



The Uttar Pradesh Regulation of Buildings and Use of Land (Nuclear Installations Area) Act, 1988
Act 19 of 1992

Keyword(s):

Building, Exclusion Area, Nuclear Installation, Nuclear Installation Area, Nuclear Installation Local Authority, Sterilized Area

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

No. 2670(2) | XVII-V - 1-1 (KA)-9-1988

Dated Lucknow, August 20, 1992

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Bhavan Aur Bhoomi Upayog Viniyaman (Nabhikiya Pratishthapan Kshetra) Adhiniyam, 1988 (Uttar Pradesh Adhiniyam Sankhya 19 of 1992) as passed by the Uttar Pradesh Legislature and assented to by the President on July 31, 1992.

THE UTTAR PRADESH REGULATION OF BUILDINGS AND USE OF LAND (NUCLEAR INSTALLATIONS AREA) ACT, 1988

(U. P. Act No. 19 of 1992)

(As passed by the U. P. Legislature)

AN

ACT

to provide for the control of the construction of buildings and the use of land in the neighbourhood of any nuclear installation in the State of Uttar Pradesh.

IT IS HEREBY enacted in the thirty-ninth year of the Republic of India as follows :—

Short title, extent and commencement

1. (1) This Act may be called the Uttar Pradesh Regulation of Buildings and use of Land (Nuclear Installations Area) Act, 1988.

(2) It extends to the whole of the State of Uttar Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

Definitions

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

(1) "building" includes—

(a) a house, out house, stable, cattle-shed, cattle house, latrine, godown, shed, hut, wall, roofed enclosure and any other such structure, whether wholly or partially constructed of masonry, bricks, mud, wood, metal or any other material whatsoever ;

(b) a structure on wheels or resting on the ground without foundation ; and

(c) a tent, van and any other structure used for human habitation or use for keeping or storing any article or goods ;

(2) a person shall be deemed to—

(i) erect a building if he constructs a building for the first time or re-constructs an existing building after demolishing it ;

(ii) re-erect a building, if he—

(a) makes any material alteration to or enlargement of a building, or

(b) converts into a dwelling place any building not originally constructed for that purpose, or

(c) converts into two or more dwelling places a building originally constructed as a single dwelling place, or

(d) converts two or more dwelling places into a larger number of such places, or

(e) converts into a factory, workshop or godown or into a stable, cattle shed or cattle-house any building originally constructed as a dwelling place, or

(f) makes any alteration which is likely to affect prejudicially the stability or safety of a building or the condition of a building in respect of its drainage, sanitation or hygiene, or

(g) makes any alteration to a building which increases or diminishes its height or the area covered by it or the cubic capacity thereof, or which reduces the cubic capacity of any room therein ;

3. notification
control
nuclear

4. sions
and rel
installa
modific

(2)
to mod
in part
or Sec
Mahar
its Che
sions c
notific

5.
or any
area fo
fural,
land
land

P
the co
any
over
of an
the n

(3) "exclusion area" in relation to a nuclear installation means such area, within 1.6 kilometres from any portion of the boundary of such nuclear installation, as may be specified by the State Government by notification in this behalf ;

(4) "nuclear installation" means the atomic power station at Narora, in the district of Bulandshahr and includes any other place notified by the State Government in this behalf wherein other facilities connected with research and development in nuclear energy in Narora are provided or any other atomic power station notified by the State Government in this behalf ;

(5) "nuclear installation area", in relation to a nuclear installation, means the exclusion area and the sterilized area in relation to such nuclear installation ;

(6) "nuclear installation local authority", means the nuclear installation local authority constituted under section 3 ;

(7) "sterilized area", in relation to nuclear installation means such area within 4.8 kilometres from any portion of the boundary of such nuclear installation, as may be specified by the State Government by notification, but not including the exclusion area.

3. (1) For every nuclear installation the State Government shall, by notification, constitute a nuclear installation local authority for the purpose of controlling the erection or re-erection of buildings and the use of land in the nuclear installation area.

Constitution of nuclear installation local authority

(2) The authority shall consist of the following :—

- (a) The Collector of the District in which the Nuclear Installation is Situate. *Member-Chairman*
- (b) The Chief Executive Officer of the Nuclear Installation. *Member-Secretary*
- (c) The Chief Zonal Engineer—Uttar Pradesh State Electricity Board. *Member*
- (d) Four members to be nominated by the State Government by notification.

4. (1) The State Government may, by notification, direct that the provisions of any enactment for the time being in force in the State of Uttar Pradesh and relating to public health local self-government shall not apply to the nuclear installation area or shall apply thereto only to such extent and subject to such modifications and restrictions as may be specified in such notification.

Exemption from certain Acts

(2) Where the enactments referred to in sub-section(1) are applied subject to modifications or restrictions, the notification under sub-section (1) may in particular authorise the nuclear installation local authority or its Chairman or Secretary to perform any duty or exercise any power assigned to a Nagar Mahapalika, Municipality, Town Area, Notified Area or a Zila Parishad or to its Chairman or President or to any other authority or officer under the provisions of the Act so applied, subject to such control as may be specified in such notification.

