREE (1)</th>
<th>AGREE (2)</th>
<th>NEITHER AGREE NOR DISAGREE (3)</th>
<th>DISAGREE (4)</th>
<th>STRONGLY DISAGREE (5)</th>
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<tbody>
<tr>
<td>1. Do you follow a specific legislation/ bye law / guideline for the management of urban transport?</td>
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<td>2. Does the present road network provide a planned movement of traffic, undermining the levels of SDPs (Master Plans) mandated in the Act?</td>
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<td>3. Is the traffic graded as per the road capacity of the city?</td>
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<td>4. Does the planning of the traffic conform to the provisions of the Act? Is the role of the planning authority performed by various other institutions as well?</td>
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<td>5. Is there a clear decentralised procedure for approval of each level of traffic management?</td>
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<td>6.</td>
<td>Is there a provision for the establishment of public transport by Traffic and Transportation Authorities for notified new towns or special developments sufficient to match the patterns of urban growth?</td>
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<td>7.</td>
<td>Is there adequate institutional capacity to enforce the provisions of the Act?</td>
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<td>8.</td>
<td>Are mechanisms used to consult the states and municipalities to incorporate their objectives in the national urban transport policies?</td>
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<td>9.</td>
<td>Is the public process of dissemination equivalent to the structures and processes of urban governance?</td>
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<td>10.</td>
<td>Are there enabling policies on traffic mobilisation for development and financing of the resources?</td>
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<td>11.</td>
<td>Is there a framework to evaluate the success of the traffic and transport management policies on economy, environment, heritage and quality of life?</td>
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<td>Are you following a City Development Plan or another kind of urban transport management and development plan?</td>
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<td>14.</td>
<td>Has your city recently undergone political, economic, spatial or sociological changes which raised your awareness concerning traffic management processes?</td>
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<td>15.</td>
<td>Are the planning competences of urban local governments and the Police (urban planning/budget planning) in the planning tasks and institutions of local and national governments related?</td>
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<td><strong>17.</strong> Are economic evaluations mandatory for all proposed urban transport projects considered for financing at the state levels? Are those economic evaluations taken in the interest of private transport services, also?</td>
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<td><strong>18.</strong> Did political lobbying (up/down; internal/external) and leadership play a role in the implementation of your urban plan?</td>
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<td><strong>19.</strong> In the spirit of increased intergovernmental relations, is your city aligning its planning policy with national and urban priorities?</td>
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<td><strong>20.</strong> Do you set up proper targets and specific indicators to measure the necessary performance of the City?</td>
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<td><strong>21.</strong> Has the State Government introduced latest innovations in public transport?</td>
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<td><strong>22.</strong> Has the state mandated guaranteed public service delivery to citizens?</td>
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<td><strong>23.</strong> Does the Traffic and Transportation Authority harness the spirit of volunteerism among its citizens and provide such opportunities for them?</td>
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<td><strong>24.</strong> Do you feel citizens, NGOs and external stakeholders can play in decentralised planning, prioritising and budgeting of programmes?</td>
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<td><strong>25.</strong> Are there tangible benefits of computerised record projects that have been under way in various spheres, especially as they relate to e-governance?</td>
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<td><strong>26.</strong> Is there an impact of fast growing urban agglomerations on traffic distribution and management?</td>
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<td><strong>27.</strong> Has the ever increasing migratory population cushioned the availability and accessibility of the public transport?</td>
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<td><strong>28.</strong> Has the technology made the citizen-government interface</td>
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29. The initiatives viz Delhi-Mumbai Corridor has benefitted six states economy. Ludhiana being an industrial hub should propose the development of such corridors?

30. Has the unprecedented urban growth aggravated the parking problem, critically? Especially, the lack of adequate public transport.

31. Are mechanisms used to consult the states and municipalities to incorporate their objectives in the national urban transport policies?

32. Are there national standards for safety, air quality, visual intrusion, noise pollution which are to be complied with in major projects?

