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Subordinate  
21-PLA

**PUNJAB VIDHAN SABHA**

**Bill No. 21-PLA-2016**

**THE AMRITSAR WALLED CITY (RECOGNITION OF USAGE) BILL,  
2016**

A

**BILL**

*to provide for one-time recognition of usage in respect of building violations made in commercial establishments within the walled city of Amritsar and for regulated development by providing for public safety, convenience and well being.*

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India, as follows :—

1. (1) This Act may be called the Amritsar Walled City (Recognition of Usage) Act, 2016.

Short title,  
application and  
commencement.

(2) It shall be applicable to the walled city.

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

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

Definitions.

(a) “appointed date” means such date, as may be notified by the State Government ;

(b) “building bye-laws” means the Municipal Corporation (Erection and Re-erection of Building) Bye-laws, 1997 ;

(c) “building violation” means construction of a building made in violation of its 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 ;

(d) “commercial establishment” means a building, other than an industrial building, used or constructed or adopted to be used wholly or partially for shops, private offices, banks, hotels,

restaurants, beauty parlors, boutiques, video parlors, cinemas and auditoriums, or any other such building, being used for similar purpose engaged in trade and commerce, but shall not include nursing homes, hospitals, marriage palaces and multiplexes ;

- (e) "Competent Authority" mean the Commissioner, Municipal Corporation, Amritsar ;
- (f) "prescribed" means prescribed by rules made under this Act ;
- (g) "State Government" means the Government of the State of Punjab in the Department of Local Government ;
- (h) "usage" means the existing use of the commercial establishment as per the municipal record on the appointed date ; and
- (i) "walled city" means the area of Amritsar city bounded by outer circular road within the boundaries of fascile wall and old gates i.e. Hall Gate, Ram Bagh Gate, Mahan Singh Gate, Sheran Wala Gate, Ghee Mandi Gate, Sultanwind Gate, Chatiwind Gate, Gilwali Gate, Bhagtan Wala Gate, Hakiman Gate, Khazana Gate, Lahori Gate, B.K. Dutt Gate, Lohgarh Gate, Hathi Gate and Sikandri Gate as shown in the Schedule appended to this Act.

(2) All other expressions used, but not defined, in this Act shall have their respective meanings as assigned to them in the Punjab Municipal Corporation Act, 1976 and the building bye-laws.

Mode of application.

3. (1) Within a period of thirty days from the date of coming into force of this Act, any owner of a commercial establishment, within the walled city, may voluntarily disclose about any building violation and apply to the Competent Authority for recognition of its usage as on the appointed date. Such an application shall be submitted as per Form 'A' along with photographs of such establishment, duly signed by its owner.

(2) Thereafter, within a period of ninety days, the applicant shall submit the required information in Form 'B' alongwith all the requisite documents/plans and such application fee, as may be prescribed.

4. (1) The building violations and usages as they exist on the appointed date and disclosed voluntarily shall be settled by the Competent Authority, as a one-time measure, on as-is-where-is basis, subject to adherence to such norms and upon payment of such composition fee, as may be prescribed by the State Government in view of the peculiar situation of the walled city.

One-time recognition of usage in commercial establishment.

(2) The applicant shall have to make structural changes in the building if required to bring it in conformity with prescribed norms within a period of ninety days from the date of submission of details in Form 'B' and shall also submit mandatory clearances from other departments/authorities, if required.

(3) In case such owner/applicant does not comply with the prescribed norms, then the water supply/sewerage connections to the whole commercial establishment shall be disconnected after giving a notice of thirty days, which shall be followed by sealing.

5. The Competent Authority shall pass the final order and finalize the matter under this Act within a period of one year after coming into force of this Act.

Time limit for finalizing action under the Act.

6. (1) No usage, in case of a building violation, shall be recognized if it involves encroachment on any public a private land.

Restrictions on recognition of usage.

(2) The one-time recognition shall be without prejudice to the disciplinary action, as may be taken against the concerned officer or official of the Municipal Corporation, Amritsar, who is found responsible for aiding or abetting such usage and building violations.

7. Notwithstanding anything inconsistent contained in the Punjab Municipal Corporation Act, 1976 and the rules, regulations and the building bye-laws made thereunder, the provisions of this Act shall have an over-riding effect.

Overriding effect.

	No. of slabs		
		Date of construction	(b)

1. We certify that the construction of slabs in violation of the provisions of the Punjab Municipal Corporation Act 1976 and the Building Bye-laws is hereby cancelled.

2. We hereby certify that the building is not eligible for recognition of usage in view of the provisions of the Punjab Municipal Corporation Act 1976 and the Building Bye-laws.

