सत्यमेव जयते

GOVERNMENT OF PUDUCHERRY

PUDUCHERRY CODE
VOLUME - I

LAW DEPARTMENT
PUDUCHERRY

THE PUDUCHERRY CODE
VOLUME-I

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The Law Department, Government of Puducherry.

SECOND EDITION 2010

(As codified upto 30th September, 2010)

This edition has been revised and updated by

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सत्यमेव जयते

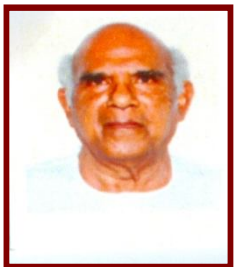
FOREWORD

In public administration without the understanding of the updated Laws enacted by the Government, equity and justice cannot be ensured. This in turn leads to delay and avoidable litigation. Therefore, an authentic compilation of all Laws duly updated, is an essential reference document, which every officer in the UT Administration should have ready access to.

I congratulate the Law Department for the efforts made by them in bringing out the First Volume of Puducherry Code covering all enactments made upto 1966 duly updated upto 30.09.2010. I do hope that all the remaining volumes will also be brought out before the year end.

Puducherry,
02.11.2010

R. CHANDRAMOHAN, I.A.S.,
CHIEF SECRETARY TO GOVERNMENT



FOREWORD

No one can plead ignorance of law. This principle is applied daily against citizens both by the Administration and the Judiciary. For this principle to be applied legitimately it is necessary that the law makes itself known to citizens in an adequate manner. In olden days this was effectively accomplished by a herald going through the streets with a tom tam. Now it is sought to be achieved by way of publication in the official gazette. But all citizens cannot afford to subscribe to the gazette and to preserve the issues for years. Interested people may of course consult the gazette in the public libraries provided the latter possess the gazette well preserved in order.

Realising the lacuna, the Law Department has come forward to publish a chronological collection of laws of Puducherry under the name of codes as early as in 1981. Those publications have become out dated and gone out of print. So this second edition of Puducherry codes is mostly welcome. The present publication which is the first of the series has been brought out in an excellent manner. It will be of great help to officials and lawyers. The Government of Puducherry and its Law Department including the Librarian have to be felicitated and thanked for this precious work.

It is trusted that the Law Department will proceed further in its enterprise of making law known to the citizens. The next step could be to put the texts of law in the internet in an alphabetical order and to keep it up-to- date. This will satisfy fully the needs of the upper layer of the population. For the rest it would be necessary to bring out booklets incorporating the substance of important laws in the local language. The Legal Services Authority may be associated to that task.

The rule of law requires obeisance to law by everyone, which in turn requires knowledge of law. The interest of the Government in this matter disclosed by this publication will blossom, I believe, in the propagation of that knowledge to the full extent.

Puducherry,
11.01.2011

JUSTICE DR. DAVID ANNOUSSAMY
FORMER JUDGE OF THE MADRAS HIGH COURT

सत्यमेव जयते

PREFACE

Codification of statutory materials after incorporation of all amendments therein serves as a ready-reckoner. Codification of various enactments ensures a well-ordered state of the whole body of laws in a civil society and facilitates upholding of the rule of law. It is with this end in view that the Law Department of the Government of Puducherry codify various Acts, Regulations and Ordinances right from the inception of the Union Territory of Puducherry.

The Law Department had published the Pondicherry Code Volumes I, II and III in the year 1981. The Acts upto 1973 had been incorporated in these volumes.

Now the Law Department has compiled the legislations upto 1966 and the revised edition of the Puducherry Code Volume I has been codified as on 30th September, 2010. The special feature of this revised volume is that it embodies certain Rules framed under the relevant Acts with the ardent hope that it would be highly beneficial to the end-users.

The Government of Puducherry has enacted 443 Acts, 19 Regulations and 4 Ordinances as on 30th September, 2010. All those statutory materials are planned to be incorporated in subsequent volumes.

Our compliments to Mr. K. Oumabady, Assistant Library and Information Officer in the Law Department, who was of immense help in this endeavour of bringing out this revised edition.

It is hoped that the present revised edition of the Puducherry Code Volume I would be of great help to the academicians, members of the Bar and the Bench, other legal fraternity and the general public.

Puducherry
25.10.2010

JOHN CLAUDE POMPEI MARIADASSOU, M.A., M.L., D.F.L.,
LAW SECRETARY TO GOVERNMENT

PUDUCHERRY CODE

Volume – I

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DE FACTO AGREEMENT DATED 21st OCT. 1954

Agreement between the Government of India and the Government of France for the settlement of the question of the future of the French Establishments in India signed on the 21st October, 1954.

Article 1 :

With effect from November 1st , 1954, the Government of India shall take over the administration of the territory of the French Establishments in India. These Establishments will keep the benefit of the special administrative status which was in force prior to the *de facto* transfer. Any constitutional changes in this status which may be made subsequently shall be made after ascertaining the wishes of the people.

Article 2 :

The municipal regime in the communes of the Establishments and the regime relating to the Representative Assembly shall be maintained in their present form.

Article 3 :

The Government of India shall succeed to the rights and obligations resulting from such acts of the French Administration as are binding on these Establishments.

Article 4 :

Questions pertaining to citizenship shall be determined before de jure transfer takes place. Both the Governments agree that free choice of nationality shall be allowed.

Article 5 :

With effect from the date of the *de facto* transfer the Government of India shall take in their service all the civil servants and employees of the Establishments, other than those belonging to the metropolitan cadre or to the general cadre of the France d' Outre-Mer Ministry. These civil servants and employees including the members of the public forces shall be entitled to receive from the Government of India the same conditions of services, as respects remuneration, leave, and pension and the same right as respect disciplinary matter or the tenure of their posts, or similar rights as changed circumstances may permit, as they were entitled to immediately before the date of the *de facto* transfer. They

shall not be dismissed or their prospects shall not be damaged on account of any action done in the course of duty prior to the date of the de facto transfer.

French civil servants, magistrates and military personnel born in the Establishments or keeping their family links shall be permitted to return freely to the Establishments on leave or on retirement.

Article 6 :

The Government of France shall assume responsibility for payment of such pensions as are supported by the metropolitan budget. The Government of India shall assume responsibility for the payment of pensions, allowances and grants supported by the local budget. The system of pensions according to the rules of the various local Retirement Funds shall continue to be in force.

Article 7 :

Nationals of France and the French Union born in or domiciled in the Establishments on the date of the *de facto* transfer and at present practicing their professions therein shall be permitted to carry on their professions in these Establishments without being required to secure additional qualifications, diplomas or permits, or to comply with any new formalities.

Article 8 :

The administration's charitable institutions and loan offices shall continue to operate under their present status, and shall not be modified in the future without ascertaining the wishes of the people. The present facilities granted to the private charitable institutions shall be maintained.

Article 9 :

Properties pertaining to worship or in use for cultural purposes shall be in the ownership of the missions or of the institutions entrusted by the French regulations at present in force with the management of those properties.

The Government of India agree to recognise as legal corporate bodies, with all due rights attached to such a qualification, the "Conseils de Fabrique" and the administration boards of the missions.

JUDICIAL MATTERS

Article 10 :

Judicial proceedings instituted prior to the *de facto* transfer shall be continued, until a final decision has been reached, in conformity with the laws and regulations in force at the time of institution of such proceedings.

To this end and up to the final settlement of such proceedings the existing courts in the Establishments shall continue to function. Officers of the courts shall be law graduates, habitually domiciled in the Establishments, honourably known, and selected after consultation with the Consul General of India before the date of the *de facto* transfer, in accordance with the French regulations governing the designation of temporary judicial officers.

The interested parties shall be entitled, if so they decide by common agreement, to transfer to the competent Indian courts, the said proceedings as well as proceedings which, though already open, are not yet entered with the Registrars of the French courts, and also proceedings which constitute an ordinary or extraordinary appeal.

Judgments, decrees and orders passed by the French courts, prior to the *de facto* transfer, which are final or may become so by expiration of the delays of appeal, shall be executed by the competent Indian authorities. Judgments, decrees, and orders passed after the date of the *de facto* transfer in conformity with the first paragraph of the present article shall be executed by the competent Indian authorities, irrespective of the court which exercised the jurisdiction.

Acts and deeds constitutive of rights established prior to the date of the *de facto* transfer in conformity with French law shall retain the value and validity conferred at that time by the same law.

The records of the French courts shall be preserved in their entirety during a period of twenty years and communication of their contents shall be given to the duly accredited representatives of the French Government whenever they apply for such communication.

Article 11 :

The records of the Registrar's offices shall be preserved and copies or extracts of the proceedings shall be issued to the parties or the authorities concerned.

The third copies of each of the Registrar's offices books of every commune shall be handed over to the French Representative on the *de facto* transfer.

As regards records of the year 1954, copies shall be forwarded at the end of the year to the Ministry of French Overseas Territories (Service de l' Etat Civil et des Archives).

The personal judicial records of the court's Registries shall be preserved and copies or extracts of these records shall be issued to the French authorities upon their application.

Article 12 :

The provisions of article 10 of this Agreement shall apply to the proceedings which the "Conseil du Contentieux administratif" is competent to deal with.

Temporary magistrates and local civil servants selected in accordance with the principles of the said articles shall compose this body.

ECONOMIC AND FINANCIAL MATTERS

Article 13 :

Nationals of France and the French Union belonging by birth to the Establishments or domiciled therein on the date of the *de facto* transfer shall subject to the laws and regulations in force, enjoy in these Establishments the same freedom of establishment, movement and trade as the other inhabitants of the Establishments.

Article 14 :

In respect of taxes and duties, other than customs duties and excises, Nationals of France and the French Union belonging by birth to the Establishments or domiciled therein on the date of the *de facto* transfer shall, up to the date of the de jurc transfer, be subjected in regard to their persons, properties and enterprises to the same laws and regulations as are at present in force.

Article 15 :

All persons or corporate bodies who leave or have already left the Establishments permanently shall be permitted freely to repatriate their capital and properties over a period of ten years from the date of transfer.

Article 16 :

With effect from the date of the *de facto* transfer, goods exported from a port of the Establishments to France or the French Union or imported through the same ports from France or the French Union, shall be accorded most favoured nation treatment in respect of customs duties and other formalities.

Article 17 :

All orders placed outside the Establishments and finalised through the grant of a licence by competent authorities, in accordance with the laws and regulations, in force, prior to the date of the *de facto* transfer, shall be fulfilled and the necessary foreign currency granted, provided that the goods are imported within the period of validity of the relevant licence. The goods shall, however, be liable to customs duty and other taxes normally leviable at Indian ports. The same rule will apply to goods destined for export for which a licence has been granted, and which will be in stock in the Establishments on the date of *de facto* transfer. Their exports shall be permitted without restriction; but they shall become subject to the normal excise or export duty.

Article 18 :

The Government of India, with a view to ensure the normal operation of the textile mills of Puducherry, agree to facilitate the allotment of quotas from Indian sources corresponding to the normal supply requirements of the mills. They will also supply the necessary amount of foreign currency required by the mills to carry out orders passed under previous regulations.

The French Government on their part agree to maintain to the benefit of these mills, for a period of six months with allocation of Foreign currency, and under the same conditions as existed prior to the *de facto* transfer, entry into the French Union of the goods produced by the said mills.

Article 19 :

On the date of the *de facto* transfer, local public accounts, shall be closed in the Establishments Treasurer and Paymaster's books.

Article 20 :

The Government of India shall take the place of the French Government in respect of all credits, debts and deficits of the various accounts in the care of the local administration. The Government of India shall reimburse to the French Government the amount of Treasury loans and various funds placed by the latter at the disposal of the Establishments with the exception of sums remitted as grants.

Article 21 :

Stocks built up by the local authorities and paid for out of the metropolitan budget or Treasury in order to ensure normal supplies to the population will be re-purchased by the Government of India.

Article 22 :

The French Government will place a power station at the disposal of the Government of India. The conditions of the purchase shall be examined by the competent authorities.

Article 23 :

The Government of France shall reimburse the Government of India within a period of one year from the date of the *de facto* transfer the equivalent value at par in £ sterling or in Indian Rupees of the currency withdrawn from circulation from the Establishments after the *de facto* transfer.

CULTURAL MATTERS

Article 24 :

The Indian Government agree to the continuation of the existing French Institutions of a scientific or cultural character and by agreement between the two Governments, to the granting of facilities for the opening of establishments of the same character.

Article 25 :

The "College Francais de Puducherry" shall be maintained in its present premises as a French educational establishment of the second degree with full rights. The French Government shall assume the charge of its functionment as well in respect of the selection and salaries of the staff necessary for management, teaching and discipline as in respect of the organisation of studies, syllabi and examinations and the charge of its maintenance. The premises shall be the property of the French Government.

Article 26 :

Private educational institutions at present in existence in the French Establishments shall be allowed to continue and shall preserve the possibility of imparting French Education. They shall continue to receive from the local authorities subsidies and other facilities at least equal to those which have been granted up-to-date.

Article 27 :

French diplomas and degrees awarded to persons belonging to the French Establishments, viz., "baccalaureat", "brevet elementaire", "brevet d' etudes du premier cycle", shall be examined by a joint educational committee set up by the two Governments with a view to establishing their equivalence with diplomas and degrees awarded by Indian universities. Degrees in law and medicine awarded in French Establishments shall be examined similarly.

Article 28 :

The French Government or French recognised Private Organisations shall be allowed to maintain and to create by agreement between the two Governments in the former French Establishments in India, establishments or institutions devoted either to higher studies leading to diplomas or French language, culture and civilisation, or to scientific research or to the spreading of French culture in the Sciences, Arts or Fine Arts. The Indian Government shall grant facilities in accordance with their laws and regulations for entry into and residence in India to French scholars officially sent by the French Government for a period of study in India.

Article 29 :

Studies leading to the local diploma of "Licence en Droit" shall be continued in Puducherry until the examinations sessions of 1955. Scholarships for the completion of their studies in France shall be granted on request to the students of the Law College in order to prepare their "Licence en droit". Law studies shall be directed by men of law residing in Puducherry and nominated to the post of Dean and to each chair by an administrative decision prior to the *de facto* transfer.

Degrees of a purely local character shall be recognised under usual conditions.

Article 30 :

Medical students at present engaged in the course of their studies shall have the possibility either of obtaining a scholarship for studies in France for the completion of the course of studies leading to the French M.D. Degree, or to be admitted into Indian Medical Colleges after being given due credits for the previous medical studies. This question shall be considered by the Joint Educational Committee to be set up under Article 27, the students concerned being given in any case a possibility of option for either of the above-mentioned solutions.

The possibility of establishing a Medical College in Puducherry shall also be examined by the Joint Educational Committee.

The Government of India shall maintain the General Hospital, Puducherry, as well as the Pharmaceutical Department attached to it. The Government of India shall request the French Government to place at their disposal such experts as required for these institutions.

Article 31 :

A French representative shall be established in Puducherry. The payment of the pensions which are the responsibility of the metropolitan budget and the financial operations of the Military Bureau in respect of allowances to the families of Military personnel shall be dealt with by the representative.

Article 32 :

The French Government shall transfer to the Indian Government all property owned by the local administration of the Establishments with the exception of such property as, by agreement between the two Governments is retained by the Government of France for the accommodation of the French Consulate, the College Francais and the Institute to be set up in the future. Properties which are at present in the possession of the religious authorities shall be retained by them and the Government of India agree, whenever necessary, to convey the titles to them.

Article 33 :

The French Government shall keep in their custody the records having an historical interest; they shall leave in the hands of the Indian Government the records required for the administration of the territory.

Article 34 :

The French language shall remain the official language of the Establishments so long as the elected representatives of the people shall not dispose otherwise.

Article 35 :

The questions pending at the time of *de facto* transfer shall be considered and settled by a French—Indian Commission composed of three representatives of the French Government and three representatives of the Government of India. All difficulties which might arise as regards the rights and obligations to which the Government of India succeed according to article 3 shall be settled by the said Commission.

THE FRENCH ESTABLISHMENTS (ADMINISTRATION) ORDER, 1954

GOVERNMENT OF INDIA
Ministry of External Affairs

NOTIFICATION

New Delhi, the 30th October, 1954.

S.R.O. 3314. --- Whereas by virtue of the agreement dated the 21st day of October, 1954, entered into between the Government of India and the Government of France, the Central Government has jurisdiction in and in relation to the French Establishments in India;

And whereas it is expedient that provision should be made by the Central Government for the administration of the said Establishments;

Now, therefore, in exercise of the powers conferred by sections 3 and 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and of all other powers enabling it in this behalf, the Central Government is pleased to make the following Order, namely :-

1. (1) This Order may be called the French Establishments (Administration) Order, 1954.

(2) It extends to the whole of the French Establishments.

(3) It shall come into force on the 1st day of November, 1954.

2. In this Order "French Establishments" mean the areas comprised in the French Establishments in India known as Puducherry, Karaikal, Mahe and Yanam.

3. There shall be a Chief Commissioner at the head of the administration of the French Establishments appointed by the Central Government.

4. (1) Subject to the direction and control of the Central Government, the Chief Commissioner may, from time to time, appoint such judges, magistrates and other authorities as may be necessary for the administration of the French Establishments and may, by general or special order, determine their jurisdiction powers, duties and functions.

(2) Without prejudice to the provisions of sub-paragraph (1), but subject to any law for the time being in force in the French Establishments, all judges, magistrates and other authorities of the French Establishments who, immediately before the commencement of this Order, were exercising lawful functions in the said Establishments or any part thereof, shall, until other provision is made by the Chief Commissioner, continue to exercise their respective powers and jurisdiction and perform their respective duties and functions, in the same manner and to the same extent as they were doing before the commencement of this Order.

5. All laws in force in the French Establishments or any part thereof immediately before the commencement of this Order and not repealed by paragraph 6 of the French Establishments (Application of Laws) Order, 1954, shall continue to be in force until repealed or amended by a competent authority:

Provided that all functions exercisable under the said laws by the Commissioner of the Republic for the French Establishments in India shall be exercisable by the Chief Commissioner.

6. All taxes, duties, cesses or fees which, immediately before the commencement of this Order, were being lawfully levied in the French Establishments or any part thereof shall, in so far such levy has not been discontinued by any of the laws extended to the French Establishments by the French Establishments (Application of Laws) Order, 1954 continue to be levied and applied for the same purposes until other provisions are made by a competent Legislature or authority.

THE FRENCH ESTABLISHMENTS (APPLICATION OF LAWS) ORDER, 1954

GOVERNMENT OF INDIA

Ministry of External Affairs

NOTIFICATION

New Delhi, the 30th October, 1954.

S.R.O. 3315. --- Whereas by virtue of the agreement dated the 21st day of October, 1954, entered into between the Government of India and the Government of France, the Central Government has jurisdiction in and in relation to the French Establishments in India;

Now, therefore, in exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and of all other powers enabling it in that behalf, the Central Government is pleased to make the following Order, namely: -

1. (1) This Order may be called the French Establishments (Application of Laws) Order, 1954.

(2) It shall come into force on the 1st day of November, 1954.

2. In this Order, 'French Establishments' mean the areas comprised in the French Establishments in India known as Puducherry, Karaikal, Mahe and Yanam.

3. (1) The enactments specified in column 3 of the Schedule as in force before the commencement of this Order are hereby applied to and shall be in force in the French Establishments subject to –

(a) any amendments to which the enactments are for the time being generally subject in the territories to which they extend;

(b) the modifications, if any, specified in column 4 of the Schedule and in force;

(c) the subsequent provisions of this Order.

(2) All rules made under any of the enactments aforesaid in force immediately before the commencement of this Order, and all notifications, orders or regulations issued or made under any of the enactments aforesaid and similarly in force, in so far as their application is required for the purpose of effectively applying the provisions of the said enactments, are also hereby applied to and shall be in force in the French Establishments.

4. (1) Any reference in any enactment, notification, rule, order or regulation, applied to the French Establishments by this Order, to India or to States or State generally shall be construed as including a reference to the French Establishments.

(2) Any reference in any enactment specified in the Schedule to the State Government shall be construed as a reference to the Central Government.

(3) Any reference in any enactment specified in the Schedule to a law not in force, or to any functionary not in existence, in the French Establishments shall be construed as a reference to the corresponding law, if any, in force or to the corresponding functionary in existence, in the said Establishments:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

5. Any court, tribunal or authority required or empowered to enforce in the French Establishments, any enactment specified in the Schedule may, for the purpose of facilitating its application in relation to the said Establishments, construe the enactment with such alterations, not affecting the substance, as may be necessary or proper with respect to the matter before the court, tribunal or authority, as the case may be.

6. Unless otherwise specially provided in the Schedule, all laws in force in the French Establishments immediately before the commencement of this Order, which correspond to the enactments specified in the Schedule, shall cease to have effect, save as respects things done or omitted to be done before such commencement.

THE SCHEDULE

(See paragraph 3)

Serial No.	Year	No.	Short title	Modifications
(1)	(2)	(3)	(4)	(5)
[1](1	1878	8	The Sea Customs Act, 1878).	
2	1881	26	The Negotiable Instruments Act, 1881.	
3	1889	4	The Indian Merchandise Marks Act, 1889.	
[2](3A	1898	6	The Indian Post Office Act, 1898).	
4	1906	3	The Indian Coinage Act, 1906.	After section 24, insert –

1. Rep. by the Customs Act, 1962 (52 of 1962) w.e.f 1-2-1963.
2. Ins. by S.R.O. 793, dated 6-4-1955.

(1)	(2)	(3)	(4)	(5)
				"25. *Temporary provisions with respect to French coins.*–Notwithstanding anything contained in paragraph 6 of the French Establishments (Application of Laws) Order, 1954 or in this Act, coins of such description as at the commencement of the said Order were in circulation as legal tender in the French Establishments, as defined in that Order, shall continue to be legal tender in the said Establishments to the like extent and subject to the same conditions as immediately before the commencement of the said Order and for such period or periods, not exceeding one year in the aggregate from such commencement, as the Central Government may from time to time by notification in the Official Gazette determine.".
5	1910	9	The Indian Electricity Act, 1910.	Section 28 – In Sub-section (1) omit the proviso.
6	1913	7	The Indian Companies Act, 1913.	After Section 2B, insert – "2C. *Provisions as to companies registered in the French Establishments before 1st November, 1954.* --- Notwithstanding anything contained in paragraph 6 of the French Establishments (Application of Laws) Order, 1954, or in this Act, or in any other law for the time being in force, a company registered under any law corresponding to this Act in force in the French Establishments, as defined in the said Order, immediately before the commencement of that Order shall be deemed for the purpose of this Act to be a company incorporated and registered under this Act; Provided that the Central Government may, by notification in the Official Gazette, exempt any such company from any of the obligations imposed on companies by this Act for such period or periods not exceeding one year in the aggregate from the commencement of the said Order as it may think fit".

(1)	(2)	(3)	(4)	(5)
[1](6A	1920	34	The Indian Passport Act, 1920) .	
[2][6AA	1930	14	The Malabar Tenancy Act, 1929 (as in force in the Gudalur Taluk of the Nilgiri District in the State of Madras.)]	This shall apply only to the area known as Mahe in the French Establishments] [3](and accordingly --- (1) references by whatever form of words to the territorial application of the Act shall, unless the context otherwise requires be construed as references to the territory of Mahe; and (2) sub-section (3) of section 1 shall be omitted.)
[4][6B	1932	6	The Madras Co-operative Societies Act, 1932.	[5](Throughout the Act --- (i) any reference by whatever form of words to the Presidency of Madras shall be construed as including a reference to the State of Puducherry; and (ii) any reference to the State Government shall be construed as a reference to the Chief Commissioner, Puducherry). Section 65 – Omit sub-section (5)].
[6](6C	1934	10	The Madras Co-operative Land Mortgage Banks Act, 1934.	1. Throughout the Act --- (i) any reference by whatever form of words to the "Presidency of Madras" shall be construed as including a reference to the "State of Puducherry"; and (ii) any reference to the "State Government" except in section 6 thereof, shall be construed as a reference to the "Chief Commissioner, Puducherry".

1. Ins. by S.R.O. 3491-A, dated 30-11-1954.
2. Ins. by S.O. 1130, dated 16-6-1958.
3. Ins. S.O.107, dated 9-1-1960.
4. Ins. S.R.O. 239, dated 25-1-1955.
5. Subs. By G.S.R.207, dated 15-2-1961.
6. Ins. by S.O. 2431, dated 29-9-1961.

(1)	(2)	(3)	(4)	(5)
(6C	1934	10	The Madras Co-operative Land Mortgage Banks Act, 1934, --- contd.	2. Section 3. --- In clause (b) for "Madras Co-operative Central Land Mortgage Bank Limited", substitute "Puducherry State Co-operative Central Land Mortgage Bank Limited". 3. Section 4. --- In sub-section (2) omit "(including those issued before the commencement of this Act)". 4. Section 6 --- (i) In sub-section (2), omit "after consulting both Houses of the State Legislature". (ii) In clause (b) of sub-section (3) for "State of Madras" substitute "Union territory of Puducherry". 5. Section 7. --- Omit section 7. 6. Section 29A. --- In sub-section (1) for "Fort St. George Gazette" substitute "Puducherry Gazette". 7. After section 32, insert --- "32-A. – *Special provisions for mortgages by tenants in the Mahe area.* --- Where a tenant in the Mahe area mortgages his holding in favour of a mortgage bank, the following provisions shall apply so long as the mortgage subsists, not- withstanding anything to the contrary contained in the Malabar Tenancy Act, 1929, as applied to that area. (1) Both before and after granting the loan secured by the mortgage, the mortgage bank shall give notice in writing to the landlord of the tenant and if such landlord is himself the tenant of another landlord, also to that landlord, and likewise to every superior landlord from whom interest in the holding is derived, upto and including the janmi.

(1)	(2)	(3)	(4)	(5)
(6C	1934	10	The Madras Co-operative Land Mortgage Banks Act, 1934, --- contd.	(2) Every landlord to whom notice is given under clause (1), shall give not less than fifteen day's notice in writing to the mortgage bank before instituting a suit for bringing the holding of his tenant (whether such tenant be the mortgager or a superior landlord) to sale for default in payment of rent or michavaram of for evicting such tenant from the holding. (3) The tenant who has mortgaged the holding to the mortgage bank shall not, except with the previous permission of the bank surrender his holding or any part thereof to his landlord or deal with it in any other manner, and no such transaction entered into by the tenant without such permission shall affect in any way the interest of the bank in the holding. (4) In a suit for eviction instituted against the tenant who had mortgaged the holding to the mortgage bank, the bank shall, on application to the court in which the suit is instituted be entitled to be paid out of the amount of compensation, if any, deposited in court for value of improvements, the moneys due to the bank under the mortgage. (5) If, on the expiry of the tenancy of the tenant who has mortgaged the holding to the mortgage bank, the tenant does not renew the tenancy, the bank shall be entitled to obtain a renewal of the tenancy on behalf of the tenant and any renewal fee paid by the bank shall be added to the principal money due under the mortgage. (6) If the tenant who has mortgaged the holding to the mortgage bank makes default in the payment of any rent or michavaram due to his landlord, the bank shall be entitled to pay the same to the landlord, and the amount so paid shall be added to the principal money due under the mortgage.