33. Is the regulatory framework restrictive? Is it preventing the entry of new operators in the market?

34. Are there alternative types of energy used in private transport services?

35. Is training a regular and routinised part of your service?
### Questionnaire for Councillors

1. Are you aware of the major provisions of the 74th Constitutional Amendment Act, 1992?

2. What percentage of seats has been reserved for women representatives in your Municipal Corporation?

3. Are you aware of various roles and responsibilities of representation under the 74th CAA?

4. Do you think that the mandatory reservation of women under the Punjab Municipal Corporation Act 1994 is a set up in the right direction?

5. As per this Act ordinarily the corporation shall hold how many meetings in a month for the transaction of business?

6. Is there a proper display of main provisions of Citizen Charter Act in the office of your MC?

7. RTI 2005, which brings transparency in the functioning of the MC, is it applicable in your Corporation? Have you also incorporated RTS?

8. Is there a proper set up to provide information?

9. Are there any provisions for written questions for the councillors?

10. In case of ordinary meeting what is the minimum quorum necessary for transaction of the business?

11. Are the ‘Ward Area’ funds allocated to each ward without any discrimination?

12. How many meetings of the Corporation do you attend?

13. How often do you raise issues? Which type of issues do you raise?

14. How often do the people of the area come to you with their problems?
15. What kind of problems do they generally bring?

16. How much do you think has the 74th CAA empowered the people?

17. In your opinion what is the main difficulty which affects the functioning of the MC?

18. In your opinion what is the main reason behind the staggered/poor performance of the MC?

19. Suggest a way to improve the participation of Councillors in Mc?

20. In your opinion which apathy affects the performance of the representatives most?

21. Does the MC notify you about the upcoming projects?

22. Do you get cooperation from the MC staff?

23. Are elections held regularly?

24. What are your priorities/work priorities for this term?

25. How do you raise resources/funds for your area?

26. Do you have the system of social audit?

27. What are the trends of urban growth that you’ve seen in the recent years?

28. Any landmark project undertaken by you in your tenure?

29. In your opinion, what is the status of the National Mission on sustainable habitat and TPS Gujarat (10%)
30. What is the percentage of the SC/ST councillors in your MC and do you think this has empowered them?
**QUESTIONNAIRE: TRAFFIC AND TRANSPORTATION**

**OFFICIALS**

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<tr>
<th>QUESTIONS</th>
<th>STRONGLY AGREE</th>
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<td>Who is responsible for planning and formulating urban transport sector policies?</td>
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<td>Are mechanisms used to consult the states and municipalities to incorporate their objectives in the national urban transport policies?</td>
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<td>Is there a document describing the major regulatory policies in the sector?</td>
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**QUESTIONNAIRE: URBAN GOVERNANCE**

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<td>How well municipalities are maximising their own sources of funding?</td>
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<td>Should municipalities have a share in some of the central/state taxes?</td>
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<td>Should there be the transfer formulae – vertical and horizontal – between the states and local governments, and horizontally, between rural and urban local governments?</td>
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<td>Should there be any conditions/constraints that are placed on municipalities in their access to debt markets.</td>
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<td>Should municipalities be made to mandatorily spend a sufficient amount of their annual budgets resources on pro-poor programmes?</td>
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<td>Should technology be used to help in managing municipal accounts and finances? Does this be integrated into a holistic municipal e-governance programme.</td>
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<td>Do you feel citizens, NGOs and external stakeholders can play in decentralised planning, prioritising and budgeting of municipal programmes?</td>
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<td>Is there an impact of unreliable land records on urban growth and planning?</td>
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<td>Are there tangible benefits of computerised land record projects that have been under way in various states, especially as they relate to urban land issues?</td>
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<td>Is there a need for a guaranteed system of land title?</td>
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<td>Do new instruments like Transfer of Development Rights (TDRs) appropriateness and effectiveness in the larger planning process?</td>
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<td>Most planning in urban areas is</td>
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related to zoning and land use policies, and giving directions for urban growth. Is this a sufficient role for planning?