**FORM 'A'**

[See section 3(1)]

**Application form for recognition of building violations and usage**  
To

The Commissioner,  
Municipal Corporation,  
Amritsar.

- I/We have constructed a commercial/hotel building or carried out alteration/ addition to an existing building before \_\_\_\_\_ without obtaining sanction from the Competent Authority.
- I/We have obtained sanction *vide* permit No. \_\_\_\_\_ more dated \_\_\_\_\_ more for the construction or reconstruction or addition or alteration to an existing building and have carried out the construction in deviation to sanctioned plans.

The particulars of the said building are as under :

(a)	Name of owner(s) of the Building		
(b)	Address of property in question	Property No.	
		Block No./Street	
		Ward No./Locality	
(c)	Description of Building	Use of building	
		Plot area	
		No. of storeys	
(d)	Date/Year of construction		

1. I/We realize that the construction so carried out is in violation of the provisions of the Punjab Municipal Corporation Act, 1976 and/or the Building Bye-laws framed thereunder.
2. I/We hereby request that the said building may be considered for recognition of usages in terms of the provisions of the Amritsar Walled City (Recognition of Usage) Act, 2016.

3. I/We declare that the building does not encroach on any public/private land or on public space by virtue of any Scheme.
4. I/We declare that neither any dispute regarding ownership or construction thereof is pending with any Court, Authority/Department or with any person nor any adverse orders have been passed by any Court or Authority/Department pertaining to or with reference to the land/plot or building therein.
5. I/We also undertake to *abide* by and comply with all the conditions, which may be imposed while recognizing the usages in the aforesaid building.
6. I/We solemnly affirm and declare that the above information is true/correct to the best of my/our knowledge/belief.
7. The photographs showing the elevation of the building from all sides are enclosed.

Yours faithfully,

(Signature/Thumb impression of applicant with date of submission and address)

				(a) Name of applicant of the
				(b) Plot Area in sq. m.
				(c) Number of storeys
				(d) Floor/level no.
				(i) Basement
				(ii) Ground floor
				(iii) First floor
				(iv) Second floor
				(v) Third floor
				(vi) Fourth floor

**FORM 'B'**

[See section 3(2)]

**Application form for recognition of building violations and usage**

To

The Commissioner,  
Municipal Corporation,  
Amritsar.

Sir,

In continuation of my Application for recognition of building violations and usage in Form A, submitted *vide* number \_\_\_\_\_ dated \_\_\_\_\_, I hereby submit the following details/documents/Plans as required under sub-section (2) of section 3 of The Amritsar Walled City (Recognition of Usage) Act, 2016.

(a)	Name of owner(s) of the commercial establishment				
(b)	Address of property in question		Property No.		
			Block No./Street		
			Ward No./Locality		
(c)	Description of the commercial establishment				
	(a)	Plot area			
	(b)	Number of storeys			
	(c)	Floor wise area	Use	Total Area	Non-compoundable area
		(i)	Basement		
		(ii)	Ground Floor		
		(iii)	First Floor		
		(iv)	Second Floor		
		(v)	Third Floor		
		(vi)	Fourth Floor		

	Total Area			
		Permissible/ Required	As per site	Non compoundable
(d)	FAR			
(e)	Height			
(f)	Setbacks			
	Front			
	Side-I			
	Side-II			
	Rear			
(g)	Parking			

2. Checklist of enclosures to be furnished by the owner :—

- (a) Copy of ownership document ;
- (b) Copy of approved building plan, if any ;
- (c) Structural Safety Certificate given by the Structural Engineer ;
- (d) Fire Safety Certificate, if applicable ;
- (e) Four copies each of the Location Plan, Site Plan, Floor plans, Elevations and Sections of the commercial establishment, Service Plans and specifications as provided in the building byelaws, duly signed and certified in the prescribed format, by the owner and Architect/building designer.