(1)	(2)	(3)	(4)	(5)
(6C	1934	10	The Madras Co-operative Land Mortgage Banks Act, 1934, --- contd.	*Explanation.* – In so far as the rent or michavaram is payable in kind, the mortgage bank shall have the right to pay the value thereof calculated in accordance with sub-section (2) of section 51 of the Malabar Tenancy Act, 1929, as applied to the Mahe area. (7) Where the mortgage bank pays any renewal fee, rent or michavaram under sub-section (5) or sub-section (6), it shall be entitled to regard the whole of the mortgage money as having become payable and, after giving a reasonable opportunity to the tenant to repay the whole of the said money or such portion thereof as may be determined by the bank to bring the holding to sale under the provisions of Chapter IV of this Act. *Explanation.* – In this section the expression 'tenant' 'holding', 'landlord', 'janmi', 'rent', 'michavaram', 'renewal fee' shall have the same meaning as in the Malabar Tenancy Act, 1929, as applied to the Mahe area):".
7	1934	2	The Reserve Bank of India Act, 1934.	To sub-section (1) of section 26, add— "Provided that nothing contained in this Act shall be construed as rendering bank notes of the denominational values of five hundred rupees, one thousand rupees and ten thousand rupees respectively, which ceased to be legal tender at any place in India on the expiry of the 12th day of January, 1946, under the High Denomination Bank Notes (Demonetisation) Ordinance, 1946 (3 of 1946), legal tender for any of the purposes of this Act in the French Establishments as defined in the French Establishments (Application of Laws) Order, 1954".

(1)	(2)	(3)	(4)	(5)
				After Section 26, insert --- "26 A. *Temporary provisions with respect to certain French notes.* – Notwithstanding anything contained in paragraph 6 of the French Establishments (Application of Laws) Order, 1954 or in this Act or in any other law for the time being in force, notes of such description as at the commencement of the said Order were in circulation as legal tender in the said Establishments as defined in the said Order shall continue to be legal tender in the said Establishments to the like extent and subject to the same conditions as immediately before the commencement of the said Order for such period or periods, not exceeding two years in the aggregate from the commencement of the said Order, as the Central Government may, from time to time, by notification in the Official Gazette, determine".
8	1934	32	The Indian Tariff Act, 1934.	
[1](8A	1942		6 The Multi-Unit Co-operative Societies Act, 1942.).	
9	1942	7	The Coffee Market Expansion Act, 1942.	

1. Ins. by G.S.R. 1441, dated 25-11-1961.

(1)	(2)	(3)	(4)	(5)
10	1944	1	The Central Excise and Salt Act, 1944.	
11	*		[1]* *	
12	1947	7	The Foreign Exchange Regulation Act, 1947.	
13	1947	18	The Imports and Exports (Control) Act, 1947.	
[2][13A	1947	31	The Antiquities (Export Control) Act, 1947.]	
[3](13B	1948	15	The Industrial Finance Corporation Act, 1948).	
[4](13C	1948	31	The National Cadet Corps Act, 1948.).	
14	1948	54	The Electricity (Supply) Act, 1948.	Throughout the Act, omit references by whatever form of words to the State Legislature. [5](Section 1 – For sub-section (4) substitute, -- "(4) The remaining provisions of this Act shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint". Section 6—In sub-sections (2) and (3), for "State Governments" substitute "Government").
15	1949	10	The Banking Companies Act, 1949.	
[6](15A	1952	37	The Cinematograph Act, 1952.	Omit sections 10 to 18.)
16	1953	12	The Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953.	Section 2 –In clause (a) for "15th day of February, 1953", substitute "1st day of November, 1954".

1. The entry relating to Essential Supplies (Temporary Powers) Act, 1946 (24 of 1946) should be deemed to have been repealed by S.R.O. 215/63-G.P./56, dated 24-1-1956.
2. Ins. by S.R.O. 1807, dated 20-8-1955.
3. Ins. by S.R.O. 1415, dated 25-4-1956.
4. Ins. by S.O. 1207, dated 20-6-1958.
5. Subs. S.R.O. 2168-A, dated 29-6-1957.
6. Ins. by S.R.O. 1431, dated 6-7-1955.

(1)	(2)	(3)	(4)	(5)
17	1953	29	The Tea Act, 1953.	Section 17—In sub-section (3), omit "French or". Section 18 –In sub-sections (2) and (3) omit "French or". [1](Section 25 – In sub-section (1) for "at such rate not exceeding two rupees per one hundred pounds as the Central Government may notify in the Official Gazette," substitute "at the rate of four rupees per one hundred pounds").
18	1953	39	The Dhoties (Additional Excise Duty) Act, 1953.	Section 3–sub-section (1), in the opening paragraph of Explanation I for "with reference to the returns furnished in that behalf by the mill to the Textile Commissioner to the Government of India under the Cotton Textiles (Control) Order, 1948" substitute "in such manner as may be specified in this behalf by the Central Government". In Explanation II, for "1953" substitute "1954". Section 4 –In sub-section (1) for "26th day of October, 1953" substitute "1st day of November, 1954".
19	1953	45	The Coir Industry Act, 1953.	
20	1954	17	The Finance Act, 1954.	Omit sections 2 to 4, 11 and 12.
21	1940	4	The Currency Ordinance, 1940.	After section 2A, insert --- "2B. *Temporary provisions with respect to French notes.* – Notwithstanding anything contained in paragraph 6 of the French Establishments (Application of Laws) Order, 1954, or in this Ordinance, notes of the denominational value of one rupee or less which at the commencement of the said Order were in circulation as legal tender in the French Establishments as defined in that Order shall continue to be legal tender in the said Establishments to the like extent and subject to the same conditions as immediately before the commencement of the said Order and for such period or periods not exceeding one year in the aggregate from such commencement, as the Central Government may, from time to time, by notification in the Official Gazette, determine".

1. Ins. by S.R.O. 3453, dated 24-11-1954.

(1)	(2)	(3)	(4)	(5)
22	1934	22	The Indian Aircraft Act, 1934.	
[1](23	1948	37	The Census Act, 1948.	(i) Wherever the expression 'State Government' occurs in the Act, the expression 'Chief Commissioner' shall be substituted. (ii) For section 14 of the Act, the following shall be substituted: - "14. No Magistrate other than a Magistrate specially empowered in this behalf by the Chief Commissioner shall try, whether under this Act, or under any other law, any act or omission which constitutes an offence under this Act".) [2](iii) For sub-section (2) of section 6 of the Act, the following shall be substituted: - "(2) All the provisions of this Act relating to Census Officers shall apply so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both;".) (Min. of E.A.D.No. 513-GP/54.

1.Ins. by S.O. 1375, dated 20-6-1959.
2.Ins. by G.S.R. 207, dated 15-2-1961.

THE ESSENTIAL COMMODITIES (APPLICATION TO THE STATE OF PUDUCHERRY) ORDER, 1956.

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 24th January, 1956.

NOTIFICATION

S. R. O. 215/63-GP/56. --- In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and of all other powers enabling in this behalf and in supersession of the Order published in the Ministry of External Affairs No. 12-12/55-GP, dated the 28th September, 1955 published at page No. 298 of the *Gazette of India,* Extraordinary Part II, Section 3, dated the 29th September, 1955, the Central Government hereby makes the following Order, namely: -

1. (1) This Order may be called the Essential Commodities (Application to the State of Puducherry) Order, 1956.

(2) It shall come into force at once.

2. (1) The provisions of the Essential Commodities Act, 1955 (hereinafter referred to as the said Act), are hereby applied to, and shall be in force in, the State of Puducherry (hereinafter referred to as the said State) subject to ---

(a) any amendments to which the said Act is for the time being generally subject in the territories to which it extends, and

(b) the subsequent provisions of this Order.

3. Reference in the said Act to the State Government or to a law not in force, or to any functionary not in existence, in the said State, shall be construed as a reference to the Central Government or to the corresponding law, if any, in force, or to the corresponding functionary in existence, in the said State, as the case may be:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

M.M. KHURANA,
Under Secretary.

[No. 12-12/55-GP**]**

THE LAND IMPROVEMENT LOANS AND AGRICULTURISTS' LOANS (APPLICATION TO THE STATE OF PUDUCHERRY) ORDER, 1956.

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 24th January, 1956.

NOTIFICATION

S. R. O. 214/62-GP/56. --- In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order, namely:-

1. (a) This Order may be called the Land Improvement Loans and Agriculturists' Loans (Application to the State of Puducherry) Order, 1956.

(b) It shall come into force at once.

2. The provisions of the Land Improvement Loans Act, 1883 (XIX of 1883), and Agriculturists' Loans Act, 1884 (XII of 1884) (hereinafter referred to as the said Acts) and the Rules made thereunder by the Government of Madras, are hereby applied, to, and shall be in force in, the State of Puducherry (hereinafter referred to as the said State) subject to ---

(a) any amendments to which the said Acts are for the time being generally subject in the territories to which they extend; and

(b) the subsequent provisions of this Order.

3. Any reference in the said Acts and the Rules made thereunder by the Government of Madras to the State Government or to a law not in force, or to any functionary not in existence, in the said State shall be construed as a reference to the Central Government, or to the corresponding law, if any, in force, or to the corresponding functionary in existence, in the said State, as the case may be:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

[No. F. 7-6/55-GP.**]**

THE STANDARDS OF WEIGHTS AND MEASURES (APPLICATION TO THE STATE OF PUDUCHERRY) ORDER, 1958.

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 13th August, 1958.

ORDER

S. O. 1686. --- In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947), and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order, namely:-

1. This Order may be called the Standards of Weights and Measures (Application to the State of Puducherry) Order, 1958.

2. The provisions of the Standards of Weights and Measures Act, 1956 (hereinafter referred to as the said Act) are hereby applied to the State of Puducherry (hereinafter referred to as the said State) subject to ---

(a) any amendments to which the said Act, is for the time being, generally subject in the territories to which it extends; and

(b) the subsequent provisions of this Order.

3. Any reference in the said Act to the State Government or to a law not in force, in the said State, shall be construed as a reference to the Chief Commissioner, or to the corresponding law, if any, in force in said State, as the case may be.

A. DAS GUPTA,
Under Secretary.

[No. F. 36 (5)-58/Eur. E.]

THE PUDUCHERRY (APPLICATION OF MOTOR VEHICLES ACT) ORDER, 1959.

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 27th June, 1959.

ORDER

S. R. O. 715. --- In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947), and all other powers enabling it in that behalf, the Central Government hereby makes the following Order, namely:-

1. Short title and commencement. – (1) This Order may be called the Puducherry (Application of Motor Vehicles Act) Order, 1959.

(2) It shall come into force on the 19th June 1959.

2. Application of Motor Vehicles Act. – (1) The Motor Vehicles Act, 1939 (4 of 1939) as in force in the Union territory of Delhi immediately before the commencement of this Order is hereby applied to, and shall be in force in, Puducherry subject to ----

*****(a) the amendments that in the Sixth Schedule to the said Act, after the entry "Laccadive, Minicoy and Amindive islands, the follwing entry shall be inserted namely:--

"Puducherry";

(a) any amendments to which the said Act is for the time being generally subject in that Union territory:

(b) the modification that the provisions of the said Act in so far as they relate to the levy of any fee shall not have effect in Puducherry; and

(c) the subsequent provisions of this Order.

***** Ins. by G.S.R. 922 dated 28-6-1960.

(2) The Motor Vehicles international Circulation Rules, 1933, the Motor Vehicles (Third Party Insurance) Rules, 1946 and any other rules, notifications and orders made or issued under the said Act and similarly in force, in so far as their application is required for the purpose of effectively applying the provisions of the said Act, are also hereby applied to, and shall be in force in, Puducherry.

3. Construction of references. – (1) Any reference in the said Act or in any rule, notification or order applied to Puducherry by this Order to India or the States or State generally shall be construed as including a reference to Puducherry.

(2) Any reference in the said Act or in any rule, notification or order applied to Puducherry by this Order to the State Government shall be construed as a reference to the Chief Commissioner, Puducherry.

(3) Any reference in the said Act to a law not in force or to any functionary not in existence in Puducherry shall be construed as a reference to the corresponding law, if any, in force or to the corresponding functionary in existence in Puducherry;

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

(4) Any court, tribunal or authority required or empowered to enforce the said Act in Puducherry may for the purpose of facilitating its application in relation to Puducherry construe the said Act with such alterations not affecting the substance as may be necessary or proper with respect to the matter before the court, tribunal or authority, as the case may be.

4. Repeal of existing laws. – All laws in force in Puducherry immediately before the commencement of this Order which correspond to the Act and the rules, notifications and orders applied to Puducherry by this Order shall, except in so far as such laws relate to the levy of any fee, cease to have effect, save as respects things done or omitted to be done before such commencement.

A. DAS GUPTA,
Under Secretary.

[No. F. 36-9/Eur. (w)/57**]**

THE ESSENTIAL SERVICES MAINTENANCE (APPLICATION TO THE STATE OF PUDUCHERRY) ORDER, 1960.

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 9th July, 1960.

NOTIFICATION

S. O. 1716. --- Whereas by virtue of the Agreement entered into between the Governments of India and France on the 21st October, 1954, the Central Government has authority in and in relation to the territories of Puducherry.

2. Now, therefore, in exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947), and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order, namely:--

3. (1) This Order may be called the Essential Services Maintenance (Application to the State of Puducherry) Order, 1960.

(2) It shall come into force at once.

4. (1) The Essential services Maintenance Ordinance, 1960 (hereinafter referred to as the said Ordinance), is hereby applied to and shall be in force in, the State of Puducherry subject to the modification that for sub-section (2) of section 3 of the said Ordinance, the following sub-section shall be substituted namely:--

"(2) Every notification issued under sub-section (viii) of clause (a) of sub-section (1) shall cease to operate at the expiration of forty days from the date of its publication in the Official Gazette, unless before, the expiration of that period, the Central Government by notification in the Official Gazette otherwise directs".

(2) All notifications issued and Orders made under the said Ordinance by the Central Government, and in force immediately before the commencement of this Order, are also hereby applied to, and shall be in force in the State of Puducherry.

5. Any reference in the said Ordinance to a law not in force in the State of Puducherry shall be construed as a reference to the corresponding law, if any, in force in that State.

A. DAS GUPTA,
Under Secretary.
[No. F. 36 (6)-GP/60**]**

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (APPLICATION TO THE STATE OF PUDUCHERRY) ORDER, 1960.

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 26th December, 1960.

NOTIFICATION

S. R. O. 5. --- In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947), and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order, namely:--

1. (1) This Order may be called the Requisitioning and Acquisition of Immovable Property (Application to the State of Puducherry) Order, 1960.

(2) It shall come into force at once.

2. (1) The provisions of the Requisitioning and Acquisition of Immovable Property Act, 1952 (Act 30 of 1952), (hereinafter referred to as the said Act), are hereby applied to, and shall be in force in the State of Puducherry (hereinafter referred to as the said State) subject to ---

(a) any amendments to which the said Act is for the time being generally subject in the territories to which it extends, and

(b) the subsequent provisions of this Order.

3. Reference in the said Act to the State Government or to a law not in force, or to any functionary not in existence, in the said State, shall be construed as a reference to the Central Government or to the corresponding law, if any in force or to the corresponding functionary in existence, in the said State, as the case may be:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

A. DAS GUPTA,
Under Secretary.

[No. 668-Eur. W/60/GP**]**
[No. 36 (13)-Eur-W/59/GP**]**

THE SUGAR EXPORT PROMOTION (APPLICATION TO THE STATE OF PUDUCHERRY) ORDER, 1961.

GOVERNMENT OF INDIA

Ministry of Food & Agriculture

(Department of Food)

New Delhi, the 19th April, 1961.

ORDER

S. R. O. 623. --- In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947), and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order, namely:--

1. (1) This Order may be called the Sugar Export Promotion (Application to the State of Puducherry) Order, 1961.

(2) It shall come into force at once.

2. (1) The provisions of the Sugar Export Promotion Act, 1958 (30 of 1958), (hereinafter referred to as the said Act), are hereby applied to, and shall be in force in, the State of Puducherry (hereinafter referred to as the said State) subject to ---

(a) any amendments to which the said Act is for the time being generally subject in the territories to which it extends, and

(b) the subsequent provisions of this Order.

3. Reference in the said Act to the State Government or to a law not in force, or to any functionary not in existence, in the said State, shall be construed as a reference to the Central Government or to the corresponding law, if any in force or to the corresponding functionary in existence, in the said State, as the case may be:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

[No. F & A 8-46/61-SEXP**]**

THE PUDUCHERRY WEIGHTS AND MEASURES (ENFORCEMENT) ORDER, 1961.

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 7th September, 1961.

ORDER

G.S.R. 1147. --- In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947), and all other powers enabling it in that behalf, the Central Government hereby makes the following Order, namely:-

1. Short title and commencement. – (1) This Order may be called the Puducherry Weights and Measures (Enforcement) Order, 1961.

(2) It shall come into force at once.

2. Application of Madras Act XX of 1958 and Madras (Enforcement) Rules 1958. – (1) The Madras Weights and Measures (Enforcement) Act, 1958 (XX of 1958) as in force in the State of Madras immediately before the commencement of this Order is hereby applied to and shall be in force in the State of Puducherry subject to the following modifications and adaptations, namely : -

(a) any reference in the said Act to Madras shall be construed as a reference to the State of Puducherry;

(b) in section 2 of the said Act, for clause (c), the following clause shall be substituted, namely:-

"(c) 'Government' means the Chief Commissioner, Puducherry;";

(c) in section 38 of the said Act, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) No Court other than a Court specially empowered in this behalf by the Chief Commissioner shall try any offence punishable under this Act"; and

(d) sub-section (4) of section 43 and section 44 shall be omitted.

(2) The Madras Weights and Measures (Enforcement) Rules, 1958 similarly in force are also herby applied to, and shall be in force in the State of Puducherry, until altered, repealed or amended by the Chief Commissioner, subject to the modification that references to Madras and the State Government shall be construed as references to the State of Puducherry and the Chief Commissioner, Puducherry respectively.

3. Repeal of existing laws. – All laws in force in Puducherry immediately before the commencement of this Order which correspond to the Act and the rules applied to Puducherry by this Order shall cease to have effect, save as respects things done or omitted to be done before such commencement.

R. BHANDARI,

Deputy Secretary.

[No.565-GP/61**]**

[F. No. 36 (24)/GP/60**]**

THE PUDUCHERRY (REGULATION OF SUGAR PRODUCTION) ORDER, 1962.

GOVERNMENT OF INDIA

Ministry of Food & Agriculture

(Department of Food)

New Delhi, the 15th January, 1962.

ORDER

G. S. R. 71. --- In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947), and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order, namely:--

1. ***Short title and commencement***. --- (1) This Order may be called the Puducherry (Regulation of Sugar Production) Order, 1962.

(2) It shall be deemed to have come into force on the 1st day of November, 1961.

2. ***Application of Act to State of Puducherry***. --- The provisions of the Sugar (Regulation of Production) Act, 1961 (55 of 1961) are hereby applied to, and shall be in force in, the State of Puducherry subject to any amendments to which the said Act is for the time being generally subject in the territories to which it extends and subject also to the condition that any reference in the said Act to any law not in force in the State of Puducherry shall be construed as a reference to the corresponding law, if any, in force in that State.

3. ***Repeal and saving***. – (1) The Puducherry (Regulation of Sugar Production) Order, 1961 is hereby rescinded.

(2) Notwithstanding such rescission, anything done or any action taken under the Sugar (Regulation of Production) Ordinance, 1961 as applied to the State of Puducherry by the said Order shall be deemed to have been done or taken under the Sugar (Regulation of Production) Act, 1961 as applied to that State by this Order as if this Order were in force therein on the date on which such thing was done or action was taken.

[No. 1-2/61-SV**]**

THE TELEGRAPH (APPLICATION TO THE STATE OF PUDUCHERRY) ORDER, 1962.

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 1st February, 1962.

ORDER

G.S.R. 224. --- In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947), and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order, namely:-

1. (1) This Order may be called the Telegraph (Application to the state of Puducherry) Order, 1962.

(2) It shall come into force at once.

2. (1) The provisions of the Indian Telegraph Act, 1885 (13 of 1885) (hereinafter referred to as the said Act), are hereby applied to, and shall be in force in, the State of Puducherry (hereinafter referred to as the said State) Subject to ---

(a) any amendments to which the said Act is for the time being generally subject in the territories to which it extends, and

(b) the subsequent provisions of this order.

(2) All rules, notifications and orders made or issued under the said Act, in so far as their application is required for the purpose of effectively applying the provisions of the said Act, are also hereby applied to and shall be in force in, the said State.

3. (1) Any reference in the said Act, or in the rules, notifications or orders made or issued thereunder to the State Government or to a law not in force, or to any functionary not in existence, in the said State shall be construed as a reference to the Chief Commissioner, Puducherry, or to the corresponding law, if any, in force or to the corresponding functionary in existence, in the said State, as the case may be:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

(2) Any reference in the said Act, or in the rules, notifications or orders made or issued thereunder to India shall be construed as including a reference to the said state.

C. S. AHLUWALIA,
Attache (GP).
[No.67-GP/62]

THE COLLECTION OF STATISTICS (APPLICATION TO THE STATE OF PUDUCHERRY) ORDER, 1962.

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 2nd April, 1962.

ORDER

S. O. 1089. --- In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947), and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order, namely:-

1. (1) This Order may be called the Collection of Statistics (Application to the state of Puducherry) Order, 1962.*****

(2) It shall come into force at once.

2. (1) The provision of the Collection of Statistics Act, 1953 (32 of 1953) (hereinafter referred to as the said Act), are hereby applied to, and shall be in force in the State of Puducherry (hereinafter referred to as the said State) Subject to ---

(a) any amendments to which the said Act is for the time being generally subject in the territories to which it extends, and

(b) the subsequent provisions of this order.

(2) The Collection of Statistics (Central) Rules, 1959 and notification of the Government of India in the Cabinet Secretariat No.S.O.462 dated the 18th February, 1960 are hereby applied to and shall be in force in the State of Puducherry.

(3) Reference in the said Act to the State Government or to a law not in force, or to any functionary not in existence, in the said State shall be construed as a reference to the Central Government or to the corresponding law, if any, in force or to the corresponding functionary in existence in the said State, as the case may be:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

C. S. AHLUWALIA,
Attache (GP).
[No.187/GP/1962**]**

***** Substituted by S.O.2312 dated 10-7-1962

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 24th November, 1962.

NOTIFICATION

G. S. R. 1557. --- In exercise of the powers conferred by section 8 of the Puducherry (Administration) Ordinance, 1962 (8 of 1962), the Central Government hereby extends to Puducherry the following Acts, namely:-

1. The Registration of Foreigners Act, 1939 (16 of 1939);

2. The Foreigners Act, 1946 (31 of 1946); and

3. The Citizenship Act, 1955 (57 of 1955);

subject to the modification that any reference in the said Acts to a law not in force, or to a functionary not in existence in Puducherry shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in Puducherry:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

C. S. AHLUWALIA,
Attache (GP).
[No. F. 36(13-Pond./62)**]**

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 20th December, 1962.

NOTIFICATION

S. O. 4. --- In exercise of the powers conferred by section 8 of the Puducherry (Administration) Act, 1962 (49 of 1962), the Central Government hereby extends to Puducherry the Indian Soldiers (Litigation) Act, 1925 (4 of 1925), subject to the following modifications, namely:-

1. Any reference in the said Act to a law not in force, or to a functionary not in existence, in Puducherry, shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in Puducherry:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

2. Sub-section (3) of section 1 shall be omitted.

C. S. AHLUWALIA,
Attache (GP).
[No. F. 36 (14)-Pond./62]

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 29th December, 1962.

NOTIFICATION

S. O. 3865. --- In exercise of the powers conferred by section 8 of the Puducherry (Administration) Act, 1962 (49 of 1962), the Central Government hereby extends to Puducherry the Forward Contracts (Regulation) Act, 1952 (47 of 1952) (hereinafter referred to as the said Act), subject to the following modifications, namely:-

1. Any reference in the said Act, to a law not in force, or to a functionary not in existence, in Puducherry, shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in Puducherry:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

2. In section 14A, of the said Act, reference to the commencement of the Forward Contracts (Regulation) Amendment Act, 1960, shall be construed as a reference to the commencement of the said Act in Puducherry.

C. S. AHLUWALIA,
Attache (GP).
[No. F. 36 (13)-Pond./62**]**

GOVERNMENT OF INDIA

Ministry of Finance

(Department of Revenue)

New Delhi, the 15th January, 1963.

NOTIFICATION

G. S. R. 132. --- In exercise of the powers conferred by section 8 of the Puducherry (Administration) Act, 1962 (49 of 1962), the Central Government hereby extends to Puducherry, the Central Sales Tax Act, 1956 (74 of 1956).

Miss. ANNA R. GEORGE,
Deputy Secretary
[No. 8 (43) ST/62**]**

GOVERNMENT OF INDIA

Ministry of External Affairs

New Delhi, the 27th February, 1963.

NOTIFICATION

G. S. R. 362. --- In exercise of the powers conferred by section 8 of the Puducherry (Administration) Act, 1962 (49 of 1962), the Central Government hereby extends to the Union territory of Puducherry, the Provisional Collection of Taxes Act, 1931 (16 of 1931).

V. C. TRIVEDI,
Joint Secretary.
[No. 36 (14) – Pond./62**]**

GOVERNMENT OF INDIA
Ministry of Finance

New Delhi, the 21st March, 1965.

NOTIFICATION

S. O. 1000. --- In exercise of the powers conferred by section 8 of the Puducherry (Administration) Act, 1962 (49 of 1962), the Central Government hereby extends the Expenditure-Tax Act, 1957 (29 of 1957), as at present in force in the State of Madras (hereinafter referred to as the said Act), to the Union territory of Puducherry, subject to the following modifications, namely:-

MODIFICATIONS

1. Any reference in the said Act to a law not in force, or to a functionary not in existence, in the Union territory of Puducherry shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

2. In section 1 of the said Act, for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) It shall come into force on the 1st day of April, 1965".

3. In section 2 of the said Act, after clause (k), the following clause shall be inserted, namely:-

"(ka) 'India' shall be deemed to include the Union territory of Dadra and Nagar Haveli, Goa, Daman and Diu and Puducherry, ---

(i) as respects any period, for the purpose of sections 5 and 6 ; and

(ii) as respects any period included in the previous year, for the purpose of making any assessment for the assessment year commencing on the 1st day of April, 1965, or for any subsequent year."

4. In sub-section (1) of section 3 of the said Act, for the words and figures "first day of April, 1958", the words and figures "first day of April, 1965" shall be substituted.

S. A. L. NARAYANA ROW,
Joint Secretary
[No. ET-3/1965/F. No.2/1/65-ET]

TREATY OF CESSION OF THE FRENCH ESTABLISHMENTS OF PONDICHERRY, KARAIKAL, MAHE AND YANAM

PREAMBLE

The President of the French Republic

and

The President of the Indian Union

CONSIDERING that their Governments, faithful to the common declaration made in 1947 and desirous of strengthening the bonds of friendship established since then between France and India, have manifested their intention of settling amicably the problem of the French Establishments in India.

CONSIDERING that after the wish of these populations had been expressed by their representatives, an agreement was concluded on the 21st October 1954, transferring the powers of the Government of the French Republic to the Government of the Indian Union.

HAVE DECIDED to conclude a treaty establishing the cession by the French Republic to the Indian Union of the French Establishments of Pondicherry, Karaikal, Mahe and Yanam and to settle the problems stemming therefrom and have designated thereto as their plenipotentiaries:

The President of the French Republic:

H. E. Mr. Stanislas Ostrorog, Ambassador Extraordinary & Plenipotentiary of France in India.

The President of India:

Jawaharlal Nehru, Minister for External Affairs, who after exchanging their credentials, which having been found in legal form, have agreed as follows:

ARTICLE 1

France cedes to India in full sovereignty the territory of the Establishments of Pondicherry, Karaikal, Mahe and Yanam.

ARTICLE 2

These Establishments will keep the benefit of the special administrative status which was in force prior to the 1st November, 1954. Any constitutional changes in this status which may be made subsequently shall be made after ascertaining the wishes of the people.

ARTICLE 3

The Government of India shall succeed to the rights and obligations resulting from such acts of the French Administrations as are binding on these Establishments.