Current urban growth in our cities tends to take place along major road corridors like national and state highways. Is this desirable or undesirable?

The traditional form of BPL identification has been replaced in states like Kerala by a Poverty Index, which tracks more easily identifiable vulnerabilities. Should there be a way of beneficiary identification among the urban poor?

Should public services be priced when they are delivered to the urban poor?

Should the urban poor participate in decision-making about various issues that affect their quality of life?

Urban local governments in India play no role in their city’s economic well-being. Is this an acceptable situation? If not, how should this change?

Should the concept of private provision of services be tried in India? If so, in what services, and under what specific structural conditions?

Should there be a regime of “user charges” for public services? What should be the economic considerations in considering user charges? How should these be structured, and for which services?

Are there capacity issues being faced by elected representatives at the municipal level?

Are there challenges related to urban electoral rolls? Given the increasing urbanisation in the country, how can these electoral rolls be maintained with minimal errors?
### QUESTIONNAIRE: URBAN HOUSING

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<td>Does your city officially adopted National Urban Policy</td>
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<tr>
<td>Has your city officially adopted Land Act or Land Code that determines land use?</td>
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<tr>
<td>Which national/state/local institution (ministry, department etc.) is responsible for housing policy?</td>
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<td>Does your country have mass, social or public housing programmes? If so, for each programme, provide: Number of units planned within the programme</td>
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<tr>
<td>Number of units constructed to date</td>
<td>Number of units constructed to date</td>
<td>Number of vacant units</td>
<td>Mass/social/public housing units: absolute number of housing units</td>
<td>% of total housing units in the country</td>
<td>Total population housed in mass/social/public housing.</td>
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<tr>
<td>Are tenants forcibly evicted? Is there a legal process for evictions? Is it followed by officials?</td>
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<td>Question</td>
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<tr>
<td>Any difficulties in implementing the urban and housing policies?</td>
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<tr>
<td>Namely systemic, policy and/or institutional blockages?</td>
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<tr>
<td>Are there any key strengths of the mass housing locality?</td>
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INTERVIEW SCHEDULE FOR PERMANENT CITIZENS

Socio Demographic Profile

1. Name: _______________________________________
2. Age : ______________________________
3. Gender : _________________________________
4. Caste: ___________________________________
5. Educational Qualification: __________________________
6. Monthly Income: __________________________