5. No person other than the State Government or the Central Government or any local authority shall use or cause to be used any land in the exclusion area for any purpose including agricultural purpose, or carry out any agricultural, building, engineering, mining or other operation in or over or under any land in such area or make any material change in the use of any building or land in such area :

Prohibition of use of land etc. in exclusion area except for certain purposes

Provided that no local authority shall use or cause to be used any land in the exclusion area for any purpose including agricultural purpose or carry out any agricultural, building, engineering, mining or other operations in or over or under any land in such area or make any material change in the use of any building or land in such area without the prior approval in writing of the nuclear installation local authority :

Provided further that the continuance of the use of any building or land for the purpose and to the extent for and to which it was being used on the date on which such area is notified as exclusion area under clause (3) of section 2 may be permitted by the nuclear installation local authority by general or special order for such period and upon such terms and conditions as may be prescribed.

Prohibition of erection or re-erection of building, etc. without permission

6. No person other than the State Government or the Central Government shall—

- (a) erect or re-erect a building on any land; or
- (b) put to use any agricultural land to any non-agricultural purpose; or
- (c) carry out any engineering, mining or other operation on any land :

within the sterilized area without the prior permission in writing of the nuclear installation local authority and except in accordance with the terms and conditions specified in such permission.

Application for permission

7. (1) An application for permission under section 6 shall be in such form, contain such particulars and be accompanied by such plans and fee as may be prescribed.

(2) The Applicant shall also furnish to the nuclear installation local authority any further information or plans which it may require, within such time as may be fixed by it.

Grant of permission

8. (1) On receipt of an application under section 7, the nuclear installation local authority may grant permission subject to such terms and conditions as it may think fit to impose or refuse to grant the permission :

Provided that the permission shall not be refused unless the applicant has been given an opportunity of making his representations.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the nuclear installation local authority may, in granting permission under sub-section (1) for the erection or re-erection of a building impose conditions in respect of all or any of the following matters, namely—

- (a) the free passage or way to be left in front of the building;
- (b) the open space to be left about the building to secure free circulation of air and the prevention of fire and to facilitate scavenging;
- (c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist;
- (d) the provision and position of drains, latrines, urinals, and cess-pools or other receptacles for rubbish or filth ;
- (e) the level and width of the foundation, the level of the lowest floor, and the stability of the structure;
- (f) the line of frontage, with neighbouring buildings if the building abuts on a street;
- (g) the means of egress from the building in case of fire;
- (h) the materials to be used for, and the method of construction of, external and partition walls, rooms, floors, fire-places and chimneys;
- (i) the height and slope of the roof above the upper-most floor on which human beings are to live or cooking is to be done; and
- (j) any other matter affecting the ventilation and sanitation of the building.

(3) In granting or refusing permission under sub-section (1), the nuclear installation local authority shall have regard to the following matters, namely—

erec
be t

or si

the
an

of o
erec
pos
is g
ther
ther

abe

erec
nor
etic

sh
ce
dr
vi

pr
an
cc
an

(a) the possibility of the erection or re-erection of building, the non-agricultural purpose for which the land is to be used or the carrying out of any engineering, mining or other operation ;

(i) creating unfavourable conditions in the environment of the nuclear installation resulting in accidental release of radio activity into the atmosphere; or

(ii) resulting in consequent growth of population around the nuclear installation ; and

(b) such other matters as may be prescribed.

(4) The permission granted under sub-section (1) for the erection or re-erection of a building shall specify the purpose for which the building is to be used.

9. (1) The nuclear installation local authority may, at any time, cancel or suspend the permission granted under section 8, if—

Power to cancel
or suspend
permission

(a) such permission has been obtained by fraud mis-representation or suppression of material particulars ; or

(b) the holder of the permission has contravened any of the provisions of this Act or any rules made thereunder or any of the terms or conditions subject to which the permission was granted.

(2) Before cancelling or suspending the permission under sub-section (1), the nuclear installation local authority shall give the holder of the permission an opportunity of making his representation.

10. Every permission granted under section 8 shall be valid for a period of one year from the date on which it is granted and if the erection or re-erection of the building or the use of agricultural land for non-agricultural purpose, or the engineering, mining or other operation for which the permission is granted is not commenced within the said period, it shall not be commenced thereafter unless the nuclear installation local authority on application made therefor has extended the period.

Lapse of per-
mission

11. (1) Whoever contravenes the provisions of section 5 shall be punishable with fine which may extend to five thousand rupees.

Penalties

(2) Whoever within the sterilized area begins, continues or completes the erection or re-erection of a building, or puts to use any agricultural land to non-agricultural purpose or carries out any engineering, mining or other operation—

(a) without permission ; or

(b) without complying with any of the terms or conditions subject to which the permission has been granted ; or

(c) when permission has been refused ; or

(d) after the permission granted has ceased to be valid in accordance with the provisions of this Act,
shall be punishable with fine which may extend to five thousand rupees.