ARTICLE 4

French Nationals born in the territory of the Establishments and domiciled therein at the date of the entry into force of the Treaty of Cession shall become nationals and citizens of the Indian Union, with the exceptions enumerated under Article 5 hereafter.

ARTICLE 5

The persons referred to in the previous article may, by means of a written declaration drawn up within six months of the entry into force of the Treaty of Cession choose to retain their nationality. Persons availing themselves of this right shall be deemed never to have acquired Indian nationality.

The declaration of the father or, if the latter be deceased, of the mother, and in the event of the decease of both parents, of the legal guardian shall determine the nationality of unmarried children of under eighteen years of age. Such children shall be mentioned in the aforesaid declaration. But married male children of over sixteen years of age shall be entitled to make this choice themselves.

Persons having retained French nationality by reason of a decision of their parents, as indicated in the previous paragraph, may make a personal choice with the object of acquiring Indian nationality by means of a declaration signed in the presence of the competent Indian authorities, within six months of attaining their eighteenth birth day. The said choice shall come into force as from the date of signature of the declaration.

The choice of a husband shall not affect the nationality of the spouse.

The declarations referred to in the first and second paragraphs of this Article shall be drawn up in two copies, the one in French, the other in English, which shall be transmitted to the competent French authorities. The latter shall immediately transmit to the competent Indian authorities the English copy of the aforesaid declaration.

ARTICLE 6

French nationals born in the territory of the Establishments and domiciled in the territory of the Indian Union on the date of the entry into force of the Treaty of Cession shall become nationals and citizens of the Indian Union. Notwithstanding, they and their children shall be entitled to choose as indicated in Article 5 above. They shall make this choice under the conditions and in the manner prescribed in the aforesaid Article.

ARTICLE 7

French nationals born in the territory of the Establishments and domiciled in a country other than the territory of the Indian Union or the territory of the said Establishments on the date of entry into force of the Treaty of Cession shall retain their French nationality, with the exceptions enumerated in Article 8 hereafter.

ARTICLE 8

The persons referred to in the previous Article may, by means of a written declaration signed in the presence of the competent Indian authorities within six months of the entry into force of the Treaty of Cession, choose to acquire Indian nationality. Persons availing themselves of this right shall be deemed to have lost French nationality as from the date of the entry into force of the Treaty of Cession.

The declaration of the father, or if the latter be deceased, of the mother, and in the event of the decease of both parents, of the legal guardian shall determine the nationality of unmarried children of under eighteen years of age. Such children shall be mentioned in the aforesaid declaration. But, married male children of over sixteen years of age shall be entitled to make this choice themselves.

Persons having acquired Indian nationality by reason of a decision of their parents, as indicated in the previous paragraph may make a personal choice with the object of recovering French nationality by means of a declaration signed in the presence of the competent French authorities within six months of attaining their eighteenth birthday. The said choice shall come into force as from the date of signature of the declaration.

The choice of a husband shall not affect the nationality of the spouse.

The declarations referred to in the first and second paragraphs of this Article shall be drawn up in two copies, the one in French, the other in English and

shall be signed in the presence of the competent Indian authorities who shall immediately transmit to the competent French authorities the French copy of the aforesaid declaration.

ARTICLE 9

With effect from the 1st of November 1954 the Government of India shall take in their service all the civil servants and employees of the Establishments, other than those belonging to the metropolitan cadre or, to the general cadre of the France d' Outre-Mer Ministry. These civil servants and employees including the members of the public forces shall be entitled to receive from the Government of India the same conditions of services, as respects remuneration, leave and pension and the same right as respects disciplinary matter or the tenure of their posts, or similar rights as changed circumstances may permit, as they were entitled to immediately before the 1st November 1954. They shall not be dismissed or their prospects shall not be damaged on account of any action done in the course of duty prior to the 1st November 1954.

French civil servants, magistrates and military personnel born in the Establishments or keeping their family links shall be permitted to return freely to the Establishments on leave or on retirement.

ARTICLE 10

The Government of France shall assume responsibility for payment of such pensions as are supported by the Metropolitan Budget, even if the beneficiaries have acquired Indian nationality under Articles 4 to 8 above. The Government of India shall assume responsibility for the payment of pensions, allowances and grants supported by the local budget. The system of pensions of the various local Retirement Funds shall continue to be in force.

ARTICLE 11

The Government of India shall take the necessary steps to ensure that persons domiciled in the Establishments on the 1st of November 1954 and at present practicing a learned profession therein shall be permitted to carry on their profession in these Establishments without being required to secure additional qualification, diplomas or permits or to comply with any new formalities.

ARTICLE 12

The administration 's charitable institutions and loans offices shall continue to operate under their present status, and shall not be modified in the future without ascertaining the wishes of the people. The present facilities granted to the

private charitable institutions shall be maintained and shall be modified only after ascertaining the wishes of the people.

ARTICLE 13

Properties pertaining to worship or in use for cultural purposes shall be in the ownership of the missions or of the institutions entrusted by the French regulations at present in force with the management of those properties.

The Government of India agree to recognise as legal corporate bodies, with all due rights attached to such a qualification, the "Conseils de fabrique" and the administration boards of the missions.

ARTICLE 14

Legal proceedings instituted prior to the 1st of November 1954 shall be judged in conformity with the basic legislation and procedure in force at that time in the Establishments.

To this end, and up to final settlement of such proceedings, the existing courts in the Establishments shall continue to function. Officers of the court shall be law graduates, habitually domiciled in the Establishments, honourably known and selected in accordance with the French regulations governing the designation of temporary judicial officers.

The interested parties shall be entitled, if they so decide by common agreement, to transfer to the competent Indian Courts, the said proceedings as well as proceedings which, though already open are not yet entered with the Registrars, the French Courts and also proceedings which constitute an ordinary or extraordinary appeal.

Judgments, decrees and orders passed by the French Courts, prior to the 1st of November 1954, which are final or may become so by expiration of the delays of appeal, shall be executed by the competent Indian authorities. Judgments, decrees and orders passed after the 1st of November 1954 in conformity with the first paragraph of the present article shall be executed by the competent Indian authorities, irrespective of the Court which exercise the jurisdiction.

Acts or deeds constitutive of rights established to the 1st of November 1954 in conformity with French law, shall retain the value and validity conferred at that time by the same law.

The records of the French Courts shall be preserved in accordance with the rules applicable to them on the date of cession, and communication of their contents shall be given to the duly accredited representatives of the French Government whenever they apply for such communication.

ARTICLE 15

The records of the Registrars offices upto the date of cession, shall be preserved in accordance with the rules applicable to them on that date and copies or extracts of the proceeding shall be issued to the parties or the authorities concerned.

The personal judicial records of the courts' Registries upto the date of cession, shall be preserved in accordance with the rules applicable to them on that date and copies or extracts of these records shall be issued on request to the French authorities and likewise to the persons concerned in accordance with that legislation in force prior to the 1st of November 1954.

The said requests on the part of the French authorities and likewise the copies addressed to them shall be drawn up in the French language and shall entail no reimbursement of costs.

The French and Indian authorities shall mutually inform each other of penal sentences involving registration in the record of convictions of their own territory and pronounced either by French judicatures or by judicatures sitting in territories ceded to India concerning nationals of the other country born in the aforesaid territories.

Such information shall be sent free of charge through diplomatic channels, either in French or together with a translation into French.

ARTICLE 16

The provisions of article 14 of this Treaty shall apply to proceedings which the "Conseil du Contentieux Administratif" is competent to deal with.

Temporary magistrates and local civil servants selected in accordance with the principles of the second paragraph of the said article 14 shall compose this body.

ARTICLE 17

Nationals of France and of the French Union, domiciled in the French Establishments on the 1st November 1954, shall subject to the laws and regulations in force for the time being in the Establishments enjoy in these Establishments the same freedom of residence, movement and trade as the other inhabitants of the Establishments.

ARTICLE 18

All persons of French nationality acquired under Articles 4 to 8 or in any other manner and all French corporate bodies shall be permitted to repatriate

freely their capital and properties over a period of ten years from the 1st of November 1954.

ARTICLE 19

The Government of India takes the place of the territory, with effect from the 1st of November 1954, in respect of all credits, debts and deficits in the care of the local administration. Therefore, the Government of India shall immediately reimburse to the French Government the amount of Treasury loans and various funds placed by the latter at the disposal of the territory, as well as advances made by the "Caisse Centrale de la France d' Outre-Mer" with the exception of sums remitted as grants. In addition the Government of India shall pay the indemnity agreed upon by the two Governments for the purchase of the Pondicherry power station.

Simultaneously, the French Government shall reimburse to the Indian Government the equivalent value at par in £ sterling or in Indian Rupees of the currency withdrawn from circulation from the Establishments before the 1st of November 1955.

ARTICLE 20

The Indian Government agree to the continuation of the French institutions of a scientific or cultural character in existence on 1st of November 1954 and by agreement between the two Governments to the granting of facilities for the opening of Establishments of the same character.

ARTICLE 21

The "College Francais de Pondichery" shall be maintained in its present premises as a French educational establishment of the second degree with full rights. The French Government shall assume the charge of its functionment as well in respect of the selection and salaries of the staff necessary for management, teaching and discipline as in respect of the organisation of studies, syllabi, and examinations and the charge of its maintenance. The premises shall be the property of the French Government.

ARTICLE 22

Private educational institutions in existence on the 1st of November 1954 in the French Establishments shall be allowed to continue and shall be permitted to preserve the possibility of imparting French education. They shall continue to receive from the local authorities subsidies and other facilities at least equal to those which were being granted on the 1st of November 1954.

They will be permitted to receive without obstruction the aid which the French Government in agreement with the Government of India may desire to give them.

ARTICLE 23

The French Government or French recognised Private Organisations shall be allowed to maintain and to create by agreement between the two Governments in the former French Establishments in India, establishments or institutions devoted either to higher studies leading to diplomas of French language, culture and civilization or to scientific research or to the spreading of French culture in the Sciences, Arts or Fine Arts. The Indian Government shall grant every possible facility, subject to their laws and regulations in force for entry into and residence in India to members of French Universities sent by the French Government for a study visit or a teaching mission to India.

ARTICLE 24

The French Institute of Pondicherry, set up by an understanding reached between the two Governments sine the 21st October, 1954 Agreement and inaugurated on the 21st March 1955, shall be maintained a research and advanced educational establishment. The Indian Government shall provide such suitable facilities to further the development of the activities of the said Institute, as agreed upon between the two Governments from time to time.

ARTICLE 25

Equivalences of French diplomas and degrees awarded to persons belonging to the French Establishments viz., “Baccalaureat”, “brevet elementaire”. “brevet d’ etudes du premier cycle” with diplomas and degrees awarded by Indian universities will be accepted by the Indian Government for admission to higher studies and administrative careers. These equivalences will be fixed according to the recommendations of the Joint Educational Committee, nominated by the two Governments in accordance with the Agreement of the 21st October 1954. This shall apply equally to degrees in law and medicine awarded in the Establishments.

Degrees of a purely local character shall be recognised under usual conditions.

ARTICLE 26

The French Government cedes to the Government of India all properties owned by the local administration of the Establishments with the exception of such property as enumerated in Article 8 of the annexed Protocol.

Properties which are at present in possession of the religious authorities shall be retained by them and the Government of India agree, whenever necessary to convey the titles to them.

ARTICLE 27

The French Government shall keep in their custody the records having an historical interest; the Government of India shall keep in their custody the records required for the administration of the territory.

Each Government shall place at the disposal of the other lists of records in its possession and copies of such records as are of interest to the other.

ARTICLE 28

The French language shall remain the official language of the Establishments so long as the elected representatives of the people shall not decide otherwise.

ARTICLE 29

All questions pending at the time of ratification of the Treaty of Cession shall be examined and settled by a French Indian Commission composed of three Representatives of the French Government and three Representatives of the Indian Government.

ARTICLE 30

Any disagreement in respect of the application or interpretation of the present Treaty which cannot be resolved through diplomatic negotiation or arbitration shall be placed before the International Court of Justice at the request of one or other of the High Contracting Parties.

ARTICLE 31

The French and English texts of the present Treaty shall be equally authentic. The present Treaty shall enter into force on the day of its ratification by the two Governments concerned. The exchange of instruments of ratification shall take place at New Delhi.

The Present Treaty shall be deposited in the archives of the Government of India, which shall transmit an attested copy to the Government of the French Republic.

Done in duplicate at New Delhi this twenty-eighth day of May, 1956 A.D.

(sd) JAWAHARLAL NEHRU,
Prime Minister and Minister for External Affairs.

(Sd.) S. OSTROROG,
Ambassador Extraordinary and
Plenipotentiary of France in India.

ANNEXED PROTOCOL

ARTICLE 1

As regards the communes of Nettapacom and Tirubuvane which are part of the Establishment of Pondicherry and as regards the Establishments of Yanam and Mahe, the French Government shall not be responsible, particularly in respect of Articles 3, 9 and 19 of the Treaty, for any acts done in these communes and Establishments with effect from the date shown against each:

--- for Nettapacom ... on March 31, 1954.
--- for Tirubuvane ... on April 6, 1954.
--- for Yanam ... on June 13, 1954.
--- for Mahe ... on July 16, 1954.

ARTICLE 2

The sets of course of studies at present in force shall be maintained during the appropriate transitional period in a sufficient number of educational institutions so as to ensure to the people concerned a possibility of option for the future.

Transitory periods shall be provided for in every course of studies.

ARTICLE 3

All pupils and students now engaged in a course of studies are given the assurance that they will be enable to complete their studies in French according to the curricula and methods in force on the 1st November 1954. They shall continue to enjoy the facilities which they enjoyed on that date, especially regarding free education, and scholarships granted by local authorities, whether these scholarships be valid in the Establishments or in France.

ARTICLE 4

Regarding the organisation of the examinations of College Francais and the French Institute, every facility shall be given to the representatives of the French Government concerning visas and sojourn as well as practical dispositions to be taken for holding the examinations. The French Government retains the authority to select and appoint examination boards.

ARTICLE 5

Scholarships for the completion of studies leading to the “Licence en Droit” and “Doctorat en Medicine” when begun before 1st of November 1954, shall be

granted on request to the students of the former Law College and of the former Medical College. It should they so prefer, medical students shall have the possibility to be admitted into Indian Medical Colleges for completion of their studies, after being given due credits for their previous medical studies.

ARTICLE 6

The Government of India will reimburse to the personnel of educational and cultural establishments whose salaries are paid by the French Government, an amount equal to the Indian Income-Tax paid by them unless it is covered by double Income-Tax avoidance agreement between India and France.

ARTICLE 7

If French books, publications and periodicals as well as educational and teaching equipment and other cultural material intended for use in French Institute and College Francais, are subject to import duty or other taxes, an amount equivalent to the sum so paid shall be reimbursed by the Government of India to the Institutions concerned.

ARTICLE 8

The Government of India recognises as being in the ownership of the French Government the following properties:

1 --- Property located in rue de la Marine (for the installation of the French Consulate);

2 --- Properties located on the rue Victor Simonel which are occupied by the "College Francais de Pondicherry";

3 --- The War Memorial;

4 --- Property No. 13 located at Karaikal so called "Maison Lazare" (for the installation of a branch of the French Consulate);

5 --- Property located on the rue Saint – Louis (for the Institute).

ARTICLE 9

No one shall be prosecuted on account of political offences committed prior to the 1st November 1954 and against whom no prosecution has been instituted on the said date.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, May 28, 1956.

Excellency,

With reference to Article 25 of the Treaty of Cession of the Territory of the French Establishments in India consisting of Pondicherry, Karaikal, Mahe and Yanam, I have the honour to recall a clarification given during the negotiations. So far as admission to higher studies in the Indian Universities and admission to administrative careers under the State Governments are concerned, the Government of India cannot take a decision in this regard on behalf of Indian Universities which are autonomous bodies and of State Governments which are solely responsible for the recruitment of their personnel.

Nevertheless, the Government of India while agreeing to accept the equivalences for admission to administrative careers under the Central Government shall recommend such equivalences to Indian Universities and State Governments and endeavour to secure a favourable decision.

Accept, Excellency, the renewed assurances of my highest consideration.

JAWAHARLAL NEHRU,
Minister for External Affairs.

His Excellency,
Mr. Stanislas Ostrorog,
Ambassador of France, New Delhi.

EMBASSY OF FRANCE IN INDIA

New Delhi, the 28th May, 1956.

Excellency,

I have the honour to refer to your letter dated the 28th May, 1956, in which you have stated as follows:

"With reference to Article 25 of the Treaty of Cession of the Territory of the French Establishments in India consisting of Pondicherry, Karaikal, Mahe and Yanam, I have the honour to recall a clarification given during the negotiations. So far as admission to higher studies in the Indian Universities and admission to administrative careers under the State Governments are concerned, the Government of India cannot take a decision in this regard on behalf of Indian Universities which are autonomous bodies and of State Governments which are solely responsible for the recruitment of their personnel.

Nevertheless, the Government of India while agreeing to accept the equivalences for admission to administrative careers under the Central Government shall recommend such equivalences to Indian Universities and State Governments and endeavour to secure a favourable decision."

The abovementioned position is acceptable to the Government of the Republic of France and your letter referred to above and this acknowledgment will constitute an agreement in this matter between our two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

S. OSTROROG,
Ambassador of France.

His Excellency
Mr. Jawaharlal Nehru,
Prime Minister and Minister for External Affairs.
Government of India, New Delhi.

THE PUDUCHERRY (ADMINISTRATION) ACT, 1962

(Act 49 of 1962)

(5th December, 1962)

An Act to provide for the administration of Puducherry and for matters connected therewith.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows : -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry (Administration) Act, 1962.

(2) It extends to the whole of Puducherry.

(3) It shall be deemed to have come into force on the 16th day of August, 1962.

2. **Definitions. –** In this Act, unless the context otherwise requires, --

(a) "Administrator" means the Administrator of Puducherry appointed by the President under Article 239 of the Constitution;

(b) "appointed day" means the 16th day of August, 1962, being the date of entry into force of the Treaty of Cession;

(c) "former French Establishments" mean the territories which immediately before the appointed day were comprised in the French Establishments in India known as Puducherry, Karaikal, Mahe and Yanam;

(d) "High Court" means the High Court at Madras;

(e) "law" means any Act, Ordinance, Regulation, rule, order, bye-law, decree or other provision (by whatever name called) having the force of law;

(f) "Puducherry" means the Union territory comprising the territories of the former French Establishments;

(g) "Treaty of Cession" means the Treaty concluded between France and India on the 28th day of May, 1956, establishing the cession of the French Establishments by France to India in full sovereignty.

3. **Officers and functionaries in relation to Puducherry. –** Without prejudice to the powers of the Central Government to appoint from time to time such officers and authorities as may be necessary for the administration of Puducherry, all courts, tribunals, authorities and officers, whether in India or in the former French Establishments, who immediately before the appointed day, were exercising lawful functions in connection with the administration of those Establishments or any part thereof, including the Council of Government and the Representative Assembly, shall unless otherwise directed at any time by the Central Government or the Administrator in relation to any such court, tribunal, authority or officer, or until other provision is made by law, continue to exercise in connection with the administration of Puducherry their respective powers and jurisdiction and perform their respective duties and functions in the same manner and to the same extent as before the appointed day with such altered designation, if any, as that Government may determine.

4. **Continuance of existing laws and their adaptation. ---** (1) All laws in force immediately before the appointed day in the former French Establishments or any part thereof shall continue to be in force in Puducherry until amended or repealed by a competent Legislature or other competent authority:

Provided that references in any such law to the President or Government of the French Republic shall be construed as references to the Central Government, references to the Governor of the French Establishments in India, to the Commissioner of the Republic for the French Establishments in India, to the chief Commissioner for the French Establishments, to the Chief Commissioner of the State of Puducherry or to the Chief Commissioner. Puducherry shall be construed as references to the Administrator of Puducherry and references to the State of Puducherry shall be construed as references to Puducherry.

(2) For the purpose of facilitating the application of any such law in relation to the administration of Puducherry and for the purpose of bringing the provisions of any such law into accord with the provisions of the Constitution, the Central Government may, within three years from the appointed day, by order, make such adaptations and modifications, whether by way of repeal or amendment as may be necessary or expedient and thereupon every such law shall have effect subject to the adaptations and modifications so made.

5. **Property and assets. ---** For the avoidance of doubt, it is hereby declared that all property and assets within Puducherry, which, immediately before the appointed day, vested in the Government of the French Republic shall, save as otherwise expressly provided in the Treaty of Cession vest in the Union.

6. **Rights and obligations. --** Subject to the provisions of the Treaty of Cession, all rights, liabilities and obligations of the Government of the French Republic in relation to or arising out of the administration of the former French Establishments shall, as from the appointed day, be the rights, liabilities and obligations of the Central Government.

7. **Continuance of existing taxes. –** All taxes, duties, cesses and fees which, immediately before the appointed day, were being lawfully levied in the former French Establishments or any part thereof shall continue to be levied in Puducherry and to be applied to the same purposes, until other provision is made by a competent Legislature or other competent authority.

8. **Power to extend enactments to Puducherry. –** The Central Government may, by notification in the Official Gazette, extend with such restrictions and modifications as it thinks fit, to Puducherry any enactment which is in force in a State at the date of the notification.

9. **Extension of the jurisdiction of Madras High Court to Puducherry. –** As from the 6th day of November, 1962, the Jurisdiction of the High Court shall extend to Puducherry.

10. **Jurisdiction of High Court.—**(1) Without prejudice to the generality of the provisions of section 9, the High Court shall have, in respect of Puducherry, all such jurisdiction as under the law in force immediately before the appointed day was exercisable in respect of the former French Establishments by the Cour de Cassation, the Cour Superieur d' Arbitrage and the Conseil d' Etat of France:

Provided that while determining appeals from decisions of courts and tribunals in Puducherry, the High Court shall, as far as may be, follow the same procedure and have the same power to pass any judgment, decree or order thereon, as it follows and has while determining appeals from decisions of courts in the State of Madras.

(2) All appeals and other proceedings from or in respect of any judgment, decree or order of any court or tribunal in the former French Establishments pending immediately before the appointed day before the Cour De Cassation or the Cour Superieur d' Arbitrage or the Conseil d' Etat of France and all original proceedings in relation to those Establishments pending immediately before the appointed day before the Conseil d' Etat shall, by virtue of this Act, stand transferred to the High Court and shall be disposed of by the High Court in the exercise of jurisdiction conferred on it by this Act, as if such appeals and other proceedings had been filed before the High Court.

Explanation. – All appeals and other proceedings filed before the appointed day but not transmitted to the Cour de Cassation or the Cour Superieur d' Arbitrage or the Conseil d' Etat shall be deemed to be appeals or proceedings, as the case may be, pending before that Court for the purposes of this sub-section.

11. **Advocates entitled to practice before High Court –** Notwithstanding anything contained in the Advocates, Act, 1961 (25 of 1961), but subject to such rules as may be framed by the High Court, any person who is entitled to practise before the Tribunal Superieur d' Appeal at Puducherry shall be recognised as an advocate entitled to practise in the High Court in relation to cases coming before the High Court from Puducherry.

12. **Power of High Court to make rules. –** The High Court may from time to time, make rules, consistent with this Act, to provide for all or any of the following matters, namely: -

(a) the translation of any papers filed in the High Court and the preparation of paper books for hearing all appeals and the copying, typing or printing of any such papers or translation and the recovery from the persons at whose instance or on whose behalf papers are filed of the expenses thereby incurred;

(b) the court-fees payable for instituting proceedings in the High Court, the fees to be charged for processes issued by the High Court or by any officer of the court and the amount payable in any proceeding in the High Court in respect of fees of the advocate of any party to such proceedings;

(c) the procedure to be followed in the High Court;

(d) the approval, admission, enrolment, removal and suspension of Advocates from Puducherry.

13. **Validation of certain orders and decrees. --** (1) Every order or decree purported to have been made by the Cour de Cassation, the Cour Superieur d' Arbitrage or the Conseil d' Etat of France during the period commencing on the first day of November, 1954, and ending on the appointed day, in any appeal or other proceeding from, or in respect of any judgment, decree or order of any court, tribunal or other authority in the former French Establishments shall be deemed to have been validly made, in accordance with law; and shall for all purposes have effect as if it were an order or a decree made by the High Court in the exercise of the jurisdiction conferred by this Act.

(2) Notwithstanding anything contained in sub-section (1), where any decision has been rendered after the 17th March, 1960, by any court in France in any case in which the respondent had no opportunity to appear for want of service of summons transmitted through the Administration of the former French Establishments. Such decision shall be deemed never to have been rendered and shall be deemed to be pending before the court by which such decision was rendered and accordingly stand transferred to the High Court or, as the case may be, to the court in Puducherry corresponding to the court in France in which the case shall be deemed to be pending.

(3) As soon as may be after the 6th day of November, 1962, the Administrator shall transmit to the High Court or, as the case may be, to the corresponding court, the record of every such case as is referred to in sub-section (2), together with a certificate that the summons in that case was not served on the respondent.

14. **Limitation for appeals. –** (1) The periods of limitation for appeals to the High Court shall be as set out below:-

Sl. No.	Description of appeal	Period of limitation	Time from which period begins to run
1.	Civil Appeal against any judgment or order.	90 days	The date of the judgment or order.
2.	Criminal Appeal against sentence of death.	7 days	The date of sentence.
3.	Criminal Appeal against any sentence or order other than a sentence of death.	30 days	The date of the sentence or order.

Sl. No.	Description of appeal	Period of limitation	Time from which period begins to run
4.	Criminal Appeal against an order of acquittal	90 days	The date of the order of acquittal.
5.	Labour appeal under section 207 of the French Labour Code, 1952.	30 days	The date of the judgment or order.
6.	Labour Appeal under section 216 of the French Labour Code, 1952.	30 days	The date on which the report and the recommendation of the expert are communicated to the party appealing.
7.	Appeal against a judgment or order of the Administrative Tribunal at Puducherry.	90 days	The date of the judgment or order.

(2) Except in the case of a Criminal Appeal against a sentence of death, in computing the period of limitation, the time taken for obtaining a certified copy of the judgment, order, report and recommendation, appealed against, as the case may be, shall be excluded.

(3) In the case of an appeal preferred by an accused person under sentence and in custody, the date on which he lodges the memorandum of appeal with the Superintendent of the Jail in which he is detained shall be deemed to be the date of presentation of the appeal in the High Court.

(4) Any appeal may be admitted after the period of limitation prescribed therefor when the appellant satisfies the Court that he had sufficient cause for not preferring the appeal within such period.

15. **Saving of limitation in certain cases. –** In computing the period of limitation under section 14 or under any other law, any period during which an appeal could not be filed or a proceeding could not be instituted because the jurisdiction of the High Court did not extend to Puducherry shall be excluded.

16. **Rule of construction. –** References in any law in force in Puducherry to the Cour de Cassation, the Cour Superieur d' Arbitrage or the Conseil d' Etat shall be construed as references to the High Court.

17. **Power to construe laws. –** For the purpose of facilitating the application of any law in relation to Puducherry, any court or other authority may construe any such law in such manner not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

18. **Effect of other laws. –** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law in force in Puducherry.

19. **Power to remove difficulties. –** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make any such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) Any order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed day.

20. **Repeal and saving. –** (1) The Puducherry (Administration) Ordinance, 1962 (8 of 1962), is hereby repealed.

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

THE CONSTITUTION OF INDIA

[1]PART VIII

[2][THE UNION TERRITORIES]

Administration of Union territories.

[3]239. (1) Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.

(2) Notwithstanding anything contained in Part VI, the President may appoint the Governor of a State as the administrator of an adjoining Union territory, and where a Governor is so appointed he shall exercise his functions as such administrator independently of his Council of Ministers.

1. Not applicable to the State of Jammu and Kashmir.
2. Subs. by the Constitution (Seventh Amendment) Act, 1956, S.17, for the original heading "THE STATES IN PART C OF THE FIRST SCHEDULE".
3. Sub. by S. 17 ibid for the original arts. 239 and 240.