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<tr>
<th>QUESTIONS</th>
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<th>DISAGREE (4)</th>
<th>STRONGLY DISAGREE (5)</th>
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<tbody>
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<td>1. Are you aware of the 74th Constitutional Amendment Act and its basic provisions?</td>
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<td>2. Which area of the City do you live? Do you own a home or rent it?</td>
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<td>3. Are there any housing problems or issues on your street or in your neighbourhood?</td>
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<td>4. Are you satisfied with the role of the Planning Authorities in your City?</td>
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<td>5. Are there any deficiencies in the roads or streets adjoining your locality? Are there mechanisms of institutionalization for better civil society involvement?</td>
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<td>6. Are there sufficient parks and recreational</td>
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<td>centres in your locality?</td>
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<td>7. Do you think that the institutional capacity of the administration is sufficient enough to match the needs of the populace?</td>
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<tr>
<td>8. Do you locality have adequate catch basins for rainwater on the street where you live?</td>
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<td>9. Has the population explosion changed the dimensions of the City? Has the new dimension developed an administration-citizen interface?</td>
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<td>10. Does the policies enabling land utilisation ensure development and uniform growth?</td>
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<td>11. Is there a framework to evaluate the success of the Spatial Developmental Planning on economy, environment, heritage conservation and quality of life?</td>
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<td>12. Is there a City Development Plan for the City? Do you agree with this vision for Ludhiana City?</td>
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<td>13. Has the two level waste collection, Solid Waste collection-Household Waste collection generated civic awareness? Are you satisfied with the system of waste disposal in the city?</td>
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<td>14. Has your city recently undergone political, economic, spatial or sociological changes which raised your awareness concerning planning and monitoring processes?</td>
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<td>15. Is the road network adjoining your house and prevailing in the city sufficient to provide you swift communication?</td>
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<td>16. Does the vision statement of the City reflect unique and singular values of your city?</td>
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<td>17. Does the financing strategy of the state government direct the capital and operating budget of the city purely to match the means and ends of its populace?</td>
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<td>18. Does the role of political lobbyists satisfy</td>
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<td>19. In the spirit of increased developmental prospects, is your city aligning its planning policy with national and urban priorities?</td>
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<td>20. Does your city match the measure of national standard in prospects of the Cities across the country?</td>
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<td>21. Does your city provide a public disclosure law providing a transparent and accountable platform of citizen-administration interface?</td>
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<td>22. Has the state mandated guaranteed public service delivery to citizens?</td>
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<td>23. Does the ULB harness the spirit of volunteerism among its citizens and provide such opportunities for them?</td>
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<td>24. Do you feel citizens, NGOs and external stakeholders can play in decentralised planning, prioritising and budgeting of municipal</td>
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<tr>
<td>25. Does the state ensure tangible computerised records providing an interface for e-governance? Has there been any innovative technique adopted?</td>
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<td>26. Is there an impact of unmanageable solid waste on urban growth and planning? Is it due to the migrant populace?</td>
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<td>27. Is your house connected to the City’s sanitary sewer system?</td>
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<td>28. Does the street lights in your area function uninterrupted?</td>
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<td>29. Is there an Integrated Solid Waste Management Strategy- Align with “Swachh Bharat Mission”?</td>
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<td>30. Has the growth of city affected its basic structure/values?</td>
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<td>31. Does the state adopt mechanism to involve the citizen prospect in its objectives and policies to upgrade the urban planning and growth?</td>
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<td>32. Are there national standards for safety, air quality, health</td>
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</table>
33. Does the City provide you with requisite medical awareness and facilities as per the changing season?

34. Did your city realize the necessity to establish a diagnosis to identify the main problems? Was it related to ongoing reforms in your country?

35. Have you ever filed an RTI/RTS application? Was it replied within the stipulated time period?
INTERVIEW SCHEDULE FOR THE LITERATE CITIZENS

Socio Demographic Profile

1. Name: __________________________________________
2. Age : __________________________________________
3. Gender : _________________________________________
4. Caste: __________________________________________
5. Educational Qualification: _______________________
6. Monthly Income: ________________________________

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<td>2. Do you own a home or rent it? Do you find the urban growth at a very rapid pace in the last 10 years? Is the housing affordable?</td>
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<td>3. Did you get a job easily i.e. matching your educational profile? Does the City provide a receptive environment for innovation &amp; productivity enhancement which can foster faster economic growth?</td>
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<td>4. Are you satisfied with the role of the Planning Authorities in your City?</td>
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<td>5. Due to the influx of migrants is the City working towards the eradication of Slums?</td>
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<td>6. Has this resulted to an increased crime rate in the City?</td>
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<td>7. Do you think that the institutional capacity of the administration is sufficient enough to match the needs of the populace?</td>
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<td>8. Is the City traffic management a daunting task? Is the commute from your work to your residence swift and easy?</td>
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<td>9. Is the haphazard traffic creating accident scenes?</td>
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<td>10. Does the policies enabling land utilisation ensure development and uniform growth?</td>
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11. Is there a framework to evaluate the success of the Spatial Developmental Planning on economy, environment, heritage conservation and quality of life?

12. Is there a City Development Plan for the City? Do you agree with this vision for Ludhiana City?

13. Has the two level waste collection, Solid Waste collection - Household Waste collection generated civic awareness?

14. Has your city recently undergone political, economic, spatial or sociological changes which raised your awareness concerning planning and monitoring processes?

