

<p>Short title, application and commencement</p> <p>Definitions</p>	<p style="text-align: center;">DRAFT</p> <p>“THE PUNJAB ONE-TIME VOLUNTARY DISCLOSURE AND SETTLEMENT OF VIOLATIONS OF THE BUILDINGS ORDINANCE 2018”</p> <p>An Ordinance to provide for one-time settlement for non-compoundable building violations made in respect of buildings constructed in the Municipal Corporations, Municipal Councils and Nagar Panchayats and for the matters incidental thereto.</p> <p>1.</p> <p>(1) This Ordinance may be called The Punjab One-Time Voluntary Disclosure and Settlement of Violations of the Buildings Ordinance 2018.</p> <p>(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.</p> <p>(3) This Ordinance shall be applicable in the areas falling under the jurisdiction of the Municipal Corporations, Municipal Councils and Nagar Panchayats in the State of Punjab.</p> <p>(4) It shall cease to operate on the expiry of one year from the date of its commencement, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897 shall apply.</p> <p>2. In this Ordinance, unless the context otherwise requires:-</p> <p>(a) “Competent Authority” means authority appointed under section 3 of this Ordinance.</p> <p>(b) “non-compoundable violation” means construction made in violation of the sanctioned plan or without getting the plan sanctioned from the Competent Authority, whole or part of which is non-compoundable as per clause 3.15 of the Building Bye-laws made under the Punjab Municipal Corporation Act, 1976 and the Punjab Municipal Act, 1911;</p> <p>(c) “Scheme area” means the Town Planning /Building Schemes, Improvement Trust Schemes, Urban Estates, Industrial Focal Points or Scheme formulated under any other Ordinance;</p> <p>(d) “Public land” means land owned by the Central or the State Government, Boards and Corporations owned by the Central or the State Government, Public Sector Undertakings constituted under any law and the local authorities;</p> <p>(e) All other expressions used in this Ordinance shall have their respective meanings as assigned to them in the Punjab Municipal Act, 1911/ the Punjab Municipal Corporation Act, 1976 or the Municipal Building Byelaws framed thereunder or</p>
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<p>Competent Authority</p>	<p>in the Punjab Town Improvement Act, 1922 or Schedule of Clauses appended to any Scheme framed under the Punjab Town Improvement Act, 1922.</p> <p>3. Competent Authority shall be:-</p> <p>(a) In case of a Municipal Corporation, the concerned Commissioner of Municipal Corporation, for all categories of buildings;</p> <p>(b) In case of a Municipal Council or a Nagar Panchayat,</p> <p>(i) For residential buildings, concerned Executive Officer;</p> <p>(ii) For non-residential buildings concerned Regional Deputy Director, Urban Local Bodies.</p>
<p>Mode of Application</p>	<p>4.</p> <p>(1) Within a period of one month from the date of coming into force of this Ordinance, any owner of the building who has committed a non-compoundable building violation while constructing such building, may disclose voluntarily such violation and apply online in the prescribed Form along with photographs of such building, duly signed by the owner, to the concerned Competent Authority.</p> <p>(2) Thereafter within a period of two months, the applicant shall submit the required information in prescribed Form along with all the requisite documents/ Plans and prescribed application fee.</p>
<p>One-time Settlement</p>	<p>5.</p> <p>(1) (A) <u>Non-compoundable building violations in a Residential Plotted Building</u></p> <p>The non-compoundable building violations in Residential Plotted Buildings, disclosed voluntarily under sub-section (1) of section 4, may be settled by the Competent Authority on as is where is basis (except mandatory front setback), after spot verification, subject to maximum height of 50'-0" and maximum 50% excess of the permissible FAR, as one-time measure by realizing the following composition fee, namely:-</p> <p>i. in the case of Municipal Corporation / Improvement Trust, five hundred rupees per square feet of the total non-compoundable area on all floors being compounded under this Ordinance;</p> <p>ii. in the case of Class – I Municipal Council / Improvement Trust, four hundred rupees per square feet of the total non-compoundable area on all floors</p>

being compounded under this Ordinance ; and

- iii. in the case of Class – II and III Municipal Council and Nagar Panchayat / Improvement Trust, three hundred rupees per square feet of the total non-compoundable area on all floors being compounded under this Ordinance.

(B). Non-compoundable building violations in a Non – Residential Building

The non-compoundable building violations in non – residential buildings, disclosed voluntarily under subsection (1) of section 4, may be settled by the Competent Authority, on as is where is basis (except the mandatory Front setback, fire safety and parking requirements as mentioned in Schedule-I and public safety / security and public convenience shall not be compromised), after spot verification, subject to maximum 50% excess of the permissible FAR, as one-time measure by realizing the following composition fee, namely:-

- i. in the case of Municipal Corporation / Improvement Trust, two thousand rupees per square feet of the total non-compoundable area on all floors being compounded under this Ordinance;
 - ii. in the case of Class – I Municipal Council / Improvement Trust, sixteen hundred rupees per square feet of the total non-compoundable area on all floors being compounded under this Ordinance; and
 - iii. in the case of Class – II and III Municipal Council and Nagar Panchayat / Improvement Trust, twelve hundred rupees per square feet of the total non-compoundable area on all floors being compounded under this Ordinance.
2. The applicant shall have to make structural changes in the building, if required, to fulfill the required front setback and requirements of fire safety and parking within a period of one month from the date of submission of details in Form as per section 4(2) and shall also submit mandatory clearances from other departments, if required along with a certificate from the Structural Engineer that the building fulfills the structural safety requirements as per B.I.S. norms.
 3. The owner shall be responsible for the conformity of the