Creation of local legislatures or Council of Ministers or both for certain Union territories.

[1] **[**239A. (1) Parliament may by law create for any of the Union territories of [2]…… [3]…….. [4] (Goa, Daman and Diu,) [5] (Puducherry, Mizoram and Arunachal Pradesh)**]**—

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union territory, or

(b) a Council of Ministers,

or both with such constitution, powers and functions in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.**]**

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1. Ins. by the Constitution (Fourteenth Amendment) Act, 1962, s.4.
2. The words "Himachal Pradesh", omitted by the State of Himachal Pradesh Act, 1970 (53 of 1970), s. 46 (w.e.f. 25-1-1971).
3. The words "Manipur, Tripura", omitted by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (w.e.f. 21-1-1972).
4. Subs. by the Constitution (Twenty-seventh Amendment) Act, 1971 s.2, for "Goa, Daman and Diu and Puducherry" (w.e.f. 15-2-1972).
5. Subs. by the Constitution (Thirty-seventh Amendment) Act, 1975 s.2, for "Puducherry and Mizoram".

Power of administrator to promulgate Ordinances during recess of Legislature.

[1] **[**239B. (1) If at any time, except when the Legislature of a Union territory referred to in clause (1) of article 239A is in session, the administrator thereof is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:

Provided that no such Ordinance shall be promulgated by the administrator except after obtaining instructions from the President in that behalf:

Provided further that whenever the said Legislature is dissolved, or its functioning remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239 A, the administrator shall not promulgate any Ordinance during the period of such dissolution or suspension.

(2) An Ordinance promulgated under this article in pursuance of instructions from the President shall be deemed to be an Act of the Legislature of the Union territory which has been duly enacted after complying with the provisions in that behalf contained in any such law as is referred to in clause (1) of article 239 A, but every such Ordinance ---

(a) shall be laid before the Legislature of the Union territory and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature or if, before the expiration of that period, a resolution disapproving it is passed by the Legislature, upon the passing of the resolution; and

(b) may be withdrawn at any time by the administrator after obtaining instructions from the President in that behalf.

(3) If and so far as an Ordinance under this article makes any provision which would not be valid if enacted in an Act of the Legislature of the Union territory made after complying with the provisions in that behalf contained in any such law as is referred to in clause (1) of article 239 A, it shall be void.**]**

1. Ins. by the Constitution (Twenty-seventh Amendment) Act, 1971, s. 3 (w.e.f. 30-12-1971).

[1][(]4) Notwithstanding anything in this Constitution, the satisfaction of the administrator mentioned in clause (1) shall be final and conclusive and shall not be questioned in any court on any ground.[]

Power of President to make regulations for certain Union territories.

240. (1) The President may make regulations for the peace, progress and good government of the Union territory of ---

(a) the Andaman and Nicobar Islands ;

[2][(b) Lakshadweep ;[]]

[3][(c) Dadra and Nagar Haveli ;[]]

[4][(d) Goa, Daman and Diu ;[]]

[5][(e) Puducherry ;[]]

[6][(f) Mizoram ;

(g) Arunachal Pradesh :[]]

1. Ins. by the Constitution (Thirty-eight Amendment) Act, 1975, s. 4 (retrospectively).
2. Subs. by the Laccadive, Minicoy and Amindivi Islands (Alteration of Name) Act, 1973 (34 of 1973), s.4, for "(b) the Laccadive, Minicoy and Aminidivi Islands; " (w.e.f. 1-11-1973).
3. Ins. by the Constitution (Tenth Amendment) Act, 1961, s. 3.
4. Ins. by the Constitution (Twelfth Amendment) Act, 1962, s.3.
5. Ins. by the Constitution (Fourteenth Amendment) Act, 1962 ss.5 and 7 (w.e.f. 16-8-1962).
6. Ins. by the Constitution (Twenty-seventh Amendment) Act, 1971, s.4 (w.e.f. 15-2-1972).

[1][Provided that when any body is created under article 239A to function as a Legislature of the [2] (Union territory of Goa, Daman and Diu, [3] (Puducherry, Mizoram or Arunachal Pradesh)], the President shall not make any regulation for the peace, progress and good government of that Union territory with effect from the date appointed for the first meeting of the Legislature:]

[4][Provided further that whenever the body functioning as a Legislature for the Union territory of Goa, Daman and Diu, [3] (Puducherry, Mizoram or Arunachal Pradesh) is dissolved, or the functioning of that body as such Legislature remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A, the President may, during the period of such dissolution or suspension, make regulations for the peace, progress and good government of that Union territory.]

(2) Any regulation so made may repeal or amend any Act made by Parliament or [5] (any other law) which is for the time being applicable to the Union territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to that territory.

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1. Ins. by the Constitution (Fourteenth Amendment) Act, 1962, s.5
2. Subs. by the Constitution (Twenty-seventh Amendment) Act, 1971, s.4 for "Union territory of Goa, Daman and Diu or Puducherry" (w.e.f. 15-2-1972).
3. Subs. by the Constitution (Thirty-seventh Amendment) Act, 1975, s. 3 for "Puducherry or Mizoram".
4. Ins. by the Constitution (Twenty-seventh Amendment) Act, 1971, s.4 (w.e.f. 15-2-1972).
5. Subs. by the Constitution (Twenty-seventh Amendment) Act, 1971, s. 4 for "any existing law" (w.e.f. 15-2-1972).

High Courts for Union territories.

241. (1) Parliament may by law constitute a High Court for a [1] (Union territory) or declare any court in any [2] (such territory) to be a High Court for all or any of the purposes of this Constitution.

(2) The provisions of chapter V of Part VI shall apply in relation to every High Court referred to in clause (1) as they apply in relation to a High Court referred to in article 214 subject to such modifications or exceptions as Parliament may by law provide.

[3] **[**(3) Subject to the provisions of this Constitution and to the provisions of any law of the appropriate Legislature made by virtue of powers conferred on that Legislature by or under this Constitution, every High Court exercising jurisdiction immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, in relation to any Union territory shall continue to exercise such jurisdiction in relation to that territory after such commencement.

(4) Nothing in this article derogates from the power of Parliament to extend or exclude the jurisdiction of a High Court for a State to, or from, any Union territory or part thereof.**]**

242. (Coorg.) Rep. By the Constitution (Seventh Amendment), Act, 1956, s. 29 and Sch.

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1. Subs. by the Constitution (Seventh Amendment) Act, 1956, s. 29 and Sch., for "State specified in Part C of the First Schedule".

2. Sub. by s. 29 and Sch. ibid. for "such State".

3. Subs. by s. 29 and Sch. ibid., for the original cls. (3) and (4).

AGREED PROCES – VERBAL

A delegation representing the Government of France led by His Excellency Mr. Jean-Paul GARNIER, Ambassador Extraordinary and Plenipotentiary of the Republic of France in India, discussed in New Delhi from the 13th of November, 1962 to the 15th of March, 1963 with a delegation representing the Government of India, led by Mr. Rajeshwar DAYAL, Special Secretary, Ministry of External Affairs, various matters concerning certain provisions of the Treaty of Cession of the French Establishments of Pondicherry, Karaikal, Mahe and Yanam concluded on the 28th of May, 1956 in New Delhi between the French Republic and the Republic of India.

The two delegations reached the following conclusions:

I. ADMINISTRATIVE AND SOCIAL QUESTIONS:

1. Situation of persons domiciled in the former French Establishments in India on the 1st of November, 1954.

A. *Establishment and exercise of their activities* – The Indian delegation stated that the Government of India had taken steps to ensure that the provisions of articles 11 and 17 were observed. If new laws or regulations were promulgated, it would be ensured that the provisions of articles 11 and 17 were not infringed.

In the special case of article 17, the existing laws and regulations are, according to the Indian delegation, adequate for the purpose, except in the case of certain requirements such as registration and residential permits which apply to all foreign nationals. The Government of India shall exempt French nationals domiciled in the former French Establishments from these requirements.

In answer to an enquiry made by the French delegation, the Indian delegation stated that the above mentioned persons shall be in a position to undertake the following activities in the same manner as other inhabitants of the former French Establishments.

(a) setting up of industrial, commercial, agricultural or handicraft enterprises;

(b) setting up of companies according to the laws in force in the Establishments and acquiring interest in companies functioning in other parts of the Indian Union;

(c) taking part in activities of bodies representing economic interests;

(d) carrying on wage-earning activities.

They shall also enjoy:

(a) private rights, particularly the right of purchasing, owning, managing or renting movable and immovable assets, rights, and interests, using them and disposing of them;

(b) *judicial protection:* free and easy access to courts, at every level of jurisdiction, for the purpose of asserting and defending their rights and interests; benefit of judicial assistance and exemption from the provision of security for costs in accordance with laws and regulations in force;

(c) *social protection:* benefit of the advantages granted by legislation in regard to labour and social security; participation in trade union activities.

The vested rights of private persons or corporate bodies will be respected.

The French delegation asked that the benefits of articles 11 and 17 be extended to French nationals who had elected their domicile in the former French Establishments after the 1st of November, 1954 and up to the 16th of August, 1962 and who continued to maintain their domicile there.

The Indian delegation agreed.

B. *Right to return to the Establishments* --- The French delegation requested that the provisions of paragraph 2 of article 9 be extended to all French nationals born in the Establishments. The Indian delegation pointed out that article 9 specified certain categories of persons. If, however, other categories of persons, born in the Establishments or keeping their family links in the Establishments, desired to return to Pondicherry, their applications would be considered sympathetically. As a rule, such person would be granted the necessary visas except in the case of persons considered “undesirable”.

C. *Right of property* --- The Indian delegation confirmed that Indian laws did not prohibit foreigners from owning real estate.

D. *Payment of pensions, allowances and grants* --- The Indian delegation stated that French nationals, including those who would establish their domicile outside India, would be granted by the Government of India their due pensions, allowances and grants which are the responsibility of the territory, as contemplated in article 10 of the Treaty. They further explained that:

(a) pensions shall be paid in rupees to persons who had their domicile in Pondicherry their remittance abroad being subject to the relevant Exchange Control Regulations in force. Pensions of retired persons having their domicile outside India shall be payable, through their banks in India, in the money of the country where such persons shall have elected their domicile:

(b) the payment of the indemnity of 75% paid to the pensioners of the "Caisse de la France d' Outre-Mer" will be continued but will not be extended to new beneficiaries, i.e., to persons having elected their domicile in Pondicherry after the 16th August, 1962. Persons who reside in Pondicherry for less than six months during any financial year will not be entitled to such payment.

2. Situation of the "Renoncants"

It was agreed that the "Renoncants" will continue to be governed in respect of personal laws like those relating to marriage, divorce, adoption, succession etc., by the relevant articles of the French Civil Code dealing with these matters.

3. Future of the judicial professions and maintenance of the acquired rights of its members.

The Indian delegation stated that the Government of India did not contemplate any sudden reform of the Judicial organization in Pondicherry. Changes which would be necessary to bring the system in Pondicherry in harmony with that prevailing in the rest of India, will be introduced gradually allowing a reasonable period of transition.

II. JUDICIAL QUESTIONS:

Proceedings pending on August the 16th, 1962, before local courts and before the "Conseil du Contentieux Administratif" in the Establishments will be continued and completed till their final settlement, in accordance with the substantive laws in force in the Establishments on the above mentioned date.

Cases in the "Cour de Cassation", the "Conseil d' Etat" and the "Cour Superieure d' Arbitrage" pending on August the 16th,1962, will be transferred to the competent Indian courts.

The French delegation proposed that judgments, decrees and orders passed by local courts as well as by French Supreme Jurisdiction should be executed by the Indian Authorities.

The Indian delegation agreed to this proposal stating that they had been informed that no execution was necessary on their part in respect of any decision rendered during the last two and a half years or so by any court in France in any case in which the respondent had no opportunity to appear.

Acts and deeds constitutive of rights established in conformity with French law will accordingly retain the value and validity conferred on them by the same law.

III. ECONOMIC AND FINANCIAL QUESTIONS:

1. Fiscal Regulations.

The conclusion of a convention in order to avoid double taxation is under discussion between the Governments of India and France. The fiscal system applicable to French nationals will be determined by the entry into force of the said convention.

2. Repatriation of capital and of properties.

The Indian delegation agreed that the provisions of article 18 of the Treaty will be extended by a further period of three years so as to enable repatriation of capital and of properties up to the 31st of October, 1967.

IV. CULTURAL QUESTIONS:

1. Equivalence of Diplomas.

The Indian delegation will recommend to appropriate authorities to recognize the following equivalences:

(a) Brevet d' Etudes du Premier Cycle and Brevet Elementaire to be equivalent to Marticulation;

(b) first part of Baccalaureat to be equivalent to the Pre-University Certificate;

(c) holders of the second part of Baccalaureat to be eligible for admission to the second year of B.A./B.Sc.:

(d) in individual cases, holders of French Baccalaureat to be admitted in classes higher than the second year of B.A./B.Sc., after special examination.

2. Medical Diplomas.

The Indian delegation explained that the Diploma granted by the Medical School in Pondicherry was already officially recognised.

The holders of this Diploma are eligible for registration as medical practitioners all over India on the same terms as the holders of similar diplomas granted by other Medical Institutes in India.

In regard to higher education, the Diploma of the Medical School in Pondicherry is equated to medical qualifications such as the "Licenciate of the Medical Faculty" of West Bengal, the "Licenciate of the Medical Faculty" of Punjab, "Membership of college of Physicians and Surgeons" (M.C.P.S.) of Bombay, "Membership of the State Medical Faculty" (M.M.F.) of West Bengal and similar diplomas. If the holders of the said French Diploma wish to acquire the M.B.B.S. degree, they can do so after taking a condensed two years' course for which facilities are available at five places in India.

3. Teaching of French

The Indian delegation confirmed that teaching of French be maintained and encouraged in the educational institutions of Pondicherry and Chandernagore,

4. Sisters of Saint-Joseph de Cluny.

The Indian delegation stated that all possible facilities for grant of visas will be extended to Sisters of Saint-Joseph de Cluny wishing to come to India for teaching at the school of St. Joseph de Cluny in Pondicherry, till progressive Indianisation of the religious communities permits the replacement of French by Indian Sisters.

V. MISCELLANEOUS QUESTIONS:

1. The French delegation pressed forward a request for extension of the powers of the Commission provided for in article 29 of the Treaty in order that it could deal with, effectively and without delay, minor difficulties, particularly of a private character, which might arise in the future concerning the implementation of the Treaty.

The Indian delegation pointed out that article 29 of the Treaty provided for the establishment of the proposed Commission to deal only with questions pending at the time of ratification of the Treaty. Other questions were therefore beyond the competence of this Commission. The Indian delegation appreciated, however, that it should not be necessary to take up at the diplomatic level all minor difficulties relating to the implementation of the provisions of the Treaty and that a suitable local machinery might be useful for the purpose.

It was agreed that such a machinery will be provided in Pondicherry by entrusting the Chief Secretary of the Administration on the Indian side and the Consul General on the French side with the task of dealing with complaints and difficulties of a minor nature. This will not preclude recourse to normal diplomatic channels, when necessary, either initially or afterwards. It was hoped that the above machinery in Pondicherry would be able to settle the issues referred to it without recourse to higher authorities.

2. The Indian delegation agreed that the Government of India will continue to lease to the Associations of War veterans the building located in No. 10, rue de Lauriston, on payment of a nominal rent as hitherto. They hoped that the building will also be used for other activities of Indo-French cultural cooperation.

3. The French delegation asked that in case the Indian Authorities wished to remove the statue of Dupliex from its present site, the latter should agree to a request of the French Government to have the statute back in France or transferred to one of the premises in Pondicherry belonging to the French Government. The Indian delegation agreed and added that the Indian Authorities had at present no intention of removing the statue from its present site.

4. The Indian delegation agreed that necessary steps will be taken to ensure that French tombs in the former Establishments are maintained in proper condition.

Signed in New Delhi on the Sixteenth of March, 1963.

On behalf of the Government of India,	On behalf of the Government of the French Republic,
(Sd.) (Rajeshwar Dayal), Special Secretary to the Government of India, Ministry of External Affairs.	(Jean-Paul Garnier), Ambassador Extraordinary and Plenipotentiary of France in India.

THE TAXATION LAWS (EXTENSION TO UNION TERRITORIES) REGULATION, 1963

(Regulation No. 3 of 1963).

(30th March 1963)

Promulgated by the President in the Fourteenth Year of the Republic of India.

A regulation to extend certain laws relating to taxation to the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :-

1. *Short title and commencement.* - (1) This Regulation may be called the Taxation Laws (Extension to Union Territories) Regulation, 1963.

(2) It shall come into force on the 1st day of April, 1963.

2. *Definitions.* - In this Regulation, unless the context otherwise requires, --

(a) "Act" means an Act specified in the Schedule;

(b) "Union territory" means any of the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry.

3. *Extension with amendments of certain taxation laws to the Union territories and their commencement therein.* – (1) The Acts specified in Part I of the Schedule shall extend to, and come into force in, each of the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry on the 1st day of April, 1963, subject to the modifications, if any, specified in that Part.

(2) The Acts specified in Part II of the Schedule shall extend to, and come into force in, the Union territories of Goa, Daman and Diu, and Puducherry on the 1st day of April, 1963, and shall, in their application to those territories and the Union territory of Dadra and Nagar Haveli, be subject to the modifications, if any, specified in that Part.

(3) Any reference in the provisions of any Act referred to in sub-section (1) or sub-section (2) to the commencement thereof shall, in relation to a Union territory, be construed as a reference to the 1st day of April, 1963.

4. *Repeal and savings.* - (1) Any law in force in a Union territory corresponding to any Act specified in the Schedule shall stand repealed on the 1st day of April, 1963.

(2) Notwithstanding the repeal by sub-section (1) of any law referred to therein, that law shall continue to have effect in the Union territory for the purposes of the levy, assessment and collection of any tax or duty leviable under such law before the 1st day of April, 1963, except in so far as the income (including profits and gains) or property in respect of which such tax or duty is leviable is liable to assessment under any Act specified in the Schedule for the assessment year commencing on the 1st day of April, 1963, or for any subsequent year, and for any other purpose whatsoever connected with or incidental to such levy, assessment and collection:

Provided that any reference in any such law to an officer, authority, tribunal or Court shall be construed as a reference to the corresponding officer, authority, tribunal or Court appointed or constituted by or under the corresponding Act specified in the Schedule and if any question arises as to who the corresponding officer, authority, tribunal or Court is, the decision of the Central Government thereon shall be final.

(3) Without prejudice to the provisions contained in sub-section (2), section 6 of the General Clauses Act, 1897, shall apply in relation to the repeal of any law referred to in sub-section (1) as if the law so repealed had been an enactment within the meaning of section 6 of the Act.

5. *Extension of rules, orders, etc.,* - All rules, notifications and orders made or issued under the provisions of any Act shall, in so far as they do not extend to, and are not in force in, a Union territory immediately before the 1st day of April, 1963, extend to, and come into force in, that Union territory as from that date.

6. *Rules of construction.* - (1) In any Act or in any of the rules, notifications or orders made or issued thereunder, any reference to any provision of law not in force or to any functionary not in existence in a Union territory shall be construed as a reference to the corresponding law in force or to the corresponding functionary in existence in that Union territory:

Provided that ---

(i) if any question arises as to who such functionary is, or

(ii) if there is no such corresponding functionary,

the Central Government shall decide as to who such functionary will be and its decision shall be final.

(2) For the purpose of facilitating the application in relation to a Union territory of any Act or any rule, notification or order made or issued thereunder,

any Court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court or other authority.

7. *Power to remove difficulties.* - If any difficulty arises in giving effect in any Union territory to the provisions of any Act, or of any rule, notification or order made or issued thereunder, the Central Government may, by general or special order published in the Official Gazette, make such provisions or give such directions as appear to it to be expedient or necessary for the removal of the difficulty.

THE SCHEDULE

PART I

[See section 3 (1)]

Year (1)	No. (2)	Short title (3)	Modifications (4)
1926	3	The Government Trading Taxation Act, 1926.	..
1949	22	The Payment of Taxes (Transfers of Property) Act, 1949.	..
1953	34	The Estate Duty Act, 1953.	In section 2, after clause (9) insert --- '(9-A) "High Court", in relation to the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu, means the High court at Bombay;' In clause (d) of sub-section (1) of section 3, insert at the end --- "and as if the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry had always been part of India". In sub-section (1) of section 5, after the words "First Schedule to this Act" insert, "and in the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry".

Year (1)	No. (2)	Short title (3)	Modifications (4)
1957	27	The Wealth tax Act, 1957.	In section 2 --- (i) in clause (h), omit the word "and" at the end of sub-clause (i) and after sub-clause (ii) insert --- "(iii) a company within the meaning of any law relating to companies for the time being in force in the Union territory of Dadra and Nagar Haveli, Goa, Daman and Diu, or Puducherry and any association in any such Union territory, whether incorporated or not, which is declared by general or special order of the Board to be a Company for the purposes of this Act;"; (ii) after clause (i), insert --- '(i-a) "High Court", in relation to the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu, means the High Court at Bombay;'; (iii) after clause (k), insert --- '(ka) "India" shall be deemed to include the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry --- (i) as respects any period, for the purposes of section 6; and (ii) as respects any period included in the year ending with the valuation date, for the purpose of making any assessment for the assessment year commencing on the 1st day of April, 1963 or for any subsequent year;''

Year (1)	No. (2)	Short title (3)	Modifications (4)
1957	27	The Wealth tax Act, 1957. *Cont….*	In section 4, after sub-section (4), insert --- "(4-A) Notwithstanding anything in sub-section (4), nothing contained in clause (a) of sub-section (1) shall apply to any such transfer as is referred to therein made before the 1st day of April, 1963, by an individual who but for the extension of this Act to the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry, would not have been an assessee, and the value of any assets so transferred shall not be included in the computation of his net wealth.". In section 44, after the words "or a legal practitioner or a chartered accountant", insert, "or any person who before the coming into force of this Act in the Union territory of Dadra and Nagar Haveli, Goa, Daman and Diu, or Puducherry attended before an Income-tax authority in the said territory on behalf of any assessee otherwise than in the capacity of an employee or relative of that assessee." After section 46, insert --- "46-A. *Power to make exemption, etc., in relation to certain Union territories.* --- If the Central Government considers it necessary or expedient so to do for avoiding any hardship or anomaly or removing any difficulty that may arise as a result of the application of this Act to the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry or in the case of the Union territory of Puducherry, for implementing any provision of the Treaty of Cession concluded between France and India on the 28th day of May, 1956, that Government may, by general

Year (1)	No. (2)	Short title (3)	Modifications (4)
1957	27	The Wealth tax Act, 1957. *Cont….*	or special order, make an exemption, reduction in rate or other modification in respect of Wealth-tax in favour of any class of assets or in regard to the whole or any part of the net wealth of any assessee or class of assessees: Provided that the power conferred by this section shall not be exercisable after the 31st day of March, 1967, except for the purpose of rescinding an exemption, reduction or modification already made.
1958	18	The Gift-tax Act, 1958.	In section 2 --- (i) for clause (vii), substitute --- '(vii) "Company" means a company as defined in section 3 of the Companies Act, 1956, and includes --- (a) a foreign company within the meaning of section 591 of that Act; and (b) a company within the meaning of any law relating to companies for the time being in force in the Union territory of Dadra and Nagar Haveli, Goa, Daman and Diu, or Puducherry and any association in any such Union territory whether incorporated or not which is declared by general or special order of the Board to be a company for the purposes of this Act.; " (ii) after clause (xxiii), insert --- '(xxiii-a) territories to which this Act extends shall be deemed to include the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry, ---

Year (1)	No. (2)	Short title (3)	Modifications (4)
1958	18	The Gift-tax Act, 1958. *Cont..*	(a) as respects any period for the purposes of section 5; and (b) as respects any period included in the previous year, for the purposes of making any assessment for the assessment year commencing on the 1st day of April, 1963, or for any subsequent year;' In section 28-B, after clause (v), insert --- '(vi) in relation to the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu, the High Court at Bombay; (vii) in relation to the Union territory of Puducherry, the High Court at Madras.'. After section 46, insert, --- "46—A. *Power to make exemption, etc., in relation to certain Union territories.* – If the Central Government considers it necessary or expedient so to do for avoiding any hardship or anomaly or removing any difficulty that may arise as a result of the application of this Act to the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry, or in the case of the Union territory of Puducherry, for implementing any provision of the Treaty of Cession concluded between France and India on the 28th day of Mary, 1956, the Central Government may, by general or special order, make an exemption, reduction in rate or other modification in respect of gift-tax in favour of any class of gifts or in regard to the whole or any part of the gifts made by any assessee or class of assessees:

Year (1)	No. (2)	Short title (3)	Modifications (4)
1958	18	The Gift-tax Act, 1958. *Cont..*	Provided that the power conferred by this section shall not be exercisable after the 31st day of March, 1967, except for the purpose of rescinding an exemption, reduction or modification already made.

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PART II

[See section 3 (2)]

Year (1)	No. (2)	Short title (3)	Modifications (4)
1961	43	The Income tax Act, 1961	In section 2 --- (i) after clause (25), insert--- '(25-A) "India" shall be deemed to include the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry,--- (a) as respects any period, for the purpose of section6; and (b) as respects any period included in the previous year, for the purposes of making any assessment for the assessment year commencing n the 1st day of April, 1963 or for any subsequent year;' (ii) in clause (26) --- (a) in sub-clause (i), for the brackets and words "(other than the State of Jammu and Kashmir)" substitute "[other than the State of Jammu and Kashmir and the Union territories specified in sub-clause (iii) of this clause]".

Year (1)	No. (2)	Short title (3)	Modifications (4)
1961	43	The Income tax act, 1961 *Cont…*	(b) after sub-clause (ii), insert --- "(iii) in the case of any of the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry, a company formed and registered under any law for the time being in force in that Union territory;". In section 269, omit the word "and" at the end of clause (iv) and after clause (v), insert ---- "(vi) in relation to the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu, the High Court at Bombay; and (vii) in relation to the Union territory of Puducherry, the High Court at Madras". In section 288, in sub-section (2), after clause (vi) insert --- "(vi-a) any person who, before the coming into force of this Act in the Union territory of Dadra and Nagar Haveli, Goa, Daman and Diu, or Puducherry, attended before an Income tax authority in the said territory on behalf of any assessee otherwise than in the capacity of a employee or relative of that assessee; or " After section 294, insert --- "294-A. *Power to make exemption, etc., in relation to certain Union territories:* If the Central Government considers it necessary or expedient so to do for avoiding any hardship or anomaly or removing any difficulty that may arise as a result of the application of this Act to the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Puducherry, or in the case of the Union territory of Puducherry, for implementing any

Year (1)	No. (2)	Short title (3)	Modifications (4)
1961	43	The Income tax act, 1961 *Cont…*	provision of the Treaty of Cession concluded between France and India on the 28th day of May, 1956, that Government may, by general or special order, make an exemption, reduction in rate or other modification in respect of income-tax or supertax in favour of any assessee or class of assessees or in regard to the whole or any part of the income of any assessee or class of assessees: Provided that the power conferred by this section shall not be exercisable after the 31st day of March, 1967, except for the purpose of rescinding an exemption, reduction or modification already made".
1961	46	The Voluntary Surrender of Salaries (Exemption from Taxation) Act, 1961.	..

THE GOVERNMENT OF UNION TERRITORIES ACT, 1963
(NO. 20 OF 1963)

[10th May, 1963.]

An Act to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:--

PART I
PRELIMINARY

Short title and commencement

1. (1) This Act may be called the Government of Union Territories Act, 1963.