(3) Whoever within the sterilized area—

(a) uses any building erected or re-erected for a purpose other than that specified in the permission ;

(b) puts to use any agricultural land to non-agricultural purpose other than the purpose for which the use of the land was permitted ;

shall be punishable with fine which may extend to five thousand rupees and in case of continuing offence with a further fine which may extend to one hundred rupees for each day during which such offence continues after conviction for the first commission of the offence.

12. (1) If the person committing an offence under this Act is company, every person who at the time the offence was committed, was in-charge 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 :

Offence
companies by

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

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been 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 of the company, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section—

(a) "company" means a body corporate and includes a firm, society or other association of individuals, and

(b) "director" in relation to—

(i) a firm, means a partner in the firm,

(ii) a society or other association of individuals, means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

Power to stop work

13. (1) The nuclear installation local authority may, at any time by notice in writing, direct the owner, lessee or occupier of any land in the nuclear installations area—

(a) to stop the user of any building or land for any purpose; or

(b) to stop the erection or re-erection of any building on such land; or

(c) to alter or demolish, within such time as may be specified in the notice, any building or any part thereof; or

(d) to stop the user of any agricultural land for non-agricultural purpose; or

(e) to stop the building, engineering, mining or other operation,

if in the opinion of such authority the user of the building or land, the erection or re-erection of the building or part thereof or the user of any agricultural land for non-agricultural purpose or the carrying out of the building, engineering, mining or other operation is in contravention of any of the provisions of this Act, the rules made thereunder or of the terms and conditions subject to which permission is granted under this Act.

(2) If any direction given under sub-section (1) is not complied with, within the time specified therefor in the notice, the nuclear installation local authority may have such direction carried into effect at its cost and have the amount thereof recovered from the defaulter as if it were an arrear of land revenue.

Appeal

14. (1) Any person aggrieved by—

(a) any order or decision of the nuclear installation local authority under this Act; or

(b) any direction issued under section 13, may appeal to the Commissioner within such time and in such manner as may be prescribed:

Provided that the Commissioner may, in his discretion, allow further time not exceeding one month for the filing of any such appeal, if he is satisfied that the appellant had sufficient cause for not filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Commissioner shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(3) The Commissioner may stay the operation of the order or decision or direction appealed against pending disposal of the appeal.

15. (1) The State Government may, either *suo motu* or on application made in this behalf call for and examine the record of any proceeding under this Act, to satisfy itself as to the regularity of such proceeding of the correctness, legality or propriety of any order or decision made or direction issued therein and may pass such orders in relation thereto as it may think fit :

Revision

Provided that where under this Act an appeal lies and no appeal is preferred no application by way of revision shall be entertained at the instance of the person who could have appealed.

(2) No order under sub-section (1) shall be made to the prejudice of any person unless he has had a reasonable opportunity of making his representation.

(3) The State Government may stay the operation of any such order, decision or direction pending the exercise of its powers under sub-section (1) in respect thereof.

(4) Every application to the State Government for the exercise of its powers under this section shall be made within two months from the date on which the order, decision or direction to which the application relates was communicated to the applicant :

Provided that the State Government may, in its discretion, allow further time not exceeding one month for the making of any such application, if it is satisfied that the applicant had sufficient cause for not making the application in time.

(5) The State Government may, by notification in the *Gazette*, delegate the powers conferred upon it by sub-section (1) to any authority or officer, who shall be not below the rank of Special Secretary to the State Government.

16. No compensation shall be claimed by any person for any damage or loss sustained by him in consequence of—

Bar of Compensation

(a) the refusal to grant permission by the nuclear installation local authority ; or

(b) any condition subject to which any such permission is granted; or

(c) any direction issued under section 13 ; or

(d) any order passed by the Commissioner under section 14 or by the State Government under section 15 ; or

(e) the operation of any of the provisions of this Act or the rules made thereunder.

17. No Civil Court shall have jurisdiction, notwithstanding anything contained in the specific Relief Act, 1963 to decide or deal with any question which is by or under this Act required to be decided or dealt with by any authority or officer mentioned in this Act.

Civil Courts not to decide questions under this Act of 1963

18. (1) Any order passed or decision taken by any authority or officer in respect of matters to be determined for the purposes of this Act shall, subject only to appeal or revision, if any, provided under this Act, be final.

Finality of orders passed under this Act

(2) No such order or decision shall be liable to be questioned in any court of law.

19. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other Act, law, custom, usage or contract.

Act to override other laws

(2) Save as otherwise provided in sub-section (1) the provisions of this Act shall be in addition to and not in derogation of any other Act.

20. (1) The State Government may make rules to carry out the purposes of this Act.

Power to make rules

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provided for all or any of the following matters, namely :-

- (a) all matters expressly required or allowed by this Act to be prescribed ;
- (b) the rules for the conduct of business of the nuclear installation local authority ;
- (c) the form of application for permission and the information and plan to be furnished either alongwith such application or subsequently;
- (d) the matters that the nuclear installation local authority should take into consideration while granting permission under the proviso to section 5 or while granting or refusing a permission under section 8;
- (e) the time with in which and the manner in which appeal under section 14 may be preferred; and
- (f) the fees which may be charged in respect of any application made, appeal preferred, or proceeding taken, under this Act.

By order,
N. K. NARANG,
Sachiv.