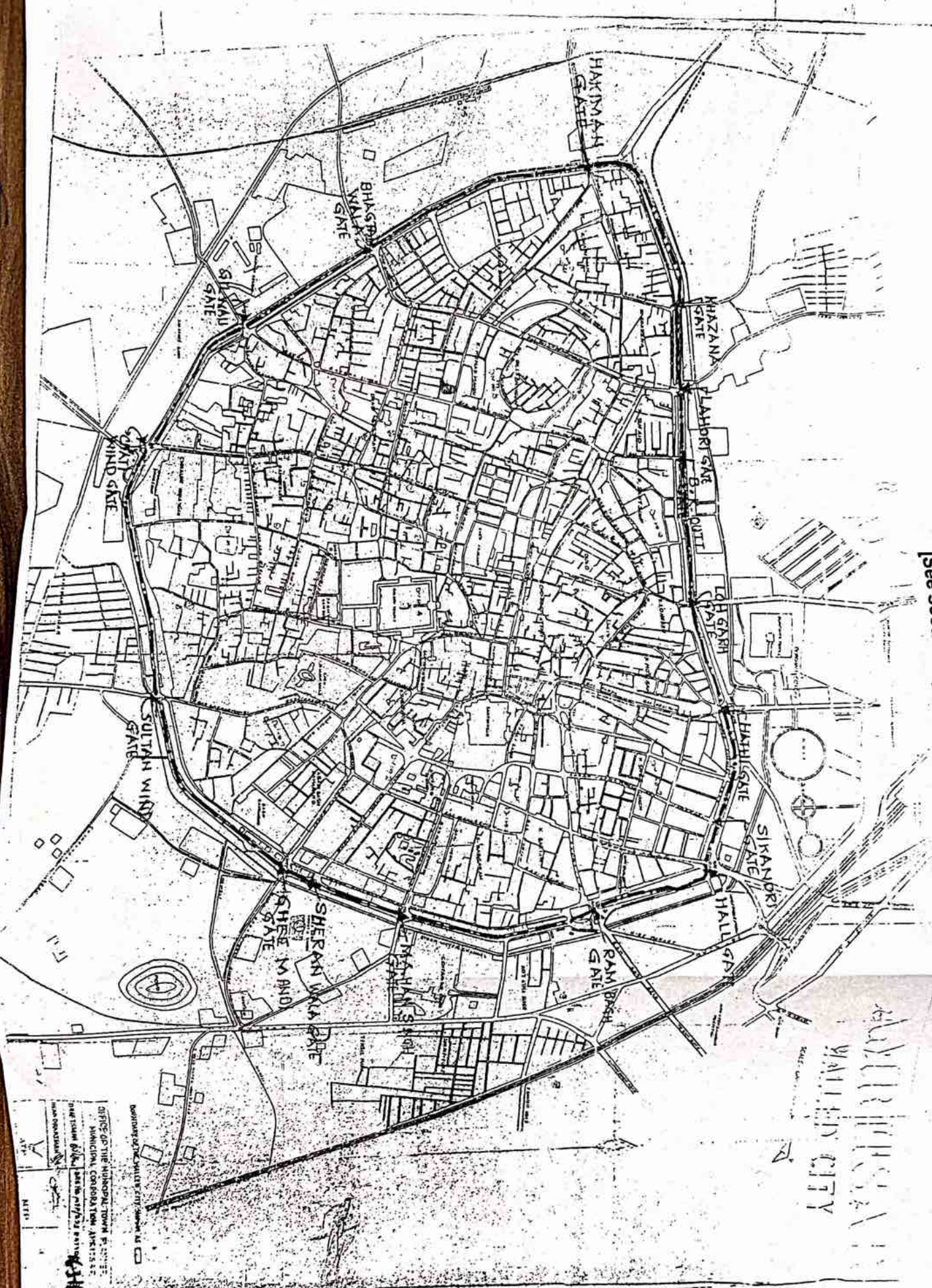
*(Note :—In the drawings/Plans the non-compoundable violations shall be outlined in red colour and All the drawings/Plans shall be duly signed and certified by the Owner and the Architect/Building designer that the constructions have been raised on or before the appointed date and all the details/measurements are as per construction existing at site.)*

Yours faithfully,

(Signature/Thumb impression of  
applicant with date of submission)

SCHEDULE

[See section 2(1)(i)]



ADDITIONAL  
MATERIAL CITY

DEPT. OF THE MUNICIPAL CORPORATION, AMRITSAR  
MUNICIPAL CORPORATION, AMRITSAR  
OFFICE OF THE MUNICIPAL CORPORATION, AMRITSAR  
MUNICIPAL CORPORATION, AMRITSAR  
OFFICE OF THE MUNICIPAL CORPORATION, AMRITSAR  
MUNICIPAL CORPORATION, AMRITSAR

## STATEMENT OF OBJECTS AND REASONS

The walled city of Amritsar enjoys a place of reverence and heritage. The walled city has been in existence for over four hundred years, during which properties have been used for considerable length. The rights have come to be vested in people on account of unhindered continuous use and occupation of the property. It has thus necessitated the need to recognize and regularize such existing usage and violations. Accordingly, the present Bill, i.e. The Amritsar Walled City (Recognition of Usage) Bill, 2016 aims to make suitable provisions. Hence this Bill.

ANIL JOSHI,

Minister for Local Government, Punjab.

CHANDIGARH :  
The 21st March, 2016.

SHASHI LAKHANPAL MISHRA,  
Secretary.

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*N.B.*— The above Bill was published in the *Punjab Government Gazette (Extraordinary)*, dated the 21st March, 2016 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).