15. Does the PPP in the urban sector boast the governance
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<td>19. In the spirit of increased developmental prospects, is your city aligning its planning policy with national and urban priorities?</td>
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<td>Question</td>
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<td>21. Does your city provide a public disclosure law providing a transparent and accountable platform of citizen-administration interface?</td>
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<td>22. Has the state mandated guaranteed public service delivery to citizens?</td>
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<td>23. Does the ULB harness the spirit of volunteerism among its citizens and provide such opportunities for them?</td>
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<td>25. Does the state ensure tangible computerised records providing an interface for e-governance? Is the location and working of suvidha centres citizen friendly?</td>
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<td><strong>26. Is there an impact of unmanageable solid waste on urban growth and planning?</strong></td>
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<td><strong>27. Does the City provide ways and mechanisms to control environmental pollution?</strong></td>
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<td><strong>28. Does the City provides medical facilities and safety shelter to stray animals?</strong></td>
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<tr>
<td><strong>29. Is there an Integrated Solid Waste Management Strategy- Align with “Swachh Bharat Mission”?</strong></td>
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<td><strong>30. Does the City provide sufficing and sustainable educational opportunities?</strong></td>
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<tr>
<td>environmental degradation to be complied with in major projects?</td>
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<tr>
<td>33. Can Information Technology be considered as an important pillar of the City? (Socio-economic prospects)</td>
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<tr>
<td>34. Did your city realize the necessity to establish a diagnosis to identify the main problems? Was it related to ongoing reforms in your country?</td>
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<td>35. Have you ever filed an RTI/RTS application? Was it replied within the stipulated time period?</td>
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**INTERVIEW SCHEDULE FOR THE MIGRANT CITIZENS**

**Socio Demographic Profile**

1. Name: _________________________________________
2. Age: ______________________________
3. Gender: _________________________________
4. Caste: ________________________________
5. Educational Qualification: _______________________
6. Monthly Income: __________________________

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<td>1. Are you aware of the 74th Constitutional Amendment Act and its basic provisions?</td>
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<td>2. Do you own a home or rent it? Are you facing any difficulties regarding your rents?</td>
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<td>3. Did you get a job easily? Was it a match to your educational competencies?</td>
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<td>4. Are you satisfied with the role of the Planning Authorities in your City?</td>
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<td>5. Do all members of your family work? Is it the migrants who have brought development to the City?</td>
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6. Does the City have an increased crime rate? Is it due to the migrating populace?

7. Do you think that the institutional capacity of the administration is sufficient enough to match the needs of the populace?

8. Do you use public transport or private a vehicle?

9. Is the City traffic management a daunting task? Is the haphazard traffic creating accident scenes?

10. Does the policies enabling land utilisation ensure development and uniform growth?

11. Is there a framework to evaluate the success of the Spatial Developmental Planning on economy, environment, heritage conservation and quality of life?
12. Is there a City Development Plan for the City? Do you agree with this vision for Ludhiana City?

13. Has the two level waste collection, Solid Waste collection- Household Waste collection generated civic awareness?

14. Has your city recently undergone political, economic, spatial or sociological changes which raised your awareness concerning planning and monitoring processes?

15. Does the PPP in the urban sector boast the governance & service delivery improvement?

16. Does the vision statement of the City reflect unique and singular values of your city?

17. Does the financing strategy of the state
1. Does the government direct the capital and operating budget of the city purely to match the means and ends of its populace?

2. Does the role of political lobbyists satisfy you as a citizen in the urban planning and growth?

3. In the spirit of increased developmental prospects, is your city aligning its planning policy with national and urban priorities?

4. Does your City match the measure of national standard in prospects of the Cities across the country?

5. Does your city provide a public disclosure law providing a transparent and accountable platform of citizen-administration interface?

6. Has the state mandated guaranteed
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<td>26. Is there an impact of unmanageable solid waste on urban growth and planning?</td>
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<td>27. Were you able to purchase an accommodation for your self?</td>
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<td>28. Does the City provide shelter to stray</td>
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<td>32. Are there national standards for safety, air quality, health hazards and environmental degradation to be complied with in major projects?</td>
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<td>33. Do you wish your generations to settle here?</td>
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<td>34. Did your city realize the necessity to establish a diagnosis to identify the main problems? Was it related to ongoing</td>
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reforms in your country?