(2) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint:

[2][Provided that it shall come into force in the Union territory of Mizoram on such date, being a date not earlier than the date of commencement of the Government of Union Territories (Amendment) Act, 1971, as the Central Government may, by notification in the Official Gazette, appoint:]

[3][Provided further that it shall come into force in the Union territory of Arunachal Pradesh on such date, being a date not earlier than the date of commencement of the Government of Union Territories (Amendment) Act, 1975, as the Central Government may, by notification in the Official Gazette, appoint:]

[4][Provided also that, subject to the preceding provisos,] different dates[1] may be appointed for different provisions of this Act and for different Union territories and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

1 Provisions of SS. 1,2,53, 56 and 57 and schedule II came into force in the Union Territory of Puducherry on 13.5.1963, vide Notification GSR 815 dated 13.5.1963. The remaining provisions of this Act came into force on 1.7.1963 vide Notification No.GSR 1025 dated 15.6.1963.

2 Inserted by Act 83 of 1971, S.2, w.e.f 16.2.1972 vide Notification GSR 75(E) dated 15.2.1972.

3 Inserted by Act 29 of 1975, S.2, w.e.f 15.8.1975 S.O.398 (E) dated 31.7.1975.

4 Substituted by Act 29 of 1975, S.2, w.e.f. 15.8.1975 S.O.398 (E) dated 31.7.1975.

Definitions and interpretation

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

(a) "Administrator" means the administrator of [1][the Union territory] appointed by the President under article 239;

(b) "article" means an article of the Constitution;

(c) "assembly constituency" means a constituency provided under this Act for the purpose of elections to the Legislative Assembly of [1][the Union territory];

(d) "Election Commission" means the Election Commission appointed by the President under article 324;

(e) "Judicial Commissioner" includes an Additional Judicial Commissioner;

(f) "scheduled castes" in relation to [1][the Union territory] mean such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be scheduled castes in relation to that Union territory;

(g) "scheduled tribes" in relation to [1][the Union territory] mean such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be scheduled tribes in relation to that Union territory;

[1][(h) "Union territory" means the Union territory of Puducherry.]

(2) Any reference in this Act to laws made by Parliament shall be construed as including a reference to Ordinances promulgated by the President under article 123 and a reference to Regulations made by the President under article 240.

1 Substituted by Act 18 of 1987, S.65, w.e.f 30.5.1987 viz., the appointed day under the Act vide Notification No. S.o.518 (E), dated 26.5.1987 published in the Gazette of India, Extraordinary Part-II, sec.3(ii), dated, 26.5.1987, p.2 (No.12013/4/87-(ii)-SR)

PART II

LEGISLATIVE ASSEMBLIES

Legislative Assemblies for Union territories and their composition

3. (1) There shall be a Legislative Assembly for each Union territory.

[1][(2) The total number of seats in the Legislative Assembly of [2][the Union territory] to be filled by persons chosen by direct election shall be thirty.]

(3) The Central Government may nominate not more than three persons, not being persons in the service of Government, to be members of the Legislative Assembly of [2][the Union territory].

[2][(4) Seats shall be reserved for the Scheduled Castes in the Legislative Assembly of the Union territory.]

(5) The number of seats reserved for the scheduled castes or the scheduled tribes in the Legislative Assembly of [2][the Union territory] under sub-section (4) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the scheduled castes in the Union territory or of the scheduled tribes in the Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the Union territory.

1 Substituted by the state of Himachal Pradesh (Adaptation of Laws on Union Subjects) Order, 1973,for sub-section(2) (w.e.f 25.1.1971).
2 Substituted by Act 18 of 1987, S.65, w.e.f 30.5.1987.

[1][Explanation.--In this sub-section, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year [2][2026] have been published, be construed as a reference to the [2][2001] census.

[3][(6) Notwithstanding anything in sub-section (4), the reservation of seats for the Scheduled Castes in the Legislative Assembly of the Union territory shall cease to have effect on the same date on which the reservation of seats for the Scheduled Castes in the House of the People shall cease to have effect under article 334:

Provided that nothing in this sub-section shall affect any representation in the Legislative Assembly of the Union territory until the dissolution of the then existing Assembly.]

Qualification for membership of Legislative Assembly

4. A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of [3][the Union territory] unless he--

(a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule;

(b) is not less than twenty-five years of age; and

(c) possesses such other qualifications as may be prescribed in that behalf by or under any law.

1 Inserted by Act 19 of 1984, sec.2, w.e.f. 8.5.1984.
2 Substituted by Act 19 of 2005 w.e.f of 21.5.2005.
3 Substituted by Act 18 of 1987 sec. 65, w.e.f. 30.5.1987.

Duration of Legislative Assemblies

5. The Legislative Assembly of [1][the Union territory], unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly:

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

Sessions of Legislative Assembly, prorogation and dissolution

6. (1) The Administrator shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Administrator may, from time to time,-

(a) prorogue the Assembly;

(b) dissolve the Assembly.

1 Substituted by Act 18 of 1987, sec.65, w.e.f 30.5.1987.

Speaker and Deputy Speaker of Legislative Assembly

7. (1) Every Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(2) A member holding office as Speaker or Deputy Speaker of an Assembly--

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office;

(c) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as may be determined by the rules of procedure of the Assembly.

(4) During the absence of the Speaker from any sitting of the Assembly, the Deputy Speaker, or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.

(5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislative Assembly of the Union territory by law and, until provision in that behalf is so made, such salaries and allowances as the Administrator may, with the approval of the President, by order determine.

Speaker or Deputy Speaker not to preside while a resolution for his removal from office is under consideration

8. (1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside and the provisions of sub-section (4) of section 7 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in section 12, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

Right of Administrator to address and send messages to Legislative Assembly

9. (1) The Administrator may address the Legislative Assembly and may for that purpose require the attendance of members.

(2) The Administrator may also send messages to the Assembly whether with respect to a Bill then pending in the Assembly or otherwise, and when a message is so sent, the Assembly shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

Rights of Ministers as respects Legislative Assembly

10. Every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the Union territory, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not by virtue of this section be entitled to vote.

Oath or affirmation by members

11. Every member of the Legislative Assembly of [1][the Union territory] shall, before taking his seat, make and subscribe before the Administrator, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.

Voting in Assembly, power of Assembly to act not withstanding vacancies and quorum

12. (1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly of [1][the Union territory] shall be determined by a majority of votes of the members present and voting other than the Speaker or person acting as such.

(2) The Speaker or person acting as such shall not vote in the first instance but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Legislative Assembly of [1][the Union territory] shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly of a [1][the Union territory] shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of the Legislative Assembly of [1][the Union territory] shall be one-third of the total number of members of the Assembly.

(5) If at any time during a meeting of the Legislative Assembly of [1][the Union territory] there is no quorum, it shall be the duty of the Speaker, or person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

1 Substituted by Act 18 of 1987, S.65 (w.e.f. 30.5.1987).

Vacation of seats

13. (1) No person shall be a member both of Parliament and of the Legislative Assembly of [1][the Union territory] and if a person is chosen a member both of Parliament and of such Assembly, then, at the expiration of such period as may be specified in the rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislative Assembly of the Union territory.

(2) If a member of the Legislative Assembly of [1][the Union territory]--

(a) becomes subject to any disqualification mentioned in [2][section 14 or section 14A] for membership of the Assembly, or

(b) resigns his seat by writing under his hand addressed to the Speaker,

his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly of [1][the Union territory] is without permission of the Assembly absent from all meetings thereof, the Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days, no account shall be taken of any period during which the Assembly is prorogued or is adjourned for more than four consecutive days.

1 Substituted by Act 18 of 1987, S.65 (w.e.f. 30.5.1987).
2 Substituted by Act, 24 of 1985, Sec.2, w.e.f 29.3.1985

Disqualification for membership

14. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly of [1][the Union territory]--

(a) if he holds any office of profit under the Government of India or the Government of any State or the Government of [1][the Union territory] other than an office declared by law made by Parliament or by the Legislative Assembly of the Union territory not to disqualify its holder; or

(b) if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under the provisions of sub-clause (b), sub-clause (c) or sub-clause (d) or clause (1) of article 102 or of any law made in pursuance of that article.

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of [1][the Union territory] by reason only that he is a Minister either for the Union or for such State or Union territory.

(3) If any question arises as to whether a member of the Legislative Assembly of [1][the Union territory] has become disqualified for being such a member under the provisions of sub- section (1), the question shall be referred for the decision of the President and his decision shall be final.

(4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

1 Substituted by Act 18 of 1987, S. 65 (w.e.f. 30.5.1987).

Disqualification on ground of defection for being a member

[1][14A. The provisions of the Tenth Schedule to the Constitution shall, subject to the necessary modifications (including modifications for construing references therein to the Legislative Assembly of a State, article 188, article 194 and article 212 as references, respectively, to the Legislative Assembly of [2][the Union territory], section 11, section 16 and section 37 of this Act), apply to and in relation to the members of the Legislative Assembly of [3][the Union territory] as they apply to and in relation to the members of the Legislative Assembly of a State, and accordingly,--

(a) the said Tenth Schedule as so modified shall be deemed to form part of this Act; and

(b) a person shall be disqualified for being a member of the Legislative Assembly of [2][the Union territory] if he is so disqualified under the said Tenth Schedule as so modified.]

Penalty for sitting and voting before making oath or affirmation of when not qualified or when disqualified

15. If a person sits or votes as a member of the Legislative Assembly of [2][the Union territory] before he has complied with the requirements of section 11 or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.

1 Inserted by Act 24 of 1985, S.3 w.e.f 29.3.1985.
2 Substituted by Act 18 of 1987, S.65 (w.e.f 30.5.1987).

Powers, privileges, etc., of members

16. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly of [1][the Union territory].

(2) No member of the Legislative Assembly of [1][the Union territory] shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly of [1][the Union territory] and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of [1][the Union territory] or any committee thereof as they apply in relation to members of that Assembly.

Salaries and allowances of members

17. Members of the Legislative Assembly of [1][the Union territory] shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislative Assembly of the Union territory by law and, until provision in that behalf is so made, such salaries and allowances as the Administrator may, with the approval of the President, by order determine.

1 Substituted by Act 18 of 1987, S.65 (w.e.f. 30-5-1987).

Extent of legislative power

18. (1) Subject to the provisions of this Act, the Legislative Assembly of [1][the Union territory] may make laws for the whole or any part of the Union territory with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to Union territories.

(2) Nothing in sub-section (1) shall derogate from the powers conferred on Parliament by the Constitution to make laws with respect to any matter for [1][the Union territory] or any part thereof.

Exemption of property of the Union from taxation

19. The property of the Union shall, save in so far as Parliament may by law otherwise provide, be exempted from all taxes imposed by or under any law made by the Legislative Assembly of [1][the Union territory] or by or under any other law in force in [1][the Union territory]:

Provided that nothing in this section shall, until Parliament by law otherwise provides, prevent any authority within [1][the Union territory] from levying any tax on any property of the Union to which such property was immediately before the commencement of the Constitution liable or treated as liable, so long as that tax continues to be levied in that Union territory.

1 Substituted by Act 18 of 1987, S.65 (w.e.f. 30-5-1987).

Restrictions on laws passed by Legislative Assembly with respect to certain matters

20. [1][1] The provisions of article 286, article 287 and article 288 shall apply in relation to any law passed by the Legislative Assembly of [2][the Union territory] with respect to any of the matters referred to in those articles as they apply in relation to any law passed by the Legislature of a State with respect to those matters.

(2) The provisions of article 304 shall, with the necessary modifications, apply in relation to any law passed by the Legislative Assembly of [2][the Union territory] with respect to any of the matters referred to in that article as they apply in relation to any law passed by the Legislature of a State with respect to those matters.]

1 Renumbered and inserted respectively by Act 83 of 1971, S.5, w.e.f 16.2.1972. Notification GSR 75 (E) dated 15.2.1972.

2 Substituted by Act 18 of 1987, S.65 (w.e.f. 30-5-1987).

Inconsistency between laws made by Parliament and laws made by Legislative Assembly

21. [1]**[**If any provision of a law made by the Legislative Assembly of [2]**[**the Union territory**]** with respect to any matter enumerated in the State List in the Seventh Schedule to the Constitution is repugnant to any provision of a law made by Parliament with respect to that matter, whether passed before or after the law made by the Legislative Assembly of the Union territory, or, if any provision of a law made by the Legislative Assembly of [2]**[**the Union territory**]** with respect to any matter enumerated in the Concurrent List in the Seventh Schedule to the Constitution is repugnant to any provision of any earlier law, other than a law made by the Legislative Assembly of the Union territory, with respect to that matter, then, in either case, the law made by Parliament, or, as the case may be, such earlier law shall prevail and the law made by the Legislative Assembly of the Union territory shall, to the extent of the repugnancy, be void:

Provided that if such law made by the Legislative Assembly of the Union territory has been reserved for the consideration of the President and has received his assent, such law shall prevail in that Union territory:

Provided further that nothing in this section shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislative Assembly of the Union territory.**]**

1 Substituted by Act 29 of 1975 S. 4 (w.e.f. 15.8.1975) – S.O. 398 (E) dated 31.7.1975.
2 Substituted by Act 18 of 1987, S. 65 (w.e.f. 30-5-1987).

Sanction of the administrator required for certain legislative proposals

22. No Bill or amendment shall be introduced into, or moved in, the Legislative Assembly of [1][the Union territory] without the previous sanction of the Administrator, if such Bill or amendment makes provision with respect to any of the following matters, namely:--

(a) constitution and organisation of the court of the Judicial Commissioner;

(b) jurisdiction and powers of the court of the Judicial Commissioner with respect to any of the matters in the State List or the Concurrent list in the Seventh Schedule to the Constitution.

Special provisions as to financial Bills

23. (1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly of [1][the Union territory] except on the recommendation of the Administrator, if such Bill or amendment makes provision for any of the following matters, namely:--

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of the Union territory;

(c) the appropriation of moneys out of the Consolidated Fund of the Union territory;

(d) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the Union territory or the increasing of the amount of any such expenditure;

[2][(e) the receipt of money on account of the Consolidated Fund of the Union territory or the public account of the Union territory or the custody or issue of such money or the audit of the accounts of the Union territory].

1 Substituted by Act 18 of 1987, S. 65 (w.e.f. 30-5-1987).

2 Substituted vide Act 38 of 2001 w.e.f. 10.5.2006 vide Notification No. S.O. (E) dated 10.5.06.

Provided that no recommendation shall be required under this sub- section for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of [1][the Union territory] shall not be passed by the Legislative Assembly of the Union territory unless the Administrator has recommended to that Assembly the consideration of the Bill.

Procedure as to lapsing of Bills

24. (1) A Bill pending in the Legislative Assembly of [1][the Union territory] shall not lapse by reason of the prorogation of the Assembly.

(2) A Bill which is pending in the Legislative Assembly of [1][the Union territory] shall lapse on a dissolution of the Assembly.

Assent to Bills

[2][25 When a Bill has been passed by the Legislative Assembly of [1][the Union territory], it shall be presented to the Administrator and the Administrator shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

1 Substituted by Act 18 of 1987, S. 65 (w.e.f. 30-5-1987).

2 Substituted by 83 of 1971 S.7 w.e.f. 16.2.1972 vide Notification No. GSR.75 (E) dated 15.2.72.

Provided that the Administrator may, as soon as possible after the presentation of the Bill to him for assent, return the Bill if it is not a Money Bill together with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof, and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly will reconsider the Bill accordingly, and if the Bill is passed again with or without amendment and presented to the Administrator for assent, the Administrator shall declare either that he assents to the Bill or that he reserves the Bill for the consideration of the President:

Provided further that the Administrator shall not assent to, but shall reserve for the consideration of the President, any Bill which,-

(a) in the opinion of the Administrator would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is, by the Constitution, designed to fill; or

(b) relates to any of the matters specified in clause (1) of article 31A; or

(c) the President may, by order, direct to be reserved for his consideration; or

(d) relates to matters referred to in sub-section (5) of section 7 or section 17 or section 34 or sub-section (6) of section 45 or in entry 1 or entry 2 of the State List in the Seventh Schedule to the Constitution:

Provided also that without prejudice to the provisions of the second proviso, the Administrator shall not assent to, but shall reserve for the consideration of the President, any Bill which has been passed by the Legislative Assembly of the Union territory of Mizoram and which relates to any area comprised in any autonomous district in that Union territory under the Sixth Schedule to the Constitution.

Explanation.--For the purposes of this section and section 25A, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of section 23 or any matter incidental to any of those matters and, in either case, there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill.**]**

Bills reserved for consideration

[1][25A. When a Bill is reserved by an Administrator for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that where the Bill is not a Money Bill, the President may direct the Administrator to return the Bill to the Legislative Assembly together with such a message as is mentioned in the first proviso to section 25 and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment, it shall be presented again to the President for his consideration.]

Requirements as to sanction and recommendations to be regarded as matters of procedure only

26. No Act of the Legislative Assembly of [2][the Union territory] and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation required by this Act was not given, if assent to that Act was given [3][by the Administrator, or, on being reserved by the Administrator for the consideration of the President, by the President.]

1 Substituted by Act 83 of 1971 S.7 w.e.f. 16.2.1972 vide Notification No. GSR.75 (E) dated 15.2.72.
2 Substituted by Act 18 of 1987, S.65 w.e.f. 30.5.1987.
3 Substituted by Act 29 of 1975, S.5 w.e.f. 15.8.1975 vide S.O. 398 (E) dated 31.7.1975.

Annual financial statement

27. (1) The Administrator of each Union territory shall in respect of every financial year cause to be laid before the Legislative Assembly of the Union territory, with the previous approval of the President, a statement of the estimated receipts and expenditure of the Union territory for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately--

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of the Union territory, and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the Union territory; and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of each Union territory:--

(a)the emoluments and allowances of the Administrator and other expenditure relating to his office as determined by the President by general or special order;

(b)the charges payable in respect of loans advanced to the Union territory from the Consolidated Fund of India including interest, sinking fund charges and redemption charges, and other expenditure connected therewith;

(c)the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly;

(d)expenditure in respect of the salaries and allowances of a Judicial Commissioner;

(e)any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(f)expenditure incurred by the Administrator in the discharge of his special responsibility;

(g)any other expenditure declared by the Constitution or by law made by Parliament or by the Legislative Assembly of the Union territory to be so charged.

Procedure in Legislative Assembly with respect to estimates

28. (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of [1][the Union territory] shall not be submitted to the vote of the Legislative Assembly of [1][the Union territory], but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Administrator.

Appropriation Bills

29. (1) As soon as may be after the grants under section 28 have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the Union territory of all moneys required to meet--

(a) the grants so made by the Assembly, and

(b) the expenditure charged on the Consolidated Fund of the Union territory but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the Union territory and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(3) Subject to the other provisions of this Act, no money shall be withdrawn from the Consolidated Fund of the Union territory except under appropriation made by law passed in accordance with the provisions of this section.

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1 Substituted by Act 18 of 1987, S.65 w.e.f. 30.5.1987.

Supplementary, additional or excess grants

30. (1) The Administrator shall--

(a) if the amount authorised by any law made in accordance with the provisions of section 29 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,

cause to be laid before the Legislative Assembly of the Union territory, with the previous approval of the President, another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly of the Union territory with such previous approval a demand for such excess, as the case may be.

(2) The provisions of sections 27, 28 and 29 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of the Union territory to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the Union territory to meet such expenditure or grant.

Votes on account

31. (1) Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly of [1][the Union territory] shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in section 28 for the voting of such grant and the passing of the law in accordance with the provisions of section 29 in relation to that expenditure and the Legislative Assembly shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of the Union territory for the purposes for which the said grant is made.

(2) The provisions of sections 28 and 29 shall have effect in relation to the making of any grant under sub-section (1) or to any law to be made under that sub-section as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the Union territory to meet such expenditure.

Authorisation of expenditure pending its sanction by Legislative Assembly.

32. Notwithstanding anything in the foregoing provisions of this Part, the Administrator may authorise such expenditure from the Consolidated Fund of the Union territory as he deems necessary for a period of not more than six months beginning with the date of the constitution of the Consolidated Fund of the Union territory, pending the sanction of such expenditure by the Legislative Assembly of the Union territory.

1 Substituted by Act 18 of 1987, S.65 w.e.f. 30.5.1987.

Rules of procedure

33. (1) The Legislative Assembly of [1][the union territory] may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business:

Provided that the Administrator shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President, make rules--

(a) for securing the timely completion of financial business;

(b) for regulating the procedure of, and the conduct of business in, the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the Union territory;

(c) for prohibiting the discussion of, or the asking of questions on, any matter which affects the discharge of the functions of the Administrator in so far as he is required by this Act to act in his discretion.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before the commencement of this Act in [1][the Union territory] shall have effect in relation to the Legislative Assembly of that Union territory subject to such modifications and adoptions as may be made therein by the Administrator.

[2] [*** *** *** ***]

1. Substituted by Act 18 of 1987, S.65 w.e.f. 30.5.1987.
2. Omitted by Act 34 of 1986 & Act 69 of 1986 respectively.

Official language or languages of Union territory and language or languages to be used in Legislative Assembly thereof

34. (1) The Legislative Assembly of [1][the Union territory] may by law adopt any one or more of the languages in use in the Union territory or Hindi as the official language or languages to be used for all or any of the official purposes of the Union territory:

Provided that so long as the Legislative Assembly of the Union territory of Puducherry does not decide otherwise, the French language shall continue to be used as an official language of that Union territory for the same official purposes for which it was being used in that territory immediately before the commencement of this Act:

Provided further that the President may by order direct--

(i) that the official language of the Union shall be adopted for such of the official purposes of the Union territory as may be specified in the order;

(ii) that any other language shall also be adopted throughout the Union territory or such part thereof for such of the official purposes of the Union territory as may be specified in the order, if the President is satisfied that a substantial proportion of the population of the Union territory desires the use of that other language for all or any of such purposes.

(2) The business in the Legislative Assembly of [1][the Union territory] shall be transacted in the official language or languages of the Union territory or in Hindi or in English:

Provided that the Speaker of the Legislative Assembly or person acting as such, as the case may be, may permit any member who cannot adequately express himself in any of the languages aforesaid to address the Assembly in his mother-tongue.

1 Substituted by Act 18 of 1987, S.65 w.e.f. 30.5.1987.

Language to be used for Acts, Bills, etc.

35. Notwithstanding anything contained in section 34, until Parliament by law otherwise provides, the authoritative texts--

(a) of all Bills to be introduced or amendments thereto to be moved in the Legislative Assembly of [1][the Union territory],

(b) of all Acts passed by the Legislative Assembly of [1][the Union territory], and

(c) of all orders, rules, regulations and bye-laws issued under any law made by the Legislative Assembly of [1][the Union territory], shall be in the English language:

Provided that where the Legislative Assembly of [1]the Union territory] has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislative Assembly of the Union territory or in any order, rule, regulation or bye-law issued under any law made by the Legislative Assembly of the Union territory, a translation of the same in the English language published under the authority of the Administrator in the Official Gazette shall be deemed to be the authoritative text thereof in the English language.

Restriction on discussion in the Legislative Assembly

36. No discussion shall take place in the Legislative Assembly of [1][the Union territory] with respect to the conduct of any Judicial Commissioner or of any judge of the Supreme Court or of a High Court in the discharge of his duties.

Courts not to inquire into proceedings of Legislative Assembly

37. (1) The validity of any proceedings in the Legislative Assembly of [1][the Union territory] shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislative Assembly of [1][the Union territory] in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

1 Substituted by Act 18 of 1987, S.65 w.e.f. 30.5.1987.

PART III

DELIMITATION OF CONSTITUENCIES

Definitions

38. In this Part, unless the context otherwise requires,--

(a) "associate member" means a member associated with the Delimitation Commission under section 42 [1][or with the Election Commission under section 43A] [2][or section 43C];

(b) "Delimitation Commission" means the Delimitation Commission constituted under section 3 of the [3][The Delimitation Act, 2002;]

[1][(bb) "Election Commission" means the Election Commission appointed by the President under article 324;]

(c) "latest census figures" mean the census figures in [4][the Union territory] ascertained at the latest census of which the finally published figures are available;

(d) "parliamentary constituency" means a constituency provided by law for the purpose of elections to the House of the People from [4][the Union territory] including the Union territory of Delhi.

Assembly constituencies

39. For the purpose of elections to the Legislative Assembly of [4][the Union territory], the Union territory shall be divided into single-member assembly constituencies in accordance with the provisions of this Part in such manner that the population of each of the constituencies shall, so far as practicable, be the same throughout the Union territory.

Representation of Puducherry in the House of the People

40. There shall be allotted one seat to the Union territory of Puducherry in the House of the People and that Union territory shall form one parliamentary constituency.

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1 Inserted by Act 83 of 1971, S.9 w.e.f 16.2.62.
2 Inserted by Act 29 of 1975, S.7 w.e.f 15.8.75.
3 Substituted by Act 19 of 2005, w.e.f 21.5.2005.
4 Substituted by Act 18 of 1987, S.65 w.e.f. 30.5.1987.

Duties of Delimitation Commission

41. (1) It shall be the duty of the Delimitation Commission--

(a) to delimit the assembly constituencies in each Union territory, and

(b) to determine, on the basis of the latest census figures, the number of seats to be reserved for the scheduled castes and for the scheduled tribes in the Legislative Assembly of [1]**[**the Union territory**]** other than the Union territory of Goa, Daman and Diu, and the constituencies in which these seats shall be so reserved.

(2) It shall also be the duty of the Delimitation Commission--

(a) to readjust, on the basis of the latest census figures, the division of each of the Union territories of Delhi, [2]**[***]**, [3]**[***]** into parliamentary constituencies, [4]**[**the number being 7**]**, [2]**[***]** [3]**[***]**;

(b) to determine the constituency in which the seat shall be reserved for the scheduled castes or for the scheduled tribes, as the case may be; and

(c) to divide the Union territory of Goa, Daman and Diu into two single-member parliamentary constituencies.

1 Substituted by Act 19 of 2005 w.e.f 21.5.2005.
2 Omitted by Act 53 of 1970 w.e.f. 25.1.1971.
3 Omitted by Act 81 of 1971 w.e.f. 21.1.1972.
4 Substituted by Act 19 of 1966 S.37 w.e.f. 13.6.1966.

Associate members

42. (1) For the purpose of assisting the Delimitation Commission in its duties, the Delimitation Commission shall associate with itself,--

(a) in respect of the Union territory of Delhi, all the members of the House of the People representing that Union territory;

(b) [1]**[*** *** ***]**

(c) in respect of the Union territory of Goa, Daman and Diu, the two members of the House of the People representing that Union territory;

(d) in respect of the Union territory of Puducherry, three[2] members of the Legislative Assembly of that Union territory to be nominated by the Speaker of the Assembly from among the members thereof.

(2) The nomination of members of the several Legislative Assemblies under sub-section (1) shall be made by the respective Speakers thereof as soon as practicable and shall be communicated to the Delimitation Commission.

(3) If owing to death or resignation the office of an associate member falls vacant, it shall be filled as soon as practicable under and in accordance with the foregoing provisions of this section.

(4) None of the associate members shall have the right to vote or to sign any decision of the Delimitation Commission.

Procedure as to delimitation

[3]43. The provisions of sections 7, 9, 10 and 11 of the Delimitation Commission Act, 1962 (61 of 1962), shall apply, as far as may be, in relation to the delimitation of parliamentary and assembly constituencies under this Part as they apply in relation to the delimitation of parliamentary and assembly constituencies under that Act.

1 Omitted by Act 53 of 1970 & Act 81 of 1971.

2 As per Section 5 of the Delimitation Act, 2002 (33 of 2002) the Commission shall associate 5 members of the Legislature Assembly for the purpose the Union Territory of Puducherry.