	<p>drawings to the actual constructions made in the site and the details therein. It shall be the responsibility of the owner and the Structural Engineer concerned, who has issued the Structural Stability Certificate as per the provisions, to ensure the structural stability of the building.</p> <p>4. For violation of parking requirements, the Competent Authority, if deem fit, may on the request of an applicant or a group of applicants, permit either individually or collectively, an alternate parking site within a distance of 250 meters of such building / buildings.</p> <p>i) Provided that such site shall be transferred free of cost to the concerned Municipal Authority and shall be used only for parking in future.</p> <p>ii) Such site shall either be maintained by the owners of the concerned buildings or if maintained by the Municipal Authority, the owners of concerned buildings shall be liable to pay maintenance charges as prescribed by the Municipal Authority.</p>
<p>Non Compoundable violations to be covered under the Ordinance</p>	<p>6.</p> <p>(1) The Ordinance shall apply to those non compoundable violations only which have been made on or before the 31th day of March, 2018.</p> <p>(2) The cases of non-compoundable violations, which have already been detected by the competent authorities and in respect of which the proceedings are still pending with the concerned authorities, shall also be settled in accordance with this Ordinance. However, for getting such cases settled, the owner shall have to apply afresh under this Ordinance.</p> <p>(3) The non-compoundable violations made after the date specified in sub-section (1), shall not be compounded.</p> <p>(4) The one-time settlement shall, however, be without any prejudice to the disciplinary action, already initiated against the concerned officer or official of the Corporation, Municipal Council or Nagar Panchayat, as the case may be, who is found responsible for aiding or abetting such violation.</p>
<p>Finalization of action under the Ordinance and time limit</p>	<p>7.</p> <p>(1) The Competent Authority shall pass the final order</p> <p>(i) granting permission unconditionally; or</p> <p>(ii) granting permission subject to such conditions as it may think necessary to impose; or</p> <p>(iii) refusing permission; and</p>

<p>Appeal against the orders of the Competent Authority</p>	<p>(iv) where permission is granted subject to the conditions or is refused the ground of imposing such conditions or such refusal shall be recorded in the order and such order shall be communicated to the applicant.</p> <p>(2) The competent authority shall finalize the matter under this Ordinance within a period of nine months after coming into force of this Ordinance.</p> <p>(3) After the expiry of a period of nine months as specified in sub section (1); there shall be no settlement of non-compoundable violations, which have not been disclosed within the aforesaid stipulated period or if disclosed, but not finally settled within the period. Such violations shall be identified by the Competent Authority and action shall be taken as per the provisions of the Punjab Municipal Corporation Act, 1976 or the Punjab Municipal Act, 1911, whichever is applicable.</p> <p>8.</p> <p>(1) Any person aggrieved by any order of the competent authority under this Ordinance, may within a period of thirty days from the communication of the order to him, prefer an appeal to the Director, Local Government, Punjab in such form and manner, as may be specified.</p> <p>(2) the appellate authority may, after giving an opportunity to be heard to the parties and to the competent authority, pass such order, as it may deem fit, either confirming, modifying or setting aside the order of the competent authority, and record its reasons in writing and the order of the appellate authority shall be final.</p> <p>(3) In discharging its functions, the appellate authority shall have all the powers under the Code of Civil Procedure, 1908 of a civil court while deciding an appeal.</p>
<p>Restrictions of Regularization in certain cases</p>	<p>9. During the period of operation of this Ordinance, no relief shall be available under the provisions of the Ordinance in respect of the following categories of non compoundable building violations, namely:-</p> <p>(a) any non compoundable building violations made after the 31st day of March, 2018;</p> <p>(b) encroachment on public land;</p> <p>(c) area, which is notified under the Land Acquisition Act, 1894, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the</p>

	<p>Forest (Conservation) Act, 1980, the Punjab Land Preservation Act, 1900, the Environment (Protection) Act, 1986 and Works of Defence Act, 1903 or restricted area covered under any other Central or State Act prohibiting the construction of buildings in a particular area; and</p> <p>(d) The violation of land use in the Town Planning/ Building Schemes, Improvement Trust Schemes, Urban Estates, Industrial Focal Points or Schemes formulated under any other Act.</p> <p>(e) violations of mandatory Front setback for residential buildings; violations of Front setback, fire safety and parking requirements as mentioned in Schedule-I and public safety / security for non- residential buildings;</p> <p>(f) any type of building as may be decided by the Government</p>
Bar of Jurisdiction of Courts	<p>10. No person shall be entitled to claim any benefit or relief unless all the terms and conditions have been fulfilled and the requisite fee and development charges, as specified by the Government, have been deposited.</p>
Over-riding effect	<p>11. No civil court shall have jurisdiction to entertain any suit or proceedings in respect of any matter the cognizance of which can be taken and disposed of by any authority empowered by this Ordinance or the rules or regulations made thereunder.</p>
	<p>12. Notwithstanding anything inconsistent contained in the Punjab Municipal Act, 1911 and the Punjab Municipal Corporation Act, 1976 and the rules, regulations and bye-laws made thereunder or in any other law enacted by the State Legislature, which is in force in the State of Punjab, the provisions of this Ordinance shall have an overriding effect.</p>
Repeal and Saving	<p>13. The Punjab One-time Voluntary Disclosure and Settlement of Violations of the Buildings constructed in Violation of the Building Bye-laws in the Corporations and the Municipalities Act, 2004 (Punjab Act No. 6 of 2004), is hereby repealed.</p>