35. Have you ever filed an RTI application? Was it replied within the stipulated time period?

## INTERVIEW SCHEDULE FOR ILLITERATE CITIZENS

### Socio Demographic Profile

1. Name: _______________________________________
2. Age : ______________________________
3. Gender : _________________________________
4. Caste : ____________________________________
5. Educational Qualification: ___________________
6. Monthly Income: __________________________

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<tr>
<td>1. Are you aware of the 74th Constitutional Amendment Act and its basic provisions?</td>
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<td>2. Do you live in a suburb or slum?</td>
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<td>3. Did you get a job easily?</td>
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<td>4. Are you satisfied with the role of the Planning Authorities in your City?</td>
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<td>5. Do all members of your family work?</td>
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<td>6. Does the City has an increased crime rate?</td>
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<td>7. Do you think that the institutional capacity</td>
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of the administration is sufficient enough to match the needs of the populace?

8. Do you face harassment from the local Police?

9. Is the haphazard traffic creating accident scenes?

10. Does the policies enabling land utilisation ensure development and uniform growth?

11. Is there a framework to evaluate the success of the Spatial Developmental Planning on economy, environment, heritage conservation and quality of life?

12. Is there a City Development Plan for the City? Do you agree with this vision for Ludhiana City?

13. Has the two level waste collection, Solid Waste collection-Household Waste collection generated civic awareness?

14. Has your city recently undergone political, economic, spatial or sociological changes?
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>which raised your awareness concerning planning and monitoring processes?</td>
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<tr>
<td>15. Is the road network adjoining your house and prevailing in the city sufficient to provide you swift communication? (Public transport)</td>
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<td>16. Does the vision statement of the City reflect unique and singular values of your city?</td>
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<td>17. Does the financing strategy of the state government direct the capital and operating budget of the city purely to match the means and ends of its populace?</td>
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<td>18. Does the role of political lobbyists satisfy you as a citizen in the urban planning and growth?</td>
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<tr>
<td>19. In the spirit of increased developmental prospects, is your city aligning its planning policy with national and urban priorities?</td>
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<tr>
<td>20. Does your City match the standards of quality life?</td>
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<td>21. Does your city provide a public disclosure law/</td>
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<tr>
<td>Question</td>
<td>Answer</td>
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<tr>
<td>subsidy, pension, etc. are you getting?</td>
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<td>22. Has the state mandated guaranteed public service delivery to citizens?</td>
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<tr>
<td>23. Does the ULB harness the spirit of volunteerism among its citizens and provide such opportunities for them?</td>
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<td>24. Do you feel citizens, NGOs and external stakeholders can play in decentralised planning, prioritising and budgeting of municipal programmes?</td>
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<td>25. Is the location and working of suvidha centres citizen friendly?</td>
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<td>26. Is there an impact of unmanageable solid waste on urban growth and planning?</td>
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<td>27. Do you send your children to school?</td>
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<td>28. Does the schools provide you the benefits of RTE?</td>
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<tr>
<td>29. Is there an Integrated Solid Waste Management Strategy- Align with “Swachh Bharat Mission”? (Toilets)</td>
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<tr>
<td>Question</td>
<td>Response 1</td>
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<td>30. Has the city provided you with opportunities of growth? Do you wish to continue? (Problems of alcoholism?)</td>
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<td>31. Does the state adopt mechanism to involve the citizen prospect in its objectives and policies to upgrade the urban planning and growth?</td>
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<tr>
<td>32. Are there national standards for safety, air quality, health hazards and environmental degradation to be complied with in major projects?</td>
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<tr>
<td>33. Do have a mobile or a computer at home?</td>
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<td>34. Did your city realize the necessity to establish a diagnosis to identify the main problems? Was it related to ongoing reforms in your country?</td>
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<tr>
<td>35. Have you ever filed an RTI application?</td>
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