3 This section became redundant by virtue of the provisions of Act 76 of 1972 and Act 33 of 2002.

Special provision for delimitation of constituencies of Mizoram Legislative Assembly

[1][43A. (1) The provisions of sections 39 to 43 (both inclusive) shall not apply to the delimitation of constituencies for the purpose of elections to the Legislative Assembly of the Union territory of Mizoram.

(2) The Election Commission shall, in the manner herein provided, distribute the seats assigned to the Legislative Assembly of the Union territory of Mizoram under sub-section (2) of section 3 to single member assembly constituencies and delimit them on the basis of the latest census figures having regard to the provisions of the Constitution and to the following provisions:--

(a) all constituencies shall, as far as practicable, be geographically compact areas;

(b) in delimiting the constituencies, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience.

(3) For the purpose of assisting in the performance of its functions under sub-section (2), the Election Commission shall associate with itself as associate members--

(a) all the persons who, having been elected to the Legislative Assembly of the State of Assam from the Lungleh, Aijal East and Aijal West territorial constituencies, are members of that Assembly immediately before the day appointed under clause (b) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971); and

(b) such three elected members of the District Council of the Mizo District as the Chairman thereof may nominate:

Provided that none of the associate members shall have a right to vote or sign any decision of the Election Commission.

(4) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled, if practicable, in accordance with the provisions of sub-section (3).

1 Inserted by Act, 83 of 1971 S.10 w.e.f 16.2.1972.

(5) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

(c) after consideration of objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(6) The Election Commission may, from time to time, by notification in the Official Gazette,--

(a) correct any printing mistake in any order made under sub-section (5) or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order or orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(7) Every order made under sub-section (5) and every notification issued under sub-section (6) shall be laid as soon as may be after it is made or issued before the Legislative Assembly of the Union territory of Mizoram.

(8) All things done, and all steps taken, before the commencement of this Act in the Union territory of Mizoram with a view to delimiting the territorial constituencies of that Union territory for purposes of elections to the Legislative Assembly of that Union territory shall, in so far as they are in conformity with the foregoing provisions of this section, be deemed to have been done or taken under those provisions as if those provisions were in force at the time such things were done or such steps were taken.**]**

Representation of Arunachal Pradesh in the House of the people

[1]**[**43B. In the House of the People to be constituted after the general election to that House to be held after the commencement of the Government of Union Territories (Amendment) Act, 1975 and thereafter, there shall be allotted two seats to the Union territory of Arunachal Pradesh and the First Schedule to the Representation of the People Act, 1950 shall be deemed to have been amended accordingly**]**.

Special provisions for delimitation of parliamentary constituencies in Arunachal Pradesh and constituencies of Arunachal Pradesh Legislative Assembly

[1]**[**43C. (1) The provisions of sections 39 to 43 (both inclusive) shall not apply to the delimitation of parliamentary constituencies in the Union territory of Arunachal Pradesh or to the delimitation of constituencies for the purpose of elections to the Legislative Assembly of that Union territory.

(2) The Election Commission shall divide the Union territory of Arunachal Pradesh into two single-member parliamentary constituencies on the basis of the latest census figures.

(3) The Election Commission shall also, in the manner herein provided, distribute the seats assigned to the Legislative Assembly of the Union territory of Arunachal Pradesh under sub-section (2) of section 3 to single-member assembly constituencies and delimit them on the basis of the latest census figures having regard to the following provisions:--

(a) all constituencies shall, as far as practicable, be geographically compact areas;

(b) every assembly constituency shall be so delimited as to fall only within one parliamentary constituency;

(c) in delimiting the constituencies, regard shall be had to physical features, existing boundaries of administrative units facilities of communication and public convenience.

1 Inserted by Act, 29 of 1975 S.8 w.e.f 15.8.1975.

(4) For the purpose of assisting in the performance of its functions under sub-sections (2) and (3), the Election Commission shall associate with itself as associate members--

(a) the member of the House of the People representing the Union territory of Arunachal Pradesh;

(b) such five members of the Legislative Assembly of the Union territory of Arunachal Pradesh as the Speaker of that Assembly shall, having regard to the composition of the Legislative Assembly, nominate:

Provided that none of the associate members shall have a right to vote or sign any decision of the Election Commission.

(5) If owing to death or resignation, the office of an associate member falls vacant, it shall be filled, if practicable, in accordance with the provisions of sub-section (4).

(6) The Election Commission shall--

(a) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

(c) after consideration of objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(7) The Election Commission may, from time to time, by notification in the Official Gazette,--

(a) correct any printing mistake in any order made under sub-section (6) or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order or orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(8) Every order made under sub-section (6) and every notification issued under sub-section (7) shall be laid as soon as may be after it is made or issued before the House of the People and the Legislative Assembly of the Union territory of Arunachal Pradesh.

(9) All things done, and all steps taken, before the commencement of this Act in the Union territory of Arunachal Pradesh with a view to delimiting the territorial constituencies of that Union territory for purposes of elections to the Legislative Assembly of that Union territory shall, in so far as they are in conformity with the foregoing provisions of this section, be deemed to have been done or taken under those provisions as if these provisions were in force at the time such things were done or such steps were taken.**]**

Special provision for determination of constituencies in The Legislative Assembly of Goa, Daman and Diu for Scheduled Castes and Scheduled Tribes

[1][43D. (1) The Election Commission shall determine on the basis of the latest census figures--

(i) the number of seats to be reserved for the Scheduled Castes and for the Scheduled Tribes in the Legislative Assembly of the Union territory of Goa, Daman and Diu (hereafter in this section referred to as the Legislative Assembly) having regard to the provisions of sub-section (5) of section 3; and

(ii) the constituencies in which those seats shall be so reserved having regard to the provisions of clause (c), or, as the case may be, clause (d), of sub-section (1) of section 9 of the Delimitation Act and without altering the extent of any constituency as delimited by the Delimitation Commission.

(2) The Election Commission shall--

(a) publish its proposals for the determination of the constituencies in which seats shall be reserved for the Scheduled Castes or for the Scheduled Tribes, as the case may be, in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu and also in such other manner as the Election Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

1 Inserted by Act, 86 of 1976 S.3 w.e.f 30.9.1976 vide S.O.641(E)-28.9.1976.

(c) after consideration of objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the number of seats to be reserved for the Scheduled Castes or for the Scheduled Tribes, as the case may be, in the Legislative Assembly and the constituencies in which those seats shall be so reserved and cause such order or orders to be published in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu; and upon such publication in the Gazette of India, the order or orders shall have the full force of law and shall not be called in question in any court and the Second Schedule to the Representation of the People Act, 1950 and the order made by the Delimitation Commission under section 9 of the Delimitation Act in relation to the Legislative Assembly shall be deemed to have been amended accordingly.

(3) Subject to the provisions of sub-section (4), the re-adjustment of representation of any territorial constituencies in the Legislative Assembly necessitated by any order made by the Election Commission under this section, shall apply in relation to every election to the Legislative Assembly held after the publication in the Gazette of India, under sub-section (2), of such order.

(4) Nothing contained in the foregoing sub-sections shall affect the representation in the Legislative Assembly existing on the date of publication in the Gazette of India, under sub-section (2), of any order made by the Election Commission.

(5) The Election Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu--

(a) correct any printing mistake in any order made under sub-section (2) or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order are, or is, altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(6) Every order made under sub-section (2) and every notification issued under sub-section (5) shall be laid, as soon as may be, after it is made or issued before the Legislative Assembly.

Explanation.--In this section,--

(a) "Delimitation Act" means the Delimitation Act, 1972

(b) "Delimitation Commission" means the Delimitation Commission constituted under section 3 of the Delimitation Act.**]**

Special provision as to readjustment of territorial constituencies.

[1]**[**43E. Notwithstanding anything contained in sections 38 to 43D (both inclusive), until the relevant figures for the first census taken after the year [2]**[**2026**]** have been published, it shall not be necessary to readjust the division of each Union territory into territorial constituencies and any reference to the "latest census figures" in this Part shall be construed as a reference to the [2]**[**2001**]** census figures.**]**

Special provision as to readjustment of territorial constituencies on the basis of 2001 census.

[3] **[**43F. Notwithstanding the publication of orders under sub-section (1) of section 10 of the Delimitation Act, 2002 (33 of 2002) or anything contained in sub-section (2) or sub-section (4) of the said section, any readjustment in the division of Union territory into territorial constituencies by the Delimitation Commission under the said Act, on the basis of 2001 census shall take effect from such date as the Central Government may, by order, published in the Official Gazette, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment.".

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1 Inserted by Act, 19 of 1984 S.3 w.e.f 1.3.1984.

2 Substituted by Act 19 of 2005 w.e.f. 21.5.2005.

3 Inserted by Act, 5 of 2006 and it shall be deemed to have come into force w.e.f. 31.05.2005.

PART IV

COUNCIL OF MINISTERS

Council of Ministers

44. (1) There shall be a Council of Ministers in each Union territory with the Chief Minister at the head to aid and advise the Administrator in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the Union territory has power to make laws except in so far as he is required by or under this Act to act in his discretion or by or under any law to exercise any judicial or quasi-judicial functions:

Provided that, in case of difference of opinion between the Administrator and his Ministers on any matter, the Administrator shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision it shall be competent for the Administrator in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary:

[1][*** *** ***]

[2][(2)*** *** ***]

(3) If and in so far as any special responsibility of the Administrator is involved under this Act, he shall, in the exercise of his functions, act in his discretion.

(4) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is by or under this Act required to act in his discretion, the decision of the Administrator thereon shall be final.

(5) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is required by any law to exercise any judicial or quasi-judicial functions, the decision of the Administrator thereon shall be final.

(6) The question whether any, and if so what, advice was tendered by Ministers to the Administrator shall not be inquired into in any court.

1 The second proviso omitted by Act 34 of 1986

2 Omitted by Act, 34 of 1986 & Act 69 of 1986 respectively.

Other provisions as to Ministers

45. (1) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister.

(2) The Ministers shall hold office during the pleasure of the President.

(3) The Council of Ministers shall be collectively responsible to the Legislative Assembly of the Union territory.

(4) Before a Minister enters upon his office, the Administrator shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the First Schedule.

(5) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly of the Union territory shall at the expiration of that period cease to be a Minister.

(6) The salaries and allowances of Ministers shall be such as the Legislative Assembly of the Union territory may from time to time by law determine, and until the Legislative Assembly so determines, shall be determined by the Administrator with the approval of the President.

Conduct of business

46. (1) The President shall make rules--

(a) for the allocation of business to the Ministers; and

(b) for the more convenient transaction of business with the Ministers including the procedure to be adopted in the case of a difference of opinion between the Administrator and the Council of Ministers or a Minister.

(2) Save as otherwise provided in this Act, all executive action of the Administrator, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the Administrator.

(3) Orders and other instruments made and executed in the name of the Administrator, shall be authenticated in such manner as may be specified in rules to be made by the Administrator, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Administrator.

PART V
MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Consolidated Fund of the Union territory

47. (1) As from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, all revenues received in [1][the Union territory] by the Government of India or the Administrator of the Union territory in relation to any matter with respect to which the Legislative Assembly of the Union territory has power to make laws, and all grants made and [2][all loans advanced to the Union territory from the Consolidated Fund of India and all loans raised by the Government of India or the Administrator of the Union territory upon the security of the Consolidated Fund of the Union territory] and all moneys received by the Union territory in repayment of loans shall form one Consolidated Fund to be entitled "the Consolidated Fund of the Union territory".

(2) No moneys out of the Consolidated Fund of [the Union territory] shall be appropriated except in accordance with, and for the purposes and in the manner provided in, this Act.

(3) The custody of the Consolidated Fund of [1][the Union territory], the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by rules made by the Administrator with the approval of the President.

Public Account of the Union territory and moneys credited to it

[3][47A. (1) As from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, all other public moneys received by or on behalf of the Administrator shall be credited to a Public Account entitled "the Public Account of the Union territory".

(2) The custody of public moneys, other than those credited to the Consolidated Fund of the Union territory or the Contingency Fund of the Union territory, received by or on behalf of the Administrator, their payment into the Public Account of the Union territory and the withdrawal of moneys from such account and all other matters connected with or ancillary to the aforesaid matters shall be regulated by rules made by the Administrator with the approval of the President"].

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1 Substituted by Act 18 of 1987.
2 Substituted by Act 38 of 2001. w.e.f 10.5.2006.
3 Inserted by Act 38 of 2001 w.e.f 10.5.2006.

Contingency Fund of the Union territory

48. (1) There shall be established a Contingency Fund in the nature of an imprest to be entitled "the Contingency Fund of the Union territory" into which shall be paid from and out of the Consolidated Fund of the Union territory such sums as may, from time to time, be determined by law made by the Legislative Assembly of the Union territory; and the said Fund shall be held by the Administrator to enable advances to be made by him out of such Fund.

(2) No advances shall be made out of the Contingency Fund of the Union territory except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislative Assembly of the Union territory under appropriations made by law.

(3) The Administrator may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into, and the withdrawal of moneys from, the Contingency Fund of the Union territory.

Borrowing upon the security of the Consolidated Fund of the Union territory

[1][48-A (1) The executive power of the Union extends to borrowing upon the security of the Consolidated Fund of the Union territory within such limits, if any, as may, from time to time, be fixed by Parliament by law and to the giving of guarantees within such limits, if any, as may be so fixed;

Provided that the powers exercisable by the Government of India under this sub-section shall also be exercisable by the Administrator subject to such conditions, if any, as the Government of India may think fit to impose.

(2) Any sums required for the purpose of invoking a guarantee shall be charged on the Consolidated Fund of the Union territory.

Form of accounts of the Union territory

48B. The accounts of the Union territory shall be kept in such form as the Administrator may, after obtaining advice of the Comptroller and Auditor-General of India and with the approval of the President, prescribe by rules".**]**

1 Inserted by Act 38 of 2001 w.e.f 10.5.2006.

Audit reports

49. The reports of the Comptroller and Auditor- General of India relating to the accounts of [1][the Union territory] for any period subsequent to the date referred to in sub-section (1) of section 47 shall be submitted to the Administrator who shall cause them to be laid before the Legislative Assembly of the Union territory.

Relation of Administrator and his Ministers to President

50. Notwithstanding anything in this Act, the Administrator and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

Provision in case of failure of constitutional machinery

51. If the President, on receipt of a report from the Administrator of [1][the Union territory] or otherwise, is satisfied,--

(a) that a situation has arisen in which the administration of the Union territory cannot be carried on in accordance with the provisions of this Act, or

(b) that for the proper administration of the Union territory it is necessary or expedient so to do,

the President may, by order, suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the Union territory in accordance with the provisions of article 239.

Authorisation of expenditure by President

[2][52. Where the Legislative Assembly of [1][the Union territory] is dissolved, or its functioning as such Assembly remains suspended, on account of an order under section 51, it shall be competent for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of that Union territory pending the sanction of such expenditure by Parliament.]

1 Substituted by Act 18 of 1987.

2 Omitted by Act 81 of 1971 S.75 w.e.f 21.1.1972 vide notification in the Gazette of India Part-II(A)3(i) Extraordinary, P.57, subsequently inserted by Act 1 of 1980, S.2, with effect from 25.9.1979.

Provisions for election to Parliament from Goa, Daman and Diu, and Puducherry

53. (1) As soon as practicable after the commencement of this Act, elections shall be held in accordance with law--

(a) to fill the seats in the House of the People allotted to the Union territory of Goa, Daman and Diu; and

(b) to fill the seat in the House of the People and the seat in the Council of States allotted to the Union territory of Puducherry.

(2) Notwithstanding anything contained in any other law for the time being in force, the members nominated to represent the Union territory of Goa, Daman and Diu in the House of the People shall continue to be such until the election of the members to fill the two seats in that House allotted to that Union territory:

Provided that where the dates of election of the members are different, the members so nominated shall cease to be members of that House on the earlier of those two dates.

Explanation.--In this sub-section, the expression "date of election" has the same meaning as in section 67A of the Representation of the People Act, 1951 (43 of 1951).

Transitional provisions for administration of justice in certain areas in the Union territory of Mizoram

[1]**[**54. On and from the commencement of this Act in the Union territory of Mizoram and until other provisions in this behalf are made by a competent Legislature or other competent authority, the administration of justice in those areas of that Union territory which are not comprised in any autonomous district under the Sixth Schedule to the Constitution shall be carried on, so far as may be, in accordance with the provisions of paragraphs 4 and 5 of that Schedule, as if those areas were comprised in an autonomous district under that Schedule and the provisions of the said paragraphs were in force in those areas and for this purpose,--

(i) all powers and functions of a District Council under the provisions of the said paragraph 4 shall be exercised and discharged by the Administrator or any officer appointed by him in this behalf;

(ii) the said paragraph 5 shall have effect as if references to the District Council, the Regional Council and the courts constituted by the District Council, by whatever form of words, had been omitted therefrom; and

(iii) references to Governor in the said paragraphs 4 and 5 shall be construed as references to the Administrator.**]**

1 Substituted by Act 83 of 1971, S.12 w.e.f. 16.2.1972.

Provision as to provisional Legislative Assembly of Arunachal Pradesh

[1][**[**]54A. (1) Notwithstanding anything contained in this Act (including provisions relating to the strength of the Legislative Assembly of the Union territory of Arunachal Pradesh), until the Legislative Assembly of the Union territory of Arunachal Pradesh has been duly constituted and summoned to meet for the first session under and in accordance with the provisions of this Act, there shall be a provisional Legislative Assembly which shall consist of members, being those persons referred to in clauses (b), (c) and (d) of section 3 of the North-East Frontier Agency (Administration) Supplementary Regulation, 1971 (4 of 1971) and who are functioning, immediately before the commencement of this Act in the Union territory of Arunachal Pradesh, as members of the Pradesh Council constituted under the said section 3.

(2) The term of office of the members of the provisional Legislative Assembly shall expire immediately before the first meeting of the Legislative Assembly duly constituted after the first general election to that Assembly.

(3) The provisional Legislative Assembly constituted under this section shall, for so long as it is in existence, be deemed to be the Legislative Assembly duly constituted under this Act and accordingly the other provisions of this Act, so far as may be, apply in relation to the provisional Legislative Assembly as they apply in relation to the Legislative Assembly.**]**

Contracts and suits

55. For the removal of doubts it is hereby declared that--

(a) all contracts in connection with the administration of [2][**[**]the Union territory**]** are contracts made in the exercise of the executive power of the Union;

(b) all suits and proceedings in connection with the administration of [2][**[**]the Union territory**]** shall be instituted by or against the Government of India.

1 Inserted by Act 29 of 1975 S.10 w.e.f. 15.8.1975.

2 Substituted by Act 18 of 1987, S.65, w.e.f 30.5.1987.

Power of President to remove difficulties

56. If any difficulty arises in relation to the transition from the provisions of any of the laws repealed by this Act or in giving effect to the provisions of this Act and, in particular, in relation to the constitution of the Legislative Assembly for [1]**[**the Union territory**]**, the President may by order do anything not inconsistent with the provisions of this Act which appear to him to be necessary or expedient for the purpose of removing the difficulty.

Amendment to certain enactments

57. (1) The enactments specified in the Second Schedule--

(a) shall, together with all rules, notifications and orders made or issued thereunder, extend to and come into force in the Union territories of Goa, Daman and Diu, and Puducherry; and

(b) shall be subject to the amendments mentioned in the fourth column of the said Schedule.

(2) All things done, and all steps taken, before the commencement of this Act in connection with the preparation or revision of electoral rolls for the purpose of elections to the House of the People from the Union territories of Goa, Daman and Diu, and Puducherry, and to the Legislative Assemblies of those Union territories shall, in so far as they are in conformity with the provisions of the Representation of the People Act, 1950 (43 of 1950), as amended by this Act, be deemed to have been done in accordance with law.

1 Substituted by Act 18 of 1987, S.65, w.e.f 30.5.1987.

Repeal and savings

58. (1) The following laws are hereby repealed:--

(a) the Territorial Councils Act, 1956 (103 of 1956);

(b) the Decree No. 46-2381, dated the 25th October, 1946, as subsequently amended, relating to the Representative Assembly of the State of Puducherry;

(c) the Decree No. 47-1490, dated the 12th August, 1947, as subsequently amended, relating to the setting up of a Council of Government in the State of Puducherry;

(d) the State of Puducherry (Representation of the People) Order, 1955, in so far as it relates to the Representative Assembly of Puducherry.

(2) Notwithstanding the repeal of the Territorial Councils Act, 1956 (103 of 1956),--

(a) every officer and other employee of the Territorial Council of [1][the Union territory] serving under the Council immediately before such repeal shall become an officer or other employee of Government and shall be employed in connection with the administration of the Union territory with such designation as the Administrator may determine and shall hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have but for such repeal held the same and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Administrator:

1 Substituted by Act 18 of 1987, S.65, w.e.f 30.5.1987.

Provided that--

(i) 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 Central Government;

(ii) any service rendered by any such officer or other employee before such repeal shall be deemed to be service rendered in connection with the administration of the Union territory;

(iii) the Administrator may employ any such officer or other employee in the discharge of such functions as the Administrator may think proper and every such officer or other employee shall discharge those functions accordingly;

(b) anything done or any action taken (including any notification, order, scheme, rule, form, notice or bye-law made or issued, any licence or permission granted) under the repealed Act shall in so far as it is not inconsistent with the provisions of this Act, continue in force unless and until it is superseded by anything done or any action taken in accordance with law;

(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 Territorial Council before such repeal shall be deemed to have been incurred, entered into or engaged to be done in exercise of the executive power of the Union for the purposes of the administration of the Union territory;

(d) all assessments, valuations, measurements or divisions made by the Territorial Council shall, in so far as they are not inconsistent with the provisions of this Act, continue in force unless and until they are superseded by any assessment, valuation, measurement or division made by the Administrator in accordance with law;

(e) all properties, movable and immovable, and all interests of whatsoever nature and kind, vested in the Territorial Council immediately before such repeal shall, with all rights of whatsoever description, used, enjoyed or possessed by that Council, vest in the Union for the purposes of the administration of the Union territory;

(f) all rates, taxes, cesses, fees, rents, fares and other charges which immediately before such repeal were being lawfully levied by the Territorial Council shall continue to be levied at the same rate at which they were being levied by the Council immediately before such repeal until provision to the contrary is made by law;

(g) all rates, taxes, cesses, fees, rents, fares and other charges due to the Territorial Council immediately before such repeal shall be deemed to be due to the Union in connection with the administration of the Union territory;

(h) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Territorial Council may be continued or instituted by or against the Government of India.

THE FIRST SCHEDULE
[See sections 4 (a), 11 and 45 (4)]

FORMS OF OATHS OR AFFIRMATIONS

I
Form of Oath or Affirmation to be made by a Candidate for Election to the Legislative Assembly

"I, A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly of……..do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India."

II
Form of Oath or Affirmation to be made by a Member of the Legislative Assembly of [1][the Union territory]

"I, A.B., having been elected (or nominated) a member of the Legislative Assembly of……..do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

III
Form of Oath of Office for a Member of the Council of Ministers Of [1][the Union territory]

"I, A.B., do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Minister for the Union territory of……., and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will."

IV
Form of Oath of Secrecy for a Member of the Council of Ministers of [1][the Union territory]

"I, A.B., do swear in the name of God/solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the Union territory of…….,except as may be required for the due discharge of my duties as such Minister."

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1 Substituted by Act 8 of 1987.

THE SECOND SCHEDULE
(See section 57)
ENACTMENTS AMENDED

Year 1	Number 2	Short title 3	Amendments 4
1950	43	The Representation of the People Act, 1950	In section 4, in sub-section (1), the words "to Goa, Daman and Diu" shall be omitted. In section 13B, in sub-section (1) for the words "a Union territory", the words "the Union territory of Delhi" shall be substituted. In section13D, in sub-sections (1) and (2), for the words "a Union territory", the words "the Union territory of Delhi" shall be substituted. In section 27A,- (i) sub-section (2) shall be omitted; (ii) for sub-section (4), the following sub-section shall be substituted, namely:- "(4) The electoral college for each of the Union territories of Himachal Pradesh, Manipur, Tripura and Puducherry shall consist of the elected members of the Legislative Assembly constituted for that territory under the Government of Union territories Act, 1963." In the First Schedule,- (i) after the entry "24. Goa, Daman and Diu..2", the entry "25. Puducherry…1" shall be inserted and the existing entry relating to North East Frontier Tract shall be renumbered as entry 26: (ii) for the total, the following total shall be substituted, namely:- "Total …. 508"

Year 1	Number 2	Short title 3	Amendments 4
			In the Second Schedule, after entry 15 relating to Nagaland, the following entries shall be inserted, namely:- "16. Himachal Pradesh . 40 17. Manipur . . . 30 18. Tripura . . . 30 19. Goa, Daman and Diu . 30 20. Puducherry . . . 30". The Fifth Schedule shall be omitted.
1951	43	The Representation of the People Act, 1951	In section 4, the words "to Goa, Daman and Diu" shall be omitted; In section 15, in sub-section (2),- (i) for the words "the Governor", the words "the Governor or Administrator, as the case may be" shall be substituted; (ii) in the proviso, the words and figures "or under the provisions of section 5 of the Government of Union Territories Act, 1963, as the case may be" shall be added at the end. In section 32, the words and figures "or under the provisions of the Government of Union territories Act, 1963, as the case may be." shall be added at the end. In section 36, in clause (a) of sub-section (2),- (i) the word "and" occurring after the figures "191" shall be omitted; (ii) for the words and figure "Part II of this Act", the words and figures "Part II of this Act, and sections 4 and 14 of the Government of Union Territories Act, 1963" shall be substituted.

Year 1	Number 2	Short title 3	Amendments 4
			In section 55, the words and figures "or under the Government of Union Territories Act, 1963, as the case may be." Shall be added at the end. In section 100, in clause (a) of sub-section (1), after the words "this Act", the words and figures "or the Government of Union Territories Act, 1963." shall be inserted.
1956	37	The State Reorgan-isation Act, 1956.	In section 15 of the States Reorganisation Act, 1956,- (i) in clause (d), after the word "Maharashtra", the words "and the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu" shall be inserted; (ii) in clause (e), after the word "Kerala" the words "and the Union territory of Puducherry" shall be inserted.

ANNEXURE - I
[1]TENTH SCHEDULE TO THE CONSTITUTION
[Articles 102(2) and 191(2)]

Provisions as to disqualification on ground of defections

1. Interpretation.-In this Schedule, unless the context otherwise requires,-

(a)"House" means either House of Parliament or the Legislative Assembly or, as the case may be, either House of the Legislature of a State;

(b)"legislature party" in relation to a member of a House belonging to any political party in accordance with the provisions of Paragraph 2 or [2]**[***]** paragraph 4, means the group consisting of all the members of that House for the time being belonging to that political party in accordance with said provisions;

(c)"original political party", in relation to a member of a House, means the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2;

(d)"paragraph" means a paragraph of this Schedule.

2.Disqualification on ground of defection.-(1) Subject to the provisions of paragraphs [3]**[***]** 4 and 5, a member of a House belonging to any political party shall be disqualified for being a member of the House-

(a)if he has voluntarily given up his membership of such political party; or

(b)if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

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1 As modified in its application to and in relation to the members of the Legislative Assembly of a Union territory, by sections 14A of this Act.

2. Omitted by the Constitution (Ninety-first Amendment) Act, 2003 w.e.f 1.1.2004

3. Substituted by the Constitution (Ninety-first Amendment) Act, 2003 w.e.f 1.1.2004

Explanation:- For the purposes of this sub-paragraph,-

(a)an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;

(b) a nominated member of a House shall,-

(i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party;

(ii) in any other case, be deemed to belong to the political party of which he becomes, or, as the case may be, first becomes, a member before the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, [1]**[**section 11 of this Act**]**.

(2)An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election.

(3)A nominated member of a House shall be disqualified for being a member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, [1]**[**section 11 of this Act**]**.

(4)Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of the Constitution (Fifty-second Amendment) Act, 1985, is a member of a House (whether elected or nominated as such) shall,-

(i)where he was a member of a political party immediately, before such commencement, be deemed, for the purposes of sub-paragraph(1) of this paragraph to have been elected as a member of such House as a candidate set up by such political party;

(ii)in any other case, be deemed to be an elected member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purposes of sub-paragraph (2) of this paragraph or, as the case may be, deemed to be a nominated member of the House for the purposes of sub-paragraph (3) of this paragraph.

[2]**[***]**

1 As modified by section 14A of this Act, inserted by Act 24 of 1985, S.3.

2 Omitted by the Constitution (Ninety-first Amendment) Act, 2003 w.e.f 1.1.2004.

4.Disqualification on ground of defection not to apply in case of merger:-

(1)A member of a House shall not be disqualified under sub-paragraph (1) of paragraph 2 where his original political party merges with another political party and he claims that he and any other member of his original political party-

(a)have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b)have not accepted the merger and opted to function as a separate group,

and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this sub-paragraph.

(2)For the purposes of sub-paragraph (1) of this paragraph, the merger of the original political party of a member of a House shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the legislature party concerned have agreed to such merger.

5.Exemption.- Notwithstanding anything contained in this Schedule, a person who have been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State, shall not be disqualified under this Schedule,-

(a)if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continues to hold such office thereafter, rejoin that political party or become a member of another political party; or

(b)if he, having given up by reason of his election to such office his membership of the political party to which be belonged immediately before such election, rejoins such political party after he ceases to hold such office.

6.Decision on questions as to disqualification on ground of defection.-(1) If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final:

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final:

(2)All proceedings under sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of [1] **[**section 37 of this Act**]**.

7.Bar of jurisdiction of courts.-Notwithstanding anything in this Constitution, no court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule.

8.Rules.- (1)Subject to the provisions of sub-paragraph (2) of this paragraph, the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for-

(a)the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong;

(b)the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause(b) of sub-paragraph(1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished;

(c)the reports which a political party shall furnish with regard to admission to such political party of any members of the House and the officer of the House to whom such reports shall be furnished; and

(d)the procedure for deciding any question referred to in sub-paragraph (1) of paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.

1 As modified by section 14A of this Act, inserted by Act 24 of 1985, sec.3.

(2)The rules made by the Chairman or the Speaker of a House under sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or in two or more successive session and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(3)The Chairman or the Speaker of a House may, without prejudice to the provisions of article 105 or, as the case may be, [1][section 16 of this Act] and to any other power which he may have under this Constitution direct that any wilful contravention, by any person of the rules made under this paragraph may be dealt within the same manner as a breach of privilege of the House'.

1 As modified by sec.14A of this Act, inserted by Act 24 of 1985, s.3.

ANNEXURE – II

GOVERNMENT OF PUDUCHERRY
FINANCE DEPARTMENT

No. 96689 / 2001 / F3(1)

Puducherry, the 10th May 2006.

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 47A of the Government of Union Territories Act, 1963 (Central Act 20 of 1963), the Lieutenant-Governor, Puducherry, with the approval of the President of India, hereby makes the following rules, namely:-

1.These rules may be called the Government of Puducherry (Custody of Public Moneys) Rules, 2006.

(2)They shall come into force at once.

2.The custody of public moneys other than those credited to the Consolidated Fund of Union Territory or the Contingency Fund of Union Territory, received by or on behalf of the Administrator of the Union Territory of Puducherry, their payment into the Public Account of the Union Territory of Puducherry, the withdrawal of moneys therefrom and all other matters connected therewith or ancillary to matters aforesaid shall be regulated by the rules for the time being applicable in relation to the custody of the public moneys received by or on behalf of the President of India, their payment into the Public Account of India, the withdrawal of moneys therefrom and all other matters connected therewith or ancillary thereto.

C.S. KHAIRWAL, I.A.S.,
Secretary (Finance) and Chief Secretary to Government.

ANNEXURE – III

GOVERNMENT OF PUDUCHERRY
FINANCE DEPARTMENT

No. 96689 / 2001 / F3(2)

Puducherry, the 10th May 2006.

NOTIFICATION

In exercise of the powers conferred by sub-section 48B of the Government of Union Territories Act, 1963 (Central Act 20 of 1963), the Lieutenant-Governor, Puducherry, after obtaining the advice of the Comptroller and Auditor-General of India and with the approval of the President of India, hereby makes the following rules, namely:-

1.These rules may be called the Government of Puducherry Accounting Rules, 2006.

(2)They shall come into force at once.

2.The form in which the Accounts of the Union Territory of Puducherry, shall be kept and all other matters connected therewith or ancillary thereto shall be regulated by the rules for the time being applicable in relation to the form in which accounts of the Government of India are kept and all other matters connected therewith or ancillary thereto.

C.S. KHAIRWAL, I.A.S.,
Secretary (Finance) and Chief Secretary to Government.

ANNEXURE - IV

GOVERNMENT OF INDIA
Ministry of Home Affairs

New Delhi, 15th February, 1972

NOTIFICATION

G.S.R.75(E).-In exercise of the powers conferred by sub-section(2) of section 1 of the Government of Union Territories (Amendment) Act, 1971 (83 of 1971), the Central Government, hereby appoints the 16th day of February, 1972 as the date on which the provisions of the said Act shall come into force.

M.G. PIMPUTKAR,
Special Secretary.
(F.11/5/72-SR).

GOVERNMENT OF INDIA
Ministry of Home Affairs

New Delhi, the 31st July, 1975.

NOTIFICATION

S.O.398(E).-In exercise of the powers conferred by sub-section (2) of section1 of the Government of the Union Territories (Amendment) Act, 1975 (29 of 1975), the Central Government hereby appoints the 15th day of August, 1975 as the date on which the said Act come into force.

[No.U-11012/4/75(i)-UTL**]**

GOVERNMENT OF INDIA
Ministry of Home Affairs

New Delhi, 28th September, 1976.

NOTIFICATION

S.O.641(E).-In exercise of the powers conferred by sub-section (2) of section 1 of the Government of Union Territories (Amendment) Act, 1976(86 of 1976), the Central Government hereby appoints the 30th day of September, 1976, as the date on which the said Act shall come into force.

(No.U-11012/6/75-UTL)
K.R. PRABHU,
Additional Secretary

I

GOVERNMENT OF INDIA
Ministry of Home Affairs

New Delhi, 10th May, 2006.

NOTIFICATION

S.O. 669(E).-In exercise of the powers conferred by sub-section(2) of section 1 of the Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2001 (38 of 2001), the Central Government hereby appoints the 10th day of May 2006 as the date on which the provisions of the said Act shall come into force.

K.S. SUGATHAN,
Joint Secretary to the Government of India,
(F.U-11013/1/2002-UTL**]**.

II

GOVERNMENT OF INDIA
Ministry of Home Affairs

New Delhi, the 10th May, 2006.

NOTIFICATION

S.O. 670(E).-In exercise of the powers conferred by sub-section (1) of section 47A of the Government of the Union Territories Act, 1963 (20 of 1963), the Central Government hereby appoints the 10th day of May, 2006 as the date on which all other public moneys received by or on behalf of the Administrator shall be credited to a Public Account entitled "the Public Account of the Union Territory".

K.S. SUGATHAN,
Joint Secretary to the Government of India,
(F.U-11013/1/2002-UTL**]**.

GOVERNMENT OF PUDUCHERRY

No.1/16/63/F/1.

Puducherry, the 1st July, 1963

NOTIFICATION

G.S.R. 2 – In exercise of the powers conferred by sub-section (3) of section 47 of the Government of Union Territories Act, 1963 (20 of 1963), the Administrator with the approval of the President, hereby makes the following rules, namely:-

1. (1) These rules may be called the Consolidated Fund of the Union Territory of Puducherry Rules, 1963.

(2) They shall come into force on the 1st July, 1963.

***[**2. The custody of the Consolidated Fund of the Union Territory of Puducherry, the payment of money into the said Fund, the withdrawal of moneys therefrom and all other matters connected with or, ancillary to, matters aforesaid shall be regulated by the rules for the time being applicable in relation to the custody of the Consolidated Fund of India, the payment of moneys into that Fund, the withdrawal of moneys therefrom and all the matters connected with or ancillary thereto subject to the modification that references to Government in the said rules shall be construed, in relation to the Consolidated Fund of the Union Territory of Puducherry, as references to the Administrator of that Union Territory**]**.

***** Substituted vide Notification published in the Extra-ordinary Gazette No.31dated 15.3.1969 w.e.f 15.3.1969

THE ADMINISTRATORS' RULES FOR THE PUDUCHERRY LEGISLATIVE ASSEMBLY

GOVERNMENT OF PUDUCHERRY

Administrator's Secretariat

Puducherry, the 20th September, 1963.

NOTIFICATION

G. S. R. 4. --- In exercise of the powers conferred by the proviso to sub-section (1) of section 33 of the Government of Union territories Act, 1963 (20 of 1963), the Administrator of Puducherry, after consultation with the Speaker of the Puducherry Legislative Assembly and with the approval of the President, hereby makes the following rules, namely: -

1. *Short title and commencement.* - (1) These rules may be called the Administrator's Rules for the Puducherry Legislative Assembly.

(2) It shall come into force at once.

PART I – PRELIMINARY

2. *Definitions.* – (1) In these rules, unless the context other wise requires. –

"Act" means the Government of Union Territories Act, 1963 (20 of 1963);

"Administrator" means the Administrator of the Union territory of Puducherry;

"Assembly" means the Legislative Assembly of Puducherry;

"Constitution" means the Constitution of India;

"Financial Year" means a period of 12 months commencing on April 1 and ending on March 31, next;

"Government" means the Government of Puducherry;

"House" means the Assembly;

"Member" means a member of the Assembly and includes a Minister;

"Minister" means a member of the Council of Ministers and includes a Minister of State, a Deputy Minister and any member of the Assembly to whom such Minister may delegate any function assigned to him under these rules;

"motion" means a proposal made by a member for the consideration of the Assembly and includes a resolution and an amendment to a motion;

"resolution" means a motion for the purpose of discussing a matter of general public interest;

"Secretary" means the Secretary to the Assembly and includes any other person for the time being performing the duties of the Secretary;

"section" means a section of the Act;

"session" means the period of time between the first meeting of the Assembly upon the summons of the Administrator under sub-section (1) of section 6 and its prorogation or dissolution under sub-section (2) of that section;

"sitting" means the sitting together of the members of the House for transacting business on any day form its commencement till the House rises for the day;

"Speaker" means the Speaker of the Assembly.

(2) Words and expressions used in the Constitution or in the Act and not defined herein shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution or in the Act.

3. *Interpretation:* - If any doubt arises as to the interpretation of any of the provisions of these rules, it shall be referred to the Administrator and the decision of the Administrator acting in his discretion shall be final.

PART II -- PROHIBITION OF DISCUSSION OF CERTAIN MATTERS

4. *Restrictions on questions.* – (1) No question shall be asked on any matter which affects the discharge of the functions of the Administrator in so far as he is required by the Act to act in his discretion.

(2) If the Speaker is of the opinion that a question or any part of a question is or may be one which cannot be asked because it is prohibited under sub-rule (1), he shall, as soon as may be after the receipt of the notice of the question, forward to the Administrator a copy thereof and, unless the Administrator (whose decision in the matter shall be final) decides that the question may be put, it shall not be entered in the List of Business.

(3) Notwithstanding the fact that the Speaker has made no reference under sub-rule (2), if the Administrator, acting in his discretion, decides that any question or part of a question is one which cannot be asked because it is prohibited under sub-rule (1), he may communicate his decision (which shall be final) to the Speaker and on such communication, the question shall not be entered in the List of Business or, if it has been so entered, the Speaker shall decline to allow the question to be put.

(4) The Speaker shall disallow any supplementary question, if in his opinion, it infringes the foregoing provisions.

(5) If any doubt arises whether any question or any part of a question is or is not within the prohibition imposed by sub-rule (1), the administrator shall, acting in his discretion, decide the point and his decision shall be final.

5. *Restriction on resolutions.* - (1) No resolution shall be moved which relates to any matter which affects the discharge of the functions of the Administrator in so far as he is required by the Act to act in his discretion.

(2) If the Speaker is of the opinion that a resolution or any part of a resolution is or may be one which cannot be moved because it is prohibited under sub-rule (1), he shall, as soon as may be after the receipt of the resolution, forward to the Administrator a copy thereof and, unless the Administrator (whose decision in the matter shall be final) decides that the resolution may be moved, it shall not be entered in the List of Business.

(3) Notwithstanding the fact that the Speaker has made no reference under sub-rule (2), if the Administrator, acting in his discretion, decides that any resolution or any part of a resolution is one which cannot be moved because it is prohibited under sub-rule (1), he may communicate his decision (which shall be final) to the Speaker, and on such communication, the resolution shall not be entered in the List of Business or, if it has been so entered, the Speaker shall decline to allow the resolution to be moved.

(4) If any doubt arises whether any resolution of which notice has been given or any part thereof is or is not within the prohibition imposed by sub-rule (1), the Administrator shall, acting in his discretion, decide the point and his decision shall be final.

6. *Restrictions on subject-matter of motions.* – The provisions of rule 5 shall, so far as may be, apply in relation to any notice calling the attention of a Minister, or raising discussion on matters of urgent public importance under rules 52 and 53, respectively, of the Rules of Procedure and Conduct of Business of the U.P. Legislative Assembly, 1958, as modified and adapted by the Administrator under sub-section (2) of section 33, and to all motions and motions for adjournment of the business of the Assembly for the purposes of discussing any matter of urgent public importance, as they apply in relation to resolutions.

PART III --- PROCEDURE IN FINANCIAL MATTERS

7. *Budget and its presentations.* - The annual financial statement or the statement of the estimated receipts and expenditure of the Union territory in respect of every financial year (hereinafter referred to as the Budget) shall be presented to the Assembly on such day as the Administrator may appoint.

8. *Discussion on Budget.* - No discussion on the Budget shall take place on the day on which it is presented to the Assembly.

9. *Demands for Grants.* - (1) No demand for a grant shall be made except on the recommendation of the Administrator.

(2) Subject to the provisions of rules made under sub-section (1) of Section 46 –

(a) a separate demand shall ordinarily be made in respect of the grant proposed for each department of the Government.:

Provided that the Administrator may include in one demand grants proposed for two or more departments, or make a demand in respect of expenditure, which cannot readily be classified under particular departments.

(b) each demand shall contain, first a statement of the total grant proposed, and then a statement of the detailed estimate under each grant divided into items.

10. *Stages of Budget Debate.* - The Budget shall be dealt with by the Assembly in two stages, namely : -

(i) a general discussion, and

(ii) the voting of demands for grants.

11. *General Discussion.* - (1) On days to be appointed by the Administrator after consultation with the Speaker which shall not be earlier than two days subsequent to the day on which the Budget is presented and for such time thereafter, as the Administrator after consultation with the Speaker may allot for this purpose, the House shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage, nor shall the Budget be submitted to the vote of the House.

(2) The Finance Minister shall have a general right of reply at the end of the discussion.

(3) The Speaker may, if he thinks fit, prescribe a time limit for speeches.

12. *Voting on Demands,* - (1) The voting on demands for grants shall take place on such days †[Omitted] as the Administrator may, after consultation with the Speaker, allot for the purpose.

(2) The demands for grants shall be presented in such order and discussion shall continue for such time within the period allotted under sub-rule (1) as the Leader of the House, in consultation with the Leader of the Opposition may determine.

(3) On the days allotted under sub-rule (1), no other business except the questions shall be taken up without the consent of the Speaker.

(4) Motions may be moved at this stage to reduce or omit any grant but not to increase or alter the destination of a grant.

(5) No amendment to motions to reduce any grant shall be permissible.

(6) When several motions relating to the same demand are made they shall be discussed in the order in which the heads to which they relate appear in the Budget.

(7) On the last day of the days allocated under sub-rule (1), half-an-hour or so before the close of the usual sitting of the day, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants: and this procedure shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever, nor shall any dilatory motion be moved in regard thereto.

13. *Cut motions* - A motion may be moved to reduce the amount of a demand in any of the following ways: -

† Omitted by Notification published in EG Pt. II No.72 dt : 20-12-2004

(a) "that the amount of the demand be reduced to Re. 1" as representing disapproval of the policy underlying the demand. Such a motion shall be known as "Disapproval of Policy Cut". A member giving notice of such a motion shall indicate in precise terms, the particulars of the policy which he proposes to discuss. The discussion shall be confined to the specific point or points mentioned in the notice and it shall be open to members to advocate on alternative policy;

(b) "that the amount of the demand be reduced by a specified amount" representing the economy that can be effected. Such specified amount may be either a lump sum reduction in the demand or omission or reduction of an item in the demand. The motion shall be known as "Economy Cut", The notice shall indicate briefly and precisely the particular matter on which discussion is sought to be raised, and speeches shall be confined to the discussion as to how economy can be effected;

(c) "that the amount of the demand be reduced by Rs.100" in order to ventilate a specific grievance, which is within the sphere of the responsibility of the Government. Such a motion shall be known as "Token Cut" and the discussion thereon shall be confined to the particular grievance specified in the motion.

14. *Conditions of Admissibility of Cut Motions.* – In order that a notice of motion for reduction of the amount of demand may be admissible, it shall satisfy the following conditions, namely: -

(i) it shall relate to one demand only;

(ii) it shall be clearly expressed and shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;

(iii) it shall be confined to one specific matter which shall be stated in precise terms;

(iv) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;

(v) it shall not make suggestions for the amendments or repeal of existing laws;

(vi) it shall not refer to a matter which is not primarily the concern of the Government;

(vii) it shall not relate to expenditure charged on the Consolidated Fund of the Union territory;

(viii) it shall not relate to matter which is under adjudication by a court of law having jurisdiction in any part of India;

(ix) it shall not raise a question of privilege;

(x) it shall not revive discussion on a matter which has been discussed in the same session and on which a decision has been taken;

(xi) it shall not anticipate a matter which has been previously appointed for consideration in the same session;

(xii) it shall not ordinarily seek to raise a discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into or investigate any matter.

Provided that the Speaker may in his discretion allow such matter being raised in the House as is concerned with the procedure or stage of enquiry if the speaker is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry; and

(xiii) it shall not relate to a trifling matter.

15. *Notice of a Motion to omit or reduce Grant.* – Notice of a motion to omit or reduce any grant shall be given not less than two days before the day appointed for the discussion of such grant unless otherwise directed by the Speaker:

Provided that the Speaker shall decide whether or not a cut motion is admissible under these rules and may disallow any cut motion which, in his opinion, amounts to an abuse of the right of moving such a motion, or is in contravention of these rules or is otherwise inadmissible.

16. *Vote on Account.* – (1) A motion for vote on account shall state the total sum required, and the various amounts needed for each department or service or item of expenditure which compose that sum shall be stated in a Schedule appended to the motion.

(2) Amendments may be moved for the reduction of the whole grant or for the reduction or omission of the items whereof the grant is composed.

(3) Discussion of a general nature shall be allowed on the motion or any amendments moved thereto, but the details of the grant shall not be discussed further than is necessary to develop the general points.

(4) In other respects, a motion for vote on account shall be dealt with in the same way as if it were a demand for grant.

17. *Supplementary or Additional Grants or Grants for Excess Expenditure.* – (1) The Administrator may allot one or more days for presentation of a statement of demands for grants in respect of supplementary or additional or excess expenditure under section 30.

(2) The Administrator may after consultation with the Speaker allot one or more days for the discussion and voting of such demands. In such cases, the same procedure will be followed as is laid down in rules 9, 10, 11, 12, 13, 14 and 15 subject to such modifications as the Speaker may deem necessary.

18. *Scope of Discussion on Supplementary Grants.* – The debate on the supplementary grants shall be confined to its items and no discussion shall be raised on the original grants nor on the policy underlying them save in so far as it may be necessary to explain or illustrate the particular items under discussion.

19. *Token grant.* - When funds to meet proposed expenditure on a new service or scheme can be made available by re-appropriation, demand for the grant of a token sum may be submitted to the vote of the House, and if the House assents to the demand, funds may be so made available.

20. *Appropriation Bill.* - (1) Subject to the provisions of the Act, the procedure in regard to an appropriation Bill shall be the same as for Bills generally but with such modifications as the Speaker may consider necessary:

Provided that no amendment shall be proposed to an Appropriation Bill which will have the effect of varying the amount or altering the destination of any grant made under section 28.

(2) The Speaker may suspend the operation of any rule for the timely passing of such Bills.

21. *Time-Limit for Disposal of Financial Business.* – In addition to the powers exercisable by the Speaker under these rules, he may exercise all powers necessary for the purpose of the timely completion of all financial business and may, in particular, allot time for the disposal of various kinds of such business and when the time is so allotted, he shall at the appointed hour, put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the time has been allotted.

Explanation. – Financial business includes any business which the Speaker holds as coming within this category under the Act.

22. *Publication of Appropriation and Finance Accounts and Audit Reports.* - As soon as may be practicable after the Appropriation and Finance Accounts and Audit Reports thereon have been laid on the Table of the Assembly, the Secretary shall issue a notification declaring them to be published for general information.

K. J. SOMASUNDARAM,
Administrator.

C. RAMOU,
Secretary to the Administrator.

THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS OF THE PUDUCHERRY LEGISLATIVE ASSEMBLY, 1966

CHAPTER I

SHORT TITLE AND DEFINITIONS

1. [1]**[Short title. –** These rules may be called "The Rules of Procedure and Conduct of Business of the Puducherry Legislative Assembly, 1966".**]**

2. [1]**[Commencement. –** These rules shall come into force from the date on which they are adopted by the Puducherry Legislative Assembly.**]**

3. **Definitions. -** (1) In these rules, unless the context otherwise requires -

"Act" means the Government of Union Territories Act, 1963;

[1]**[**"Administrator" means the Administrator of the Union territory of Puducherry appointed by the President of India under Article 239 of the Constitution of India;**]**

"Article" means Article of the Constitution;

"Assembly" means the Legislative Assembly of Puducherry;

"Committee" means any Committee elected or constituted by the House or nominated by the Speaker for any specific or general purpose and which works under the direction of the Speaker and presents its report to the House, or to the Speaker;

1. Amended as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

[1][“Clear Days” includes Sundays and holidays but does not include the day of receipt of a notice by the Secretary;];

“Constitution” means the Constitution of India;

“Deputy Speaker” means the Deputy Speaker of the Assembly;

“Division” means taking of votes by sending the members to lobbies or by adopting any other method under which preparation of lists of members voting on either side is provided;

[1][“Finance Minister” includes any Minister;];

“Financial Year” means a period of 12 months commencing on April 1 and ending on March 31, next;

“Gazette” means the Puducherry Gazette;

“Government” means the Government of Puducherry;

“House” means the Assembly;

[1][“Leader of the House” means the Chief Minister or any other Minister or Member authorised by the Chief Minister to perform the functions of the Leader of the House under these rules;];

“Legislature” means the Legislative Assembly of Puducherry;

[1][“Lobby” means the covered corridor immediately adjoining the chamber and coterminus with it;];

“Member” means a member of the Assembly and includes a Minister;

“Member-in-charge of the Bill’ means, as respects a Government Bill, any Minister, and as respects other Bills, the member who has introduced the Bill or a member authorised in writing by such member to act in his behalf;

“Member-in-charge” means as respects a resolution or motion the member who has moved or made such a resolution or motion;

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1. Inserted as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

"Minister" means a member of the Council of Ministers and includes a Minister of State, a Deputy Minister and any member of the Assembly to whom such Minister may delegate any function assigned to him under these Rules;

"Motion" means a proposal made by a member for the consideration of the Assembly and includes a resolution and an amendment to a Motion;

"Naming a Member" means drawing by the Speaker the attention of the House to the conduct of a Member with a view to action being taken against him;

+['Parliamentary Committee' means a Committee which is appointed or elected by the House or nominated by the Speaker and which works under the direction of the Speaker and presents its report to the House or to the Speaker and the Secretariat for which is provided by the Assembly Secretariat.];

"Precincts of the House" means and includes the Chamber, the Lobbies, the Galleries and approaches leading thereto and all other accommodation in possession of the Speaker or the officers of the Assembly Secretariat in the building in which the Assembly meets and such other places as the Speaker may from time to time specify;

1["President" means the President of India;];

"Private Member" means a member other than a Minister;

"Prorogue" and its derivative 'prorogation' means the ending of a session by an order of the Administrator under clause (a) of sub-section (2) of section 6;

"Resolution" means a motion for the purpose of discussing a matter of general public interest;

1["Secretariat" means and includes the Assembly's Secretariat at Puducherry and any Camp Office set up outside Puducherry for the time being for, or under the authority of, the Speaker;];

+ Inserted as per the First Report (Sixth Assembly) of the Rules Committee 1981-82, which was presented to the Legislative Assembly on 22-3-1982.

1. Inserted as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

"Secretary" means the Secretary to the Assembly and includes any other person for the time being performing the duties of the Secretary;

"Section" means a section of the Act;

"Selection Committee" means a Committee of Members to which a Bill is referred by the Assembly for consideration and report;

"Session " means the period of time between the first meeting of the Assembly upon the summons of the Administrator under sub-section (1) of section 6 and its prorogation or dissolution under sub-section (2) thereof;

"Sitting" means the sitting together of the members of the House for transacting business on any day from its commencement till the House rises for the day;

"Speaker" means the Speaker of the Assembly;

[1]**[**"Table" means the Table of the Assembly;**]**;

[1]**[**"Union territory" means the Union territory of Puducherry;**]**.

(2) Words and expressions used in the Constitution or in the Act and not defined herein shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution or in the Act.

[1]**[**(3) If any doubt arises as to the interpretation of these Rules the decision of the Speaker shall be final.**]**.

CHAPTER II

SUMMONS TO MEMBERS AND SEATING ARRANGEMENT

4. **Summoning of the Assembly. -** (1) The assembly shall be summoned by the Administrator from time to time to meet at such time and place as he may appoint.

(2) The summons to members shall ordinarily be issued by the Secretary fourteen days before the date so appointed under sub-rule (1):

1. Inserted as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

Provided that when the Session is called at short notice or emergently, summons may not be issued to each member separately but an announcement of the date and place of the Session shall be published in the Gazette and made in the Press and members informed telegraphically.

5. **Oath or Affirmation. -** [1]**[**(1) Every Member of the House in pursuance of section 11 shall before taking his seat make and subscribe before the Administrator or some person appointed in this behalf by him an oath or affirmation according to the form set out for the purpose in the first schedule of the Act.**]**.

[2]**[**(2) A member who has not already made and subscribed an oath or affirmation, in pursuance of section 11 of the Act, may do so at the commencement of a sitting of the House or at any other time of the sitting of the House, as the Speaker may direct, on any day after giving previous notice in writing to the Secretary.**]**.

6. **Seating of Members. –** The members shall sit in such order as the Speaker may determine.

7. **Contravention of the provision of section 15. –** (a) No person other than a member shall sit on the seats meant exclusively for the members in the Assembly Hall.

(b) Any person violating the provisions of section 15 when so determined by the Speaker, shall be liable to the penalty provided therefor. The decision of the Speaker in this behalf shall be final.

8. **Roll of Members. –** The Secretary shall maintain a register or Roll of Members and every member shall sign it before taking his seat in the House after oath or affirmation.

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1 Renumbered as per the Second Report of the Rules Committee 1965-66, which as presented to the Legislative Assembly on 17-3-1966.

2 Inserted as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

CHAPTER III

ELECTION OF SPEAKER, DEPUTY SPEAKER AND NOMINATION OF PANEL OF PRESIDING MEMBERS

9. **Election of Speaker. –** (1) The election of Speaker shall be held on such date as the Administrator may fix and the Secretary shall send to every member a notice thereof:

Provided that the date so fixed shall, in the case of a vacancy occurring during the term of the Assembly, be not beyond 15 days from ---

(a) the date of occurrence of the vacancy if the Assembly is at the moment sitting; and

(b) the date on which the Assembly first meets thereafter if it is not so sitting.

(2) At any time before noon on the day preceding the date so fixed under sub-rule (1), any member may give notice of a motion nominating another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating the name of the member nominated and shall be accompanied by a statement by the member whose name is proposed that he is willing to serve as Speaker, if elected:

[1]**[**Provided that a member shall not propose his own name or second a motion proposing his own name, or propose or second more than one motion**]**.

(3) (a) On the date fixed for election, in the case of a new Assembly, the member appointed by the Administrator to preside and in any other case the Deputy Speaker or the Member presiding as the case may be, shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders. At any time before the election any candidate so nominated may withdraw his name from the election by informing the Presiding Officer orally or in writing about it. If after the withdrawals, if any, only one member remains nominated he shall be declared elected, and it shall not be necessary to make a formal motion in that behalf.

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1 Inserted as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

(b) If more than one member remain nominated the presiding member shall call the members in whose names the motions stand one by one, to move the motions, and the mover shall confine himself to a mere statement to that effect.

(4) For the purpose of sub-rule (3) a member shall not be deemed to have been duly nominated if either he or his proposer or seconder has not, before the names are read out under that sub-rule, made the oath or affirmation as member of the Assembly.

(5) The voting on each motion shall be by ballots. Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and fresh ballots shall take place, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case maybe.

(6) Where at any ballot any two or more candidates obtain an equal number of votes, the candidate to be excluded from the election under sub-rule (5) shall be determined by drawing lots.

10. **Election of Deputy Speaker. –** (1) The election of Deputy Speaker shall be held on such date as the Speaker may fix and the Secretary shall send to every member notice of the date:

Provided that the date so fixed shall in the case of a vacancy occurring during the term of an Assembly be not beyond thirty days from ---

(a) the date of occurrence of the vacancy if the Assembly is at the moment sitting; and

(b) the date on which the Assembly first meets thereafter if it is not so sitting.

(2) At any time before noon on the day preceding the date so fixed any member may give notice of a motion nominating another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating the name of the member nominated and shall be accompanied by a statement by the member whose name is proposed that he is willing to serve as Deputy Speaker, if elected.

(3) For the purposes of sub-rule (2), a member shall not be deemed to have been duly nominated if either he or his proposer or seconder has not, before the reading out of names under that sub-rule, made the oath or affirmation as member of the Assembly.

(4) On the date fixed for election the Speaker shall read out to the Assembly the names of the members who have been duly nominated together

with those of their proposers and seconders. At anytime before the election any candidate so nominated may withdraw his name from the election by informing the Presiding Officer orally or in writing about it. If after the withdrawals, if any, only one member remains nominated he shall be declared elected and it shall not be necessary to make a formal motion in that behalf. If more than one member remain nominated the Speaker shall call the members in whose names the motions stand, one by one, to move the motions, and the mover shall confine himself to a mere statement to that effect.

(5) In case of election, the procedure laid down in rule 9 (5) and (6) for the election of Speaker shall be followed.

[1][11.] **Power of other person to perform the duties of the office of, or to act as , Speaker. –** While the offices of both the Speaker and the Deputy Speaker are vacant, the duties of the office shall be performed by such member of the Assembly as the Administrator may appoint for the purpose.

12. **Panel of Presiding Members. –** (1) As soon as may be after the commencement of the first session each year the Speaker shall nominate from amongst the members of the Assembly a panel of not more than four members, any one of whom may preside over the assembly in the absence of the Speaker and the Deputy Speaker, when so requested by the Speaker or in his absence, by the Deputy Speaker.

(2) A Presiding Member nominated under sub-rule (1) shall hold office until a new panel of Presiding Members is nominated.

13. **Election of Chairman in the absence of Speaker, Deputy Speaker and Panel of Presiding Members. –** If the Speaker and the Deputy Speaker are both absent and there is no member of the panel of Presiding Members duly authorised to preside over the sitting of the Assembly, the Assembly shall proceed to elect a Chairman for the meeting in the following way:-

1 Renumbered as per the First Report (Sixth Assembly) of the Rules Committee 1981-82, which was presented to the Legislative Assembly on 22-3-1982.

"A member, addressing himself to the Secretary shall propose to the House some other member then present and move that the said member do take the Chair of the Speaker till such time as a person competent to preside under the Act or rules arrives, and such a motion is seconded by another member, then the Secretary shall put the motion or motions to the vote of the House. The Member so selected shall occupy the Chair.".

14. **Powers of Deputy Speaker and Presiding Member. –** The Deputy Speaker or any member of the Assembly, when presiding over the Assembly shall have the same powers as the Speaker when so presiding; and all references to the Speaker in these Rules shall be deemed to be references to the Deputy Speaker or to the member so presiding, as the case may be.

15. **Delegation of powers to Deputy Speaker . –** The Speaker may, at any time, by order in writing delegate to the Deputy Speaker all or any of his powers under these rules and may likewise revoke any such delegation.

CHAPTER IV

SITTINGS OF ASSEMBLY

16. **Sittings of the Assembly. –** (1) After the commencement of a session, the Assembly shall sit on such days as the Speaker may, from time to time having regard to the state of business of the Assembly and in consultation with the Leader of the House, determine.

(2) A sitting of the House is duly constituted when it is presided over by the Speaker or any other member competent to preside over a sitting of the House under the Act or these rules.

17. **Hours of sitting. –** Sittings of the Assembly shall, unless the Speaker otherwise directs, ordinarily commence at [1]**[**9.30 a.m. and conclude at 1.30 p.m.**]**

18. **Quorum. -** The quorum to constitute a meeting of the Assembly shall be one-third of the total number of members of the House.

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1 Substituted as per the First Report of the Rules Committee which was presented to the Legislative Assembly on 10-3-1965.

19. **Adjournment of Meetings. –** The Speaker may adjourn a meeting of the Assembly either on his own motion or on a resolution of the House in that behalf.

Where, however, the House is adjourned sine die, ten days notice shall ordinarily be given to members of the date on which the Assembly shall reassemble:

Provided that the Speaker may call a meeting of the Assembly for an earlier or later date than the date to which it stands adjourned.

20. **The effect of prorogation. –** When the Assembly is prorogued ---

(a) all pending notices shall lapse and fresh notices shall be given for the next session:

Provided that the questions which have been entered in the list of business but were postponed and remained pending for answer at the close of the preceding session shall not lapse;

(b) a Bill pending in the House at the time of prorogation shall not lapse by reason of the prorogation of the House;

(c) any business pending before a Committee shall not lapse;

(d) any motion, resolution or amendment which has been moved and is pending in the House shall not lapse.

CHAPTER V

ADMINISTRATOR'S ADDRESS AND MESSAGE TO ASSEMBLY

[1][21. **Address by the Administrator to the House. –** At the commencement of the first Session after each general election to the Assembly and at the commencement of the first session of each year or from time to time the Administrator may address the Assembly as required by section 9 of the Act.

22. **Allotment of time for discussion. –** The Speaker shall, in consultation with the Leader of the House, allot time for discussion of the matters referred to in the Administrator's Address.

1 Inserted as per the second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966. The rules following rule 20 as inserted and numbered have been consequently renumbered.

23. **Scope of discussion. –** On such day or days or part of any day, the House shall be at liberty to discuss the matters referred to in such Address on a Motion of Thanks moved by a member and seconded by another member.

24. **Amendments to Motion of Thanks. –** Amendments may be moved to such Motion of Thanks in such form as may be considered appropriate by the Speaker.

25. **Other Business that may be taken up. –** (1) Notwithstanding that a day has been allotted for discussion on the Administrator's Address, ---

(a) a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day, and

(b) other business of a formal character may be transacted on such day before the House commences, or continues the discussion on the Address.

(2) The discussion on the Address may be postponed in favour of a Government Bill or other Government business on a motion being made that the discussion on the Address be adjourned to a subsequent day to be appointed by the Speaker. The Speaker shall forthwith put the question, no amendment or debate being allowed.

(3) The discussion on the Address shall be interrupted in the course of a sitting by an adjournment motion under Rule 65.

26. **Government's right to reply. –** The Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, shall on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion and the Speaker may enquire how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude.

27. **Time-limit for speeches. –** The Speaker may, if he thinks fit, prescribe a time for speeches after taking the sense of the House.**]**.

28. **Administrator's Address under sub-section (1) of section 9. -** The Speaker may allot time for the discussion of the matters referred to in the Address of the Administrator under sub-section (1) of section 9.

29. **Message of Administrator under sub-section (2) of section 9. ---** Where a message from the Administrator for the House under sub-section (2) of section 9 is received by the Speaker he shall read the message to the House and give necessary directions in regard to the procedure that shall be followed for the consideration of the matters referred to in the message. In giving these directions, the Speaker shall be empowered to suspend or vary the rules to such extent as may be necessary.

CHAPTER VI

[1][ARRANGEMENT OF BUSINESS AND LIST OF BUSINESS]

30. **List of Business. –** (1) A list of business for the day shall be prepared by the Secretary and a copy made available for the use of every member and the Administrator.

(2) Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the Speaker.

(3) No business requiring notice shall ordinarily be set down for a day before the period of the necessary notice has expired unless the Speaker otherwise directs.

31. **Allotment of time for private members' business. –** (1) Private members' business shall be taken up on the second and fourth Fridays of each month and shall have precedence over official business unless the Speaker directs otherwise.

(2) Where the Speaker has under sub-rule (1) directed otherwise as aforesaid, he may, in consultation with the Leader of the House, appoint any other day in any week for the transaction of private members' business.

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1 Substituted as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

[1][32. **Precedence of private members' business. –** On days allotted for the disposal of private members' business, such business shall be taken up in the following order: -

(a) Bills to be introduced;

(b) Resolutions on matters of general public interest;

(c) Bills which have been introduced.**]**.

33. **Arrangement of Government business. –** (1) On days other than days allotted for private members' business no business except Government business shall be transacted without the consent of the Speaker. The Secretary shall arrange the business in such order as the Speaker may, in consultation with the Leader of the House, decide:

Provided that the Speaker may, in consultation with the Leader of the House, alter or amend the order of business.

(2) On the first working day of every week when the House meets, the Leader of the House or any member of the Council of Ministers shall after questions, inform the House of the business to be transacted during the week.

34. **Private members' business outstanding at the end of the day. –** Private members' business set down for the day allotted for that class of business and not taken up on that day shall not be set down for any subsequent day, unless fresh notice thereof is received and it has gained priority at the ballot held with reference to that day:

Provided that any business which is under discussion at the end of that day shall be set down for the next day allotted to business of that class, and shall have precedence, over all other business set down for that day.

1 Inserted and numbered as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966. The rules following rule 31 as numbered and inserted have been consequently renumbered.

CHAPTER VII

QUESTIONS

35. **Classification of questions. -** The questions shall be classified as follows: -

(a) Short notice questions;

(b) Starred questions; and

(c) Unstarred questions.

Explanation I. - A short notice question means a question relating to matters of urgent public importance. It shall be distinguished by placing two asterisks. Supplementary questions arising out of the answer given can be put thereon with the permission of the Speaker.

Explanation II. - A starred question means a question on which supplementary question arising out of the answer given can be put with the permission of the Speaker. It shall be distinguished by placing one asterisk.

Explanation III. - Unstarred question means a question on which a written reply may be given to the member concerned and on which no supplementary question is permissible.

36. **Subject matter of questions. –** A question must relate to a matter of administration for which the Government is responsible. Its purpose shall be the eliciting of information or suggesting action on a matter of public importance.

37. **Form and contents of questions. –** No question may be asked which does not satisfy the following conditions, namely : -

(1) It must not bring in any name or statement not strictly necessary to make the question intelligible.

(2) If it contains a statement by the member himself, the member asking it shall himself be responsible for the accuracy of the statement.

(3) It must not be of excessive length nor contain arguments, interferences, ironical or offensive expressions or defamatory statements.

(4) It must not ask for an expression of opinion or the solution of a hypothetical proposition.

(5) It must not refer to the character or conduct of any person nor relate to individual cases except in his official or public capacity or when a matter of principle is involved.

(6) It shall not repeat in the same session in substance questions already answered or to which an answer has been refused.

(7) It shall not require information set forth in accessible documents or in ordinary works of reference.

(8) It shall not ask for information on a matter which is under adjudication by a Court of Law having jurisdiction in any part of India.

(9) It shall not refer to the conduct of any Judge or a Court of Law having jurisdiction in any part of India in the exercise of his or its judicial function.

(10) It shall not make or imply a charge of a personal character.

(11) It shall not ask for information on trivial, vague or meaningless matters, nor information of too many details.

(12) It shall not relate to day-to-day administration of local bodies or other semi-autonomous bodies. The Speaker may, however, allow questions which arise out of their relation with the Government or refer to breaches of law or rules or relate to important matters involving general welfare.

(13) It shall not refer to debates in the current session.

(14) It shall not criticize decisions of the House.

(15) It shall not seek information about matters, which in their nature are secret, such as, decisions or proceedings of the Cabinet, advice given to the Administrator by Law Officers and other similar subjects.

(16) It shall not deal with matters before a committee or with matters within the jurisdiction of the Chairman of a Committee or the authorities of the House.

(17) It shall not relate to a statement by a private individual or a non-official body.

(18) It shall not reflect on the character or conduct of those persons whose conduct may only be challenged on a substantive motion.

(19) It shall not raise questions of policy too large to be dealt with within the limits of an answer to a question.

(20) It shall not ordinarily ask about matters pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any Commission or Court of Enquiry appointed to enquire into or investigate any matter but may refer to matters concerned with procedure or subject or stage of inquiry, if it is not likely to prejudice the consideration of the matter by the Tribunal or Commission or Court of Enquiry.

38. **Short notice questions. –** (1) Whenever a member desires to ask a short notice question he shall give three clear days' notice of such a question in writing to the Secretary. The Secretary will ordinarily obtain the orders of the Speaker regarding the admissibility of the question as a short notice question within 24 hours of its receipt.

(2) After the orders of the Speaker have been obtained, a copy of the question shall be sent to the Minister concerned requesting him to inform the Secretary whether he agrees to answer the question as short notice question.

(3) If the Minister agrees to answer it at short notice it shall be placed immediately on the Agenda or so soon thereafter as the Speaker may direct.

(4) If the Minister concerned is not in a position to answer it at short notice and the Speaker is of opinion that it is of sufficient public importance, he may direct it to be placed as the first question on the list of questions for the day on which it would be due for answer as a starred question.

(5) Where two or more members give short notice questions on the same subject and the question of one of the members is accepted for answer at short notice, the names of the other members shall be bracketed with the name of the member whose question has been accepted for answer:

Provided that Speaker may direct that all the notices be consolidated into a single notice if in his opinion it is desirable to have a single self-contained question covering all the important points raised by members and the Minister shall then give his reply to the consolidated question:

Provided further that in the case of a consolidated question the names of all the members concerned may be bracketed and shown against the question in the order of priority of their notice.

39. **Notice of starred and unstarred questions. -** (1) Not less than [1]**[**12**]** clear days' notice of starred and unstarred questions shall be given in writing by the member to the Secretary.

(2) Such questions shall ordinarily be forwarded by the Secretary to the Government within [1]**[**three**]** days.

Provided that unless the speaker otherwise decides, no question shall be placed on the list of questions for answer until the expiration of [1]**[**9**]** days from the date of the notice of such question to the Minister of the department concerned:

Provided further that if the Speaker is of opinion that longer period is necessary to decide about the admissibility or otherwise of a question, the question shall be placed on the list of questions for answer at a day later than it should have been fixed under the foregoing provision.

1 Substituted as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

(3) The provisions of sub-rule (5) of rule 38 shall also apply in the case of notices of starred and unstarred questions.

40. **Time for questions. –** Unless the Speaker otherwise directs the first hour of every sitting shall be available for the asking and answering of questions, short notice questions having precedence over others.

41. **Copies of written answers to be made available to the member concerned. ---** A copy of written answers to questions shall be made available to the member concerned one day before the commencement of the sitting for the day fixed for the answer of the questions. The reply shall be read out by the Minister concerned.

42. **Limitation on number of questions. –** A member shall not ask more than three starred questions on a single day. The Speaker may disallow any question which asks for information on more than one subject.

43. **Allotment of days for oral answers to questions. –** The time available for answering questions shall be allotted on different days, in rotation for the answering of questions relating to such Minister or Ministers as the Speaker may, from time to time, provide. On each such day, unless the Speaker with the consent of the Minister concerned otherwise directs, only questions relating to the Minister or Ministers for whom time on that day has been allotted shall be placed on the list of questions for answer. This rule shall not apply to short notice questions.

44. **Postponement of question due to absence of Minister. –** In the event of the absence of the Minister concerned on account of special or unexpected circumstances, the Speaker, on a request being made in that behalf, may postpone the question to any future day.

45. **Mode of asking questions. –** During the question hour the Speaker shall call successively each member in whose name a question is listed with due regard to priority of questions or any other manner as the Speaker may in his discretion decide, and such member when so called shall stand in his seat to indicate his presence. If the member called is absent the Speaker shall pass on to the next question.

46. **Mode of giving notice of questions. –** Question shall be asked by means of a notice thereof in wiring to the Secretary specifying the official designation of the Minister to whose department the question relates.

47. **Manner of answering questions. –** (1) Answers to questions shall be relevant to the subject-matter of questions and may take the form of laying statements on the table of the Assembly if so decided by the Speaker.

(2) A question shall be replied on the date on which it is listed. If the information required by the member is not available, the Minister shall state the position accordingly, and the Speaker may allow such further time as he may under the circumstances deem proper and fix a date for the answer.

(3) If the Minister is of opinion that the information required by a member cannot be given in public interest he will say so. The refusal of a Minister to supply the information on this ground cannot be raised as a matter of privilege nor can a motion for adjournment of the House be brought on this ground.

48. **Questions of absent members. –** When all the questions for which an oral answer is desired have been called, the Speaker may, if time permits, call again any question which has not been asked by reason of the absence of the member in whose name it stands, and may also permit a member to ask a question standing in the name of another member if so authorised by him or if any other member is interested in such a question.

49. **Withdrawal or postponement of questions. –** A member may, with the consent of the Speaker, by notice, given at any time before the meeting for which his question has been placed on the list, withdraw his question, or make a request to postpone it to a later day to be specified in the notice, and on such later day the question shall, subject to the provisions of rule 42, be placed on the list after the questions tabled for that day.

50. **Written answers to questions not replied orally. -** If a short notice or starred question included in the list of questions on any day is not answered because of the absence of the member or because it could not be taken up during the hour fixed for answering questions it shall be deemed to have been answered and the written reply to such questions shall be published as part of the proceedings of the day.

51. **Supplementary questions. –** (1) No discussion shall be permitted during the time for questions under rule 39 in respect of any question or of any answer given to a question.

(2) Any member allowed by the Speaker may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the Speaker shall disallow any supplementary question, if, in his opinion, it infringes the rules regarding questions.

52. **Questions to the Speaker. –** Questions to the Speaker shall be by private notice. Such questions may either be answered by a written reply or in his Chamber.

53. **Questions to private members. –** A question may be addressed by a member to a private member provided the subject matter of the question relates to some Bill, Resolution or other matter connected with the business of the House for which that member is responsible and the procedure in regard to such questions shall, as far as may be, the same as is followed in the case of questions addressed to a Minister with such variations as the Speaker may consider necessary or convenient.

54. **Speaker to decide admissibility of questions. –** The Speaker shall decide on the admissibility of a question and may disallow any question or a part thereof which, in his opinion, contravenes these rules or is an abuse of the right of asking questions. The Speaker shall inform the member concerned in brief the reasons for disallowing the question. He may amend a question to bring it into conformity with the rules or may return a question for improvement.

55. **Power of the speaker to change class of a question. –** The Speaker may convert a short notice question into a starred or unstarred question and a starred question into an unstarred question:

Provided that the Speaker may, if he thinks fit, call upon the member who has given notice of a starred question to state in brief his reasons for so classifying his question and, after considering the same, may direct that the question be so treated.

56. **List of questions for the day. --** (1) Questions which have been admitted by the Speaker shall be entered in the list of questions for the day ordinarily in the order of their receipt and shall be called if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon.

(2) The Secretary shall prepare a provisional list of questions fixed for a particular day and shall ordinarily send a week before that date, its copies to all members. In case the House is sitting on that day, he shall, instead of dispatching copies to the members, lay them on the tables of the members.

57. **Questions and answers to be entered in proceedings of the Assembly. --** All questions asked and answers given shall be entered in the proceedings of the Assembly:

Provided that a question which has been disallowed may not be so entered.

58. **Prohibition of publicity of questions and answers in advance. –** Questions of which notice has been given by members and answers to questions which Minister proposes to give in the House shall not be released for publication until the questions are taken up and answers are given on the floor of the House or laid on the Table.

[1] [CHAPTER VIII
HALF-AN-HOUR DISCUSSION

59. **Discussions on matters arising out of questions and answers. –** (1) The Speaker may allot half-an-hour for raising discussion on a matter of sufficient public importance which has been the subject of a question and answer in the House.

(2) Unless the Speaker directs otherwise, the allotment shall ordinarily be made during the sitting of the House on a Tuesday or a Thursday after the termination of its usual business.

(3) A member wishing to raise such a matter shall give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised and shall briefly specify the point or points that he wishes to raise:

Provided that the notice shall be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question:

Provided further that the Speaker may, with the consent of the Minister concerned, waive the requirement concerning the period of notice.

(4) If necessary, two notices may be taken up at one sitting. If more than two notices have been received and admitted by the Speaker, the Speaker shall decide which two of them are to be taken up:

Provided that if any matter put down for discussion on a particular day is not disposed of on that day, it shall not be set down for any other day unless the Speaker otherwise directs.

(5) There shall be no formal motion before the House nor voting. The member who has given notice will introduce the subject in a short statement. The Minister concerned will reply shortly. The Speaker may then permit other members to put question for the purpose of further elucidating any matter of fact. The member introducing the subject may be permitted to speak a second time to make a reply and the discussion will end with the final remarks of the Minister concerned.**]**.

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1 Inserted and renumbered as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966. The chapters and rules following rule 58 as inserted and numbered have been consequently renumbered.

CHAPTER IX

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

60. **Calling attention to matters of urgent public importance. ---** (1) A member desiring to call the attention of a Minister to any matter of urgent public importance shall give notice in duplicate of such a matter at least half-an-hour before the commencement of the sitting to the Secretary on the day on which the matter is proposed to be raised. The Secretary shall send one copy of the notice to the Minister concerned.

(2) If the Speaker gives his consent to the said matter being raised, it shall be so done after the questions and before the list of business is entered upon.

(3) The Minister may make a brief statement or ask for time to make a statement at a later hour or date.

(4) There shall be no debate on such statement at the time it is made:

Provided that the Speaker may, if he deems fit, permit questions for purpose of clarification.

(5) Not more than one such matter shall be raised at the same sitting.

(6) In the event of more than one matter being presented for the same day, priority shall be given to the matter which, in the opinion of the Speaker, is more urgent and important.

CHAPTER X

DISCUSSION ON MATTERS OF URGENT PUBLIC IMPORTANCE FOR SHORT DURATION

61. **Notice of raising discussion. -** Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised:

Provided that the notice shall be accompanied by an explanatory note stating reasons for raising a discussion on the matter in question:

Provided further that the notice shall be supported by the signatures of at least two other members.

62. **Speaker to decide admissibility. –** If the Speaker is satisfied after calling for such information from the member who has given notice and from the Minister as he may consider necessary that the matter is urgent and is of sufficient importance to be raised in the House at an early date, he may admit the notice and in consultation with the Leader of the House fix the date and time on which such matter may be taken up for discussion. He shall announce the date and subject matter of the notice in the House and allow such time for discussion not exceeding two and a half hours as he may consider appropriate in the circumstances:

Provided that if an early opportunity is otherwise available for the discussion of the matter, the Speaker may refuse to admit the notice.

63. **No formal motion. –** There shall be no formal motion before the House nor voting. The member who has given notice may make a short statement and the Minister shall reply shortly. Any other member may be permitted to take part in the discussion.

64. **Time-limit for speeches. –** The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

CHAPTER XI

MOTION FOR ADJOURNMENT ON A MATTER OF URGENT PUBLIC IMPORTANCE

65. **Method of giving notice. –** Notice of an adjournment motion shall be given to the Secretary in duplicate at least one hour before the commencement of the sitting on the day on which the motion is proposed to be made. The Secretary shall send one copy of the notice to the Minister concerned.

66. **Speaker's consent necessary to make motion. –** Subject to the provisions of these rules, a motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

67. **Restrictions on right to make motion. -** The right to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely: -

(1) not more than one such motion shall be made at the same sitting;

(2) not more than one matter shall be discussed on the same motion;

(3) the motion shall be restricted to a specific matter of recent occurrence;

(4) the motion shall not raise a question of privilege;

(5) the motion shall not revive discussion on a matter which has been discussed in the same session;

(6) the motion shall not anticipate a matter which has been previously fixed for consideration. In determining whether a discussion is out of order on the ground of anticipation, the Speaker shall take into consideration the probability of the matter anticipated being brought before the Assembly within a reasonable time; and

(7) the motion must not deal with a matter on which resolution could not be moved.

68. **Motion for discussion on matters before Tribunals, Commissions, etc., -** No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any Commission or Court of Enquiry appointed to enquire into or investigate a matter shall ordinarily be permitted to be moved;

Provided that the Speaker may in his discretion allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the Tribunal or Commission or Court of Enquiry.

69. **Mode of asking for leave to move adjournment motion. –** (1) The Speaker shall take up the motion after the questions and before the list of business is entered upon and if he holds that the matter proposed is in order and gives his consent under rule 66 he shall call the member concerned who shall rise in his place and ask for leave to move the adjournment of the House.

(2) If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places and if not less than one-sixth of the total number of members of the House for the time being rise accordingly, the Speaker shall intimate that leave is granted. If less than the required number of members rise, the Speaker shall inform the member that he has not the leave of the House.

70. **Time for taking up motion. –** If leave to make such a motion is granted, the motion shall be taken up an hour before the time fixed for the usual termination of the business of the day, or if the Speaker so directs, at any earlier hour at which the business of the day may terminate.

71. **Limitation of time of discussion. –** (1) The debate on a motion to discuss a matter of urgent public importance if not earlier concluded, shall automatically terminate on the expiration of two hours from the time when the discussion began and thereafter no question shall be put.

(2) The Speaker shall prescribe a time limit for speeches:
Provided that no speech shall exceed 15 minutes in duration.

CHAPTER XII

QUESTIONS INVOLVING BREACH OF PRIVILEGES AND CONTEMPTS

72. **Breach of privilege and contempt how brought to the notice of the House. –** A question involving a breach of privilege either of a Member of the House or of a Committee thereof may with the consent of the Speaker, be brought to the notice of the House by ---

(i) a complaint from a Member;

(ii) a report from the Secretary;

(iii) a petition; or

(iv) a report from a Committee:

Provided that if the breach is committed in the actual view of the House, the House may take action without any complaint:

Provided further that if the complaint is against a member the Speaker may hear him before giving his consent.

73. **Complaint by Member. -** A member wishing to raise a question of breach of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the complaint is founded upon a document, the original or a copy thereof, shall accompany the notice.

74. **Conditions for the admissibility of a question of privilege. –** The right to raise a question of privilege shall be governed by the following conditions, namely:-

(i) not more than one question shall be raised at the same sitting;

(ii) the question shall be restricted to a specific matter of recent occurrences; and

(iii) the matter requires the intervention of the House.

75. **Presentation of complaint. –** If the Speaker gives his consent under rule 72, he may refer the matter to the Committee on Privileges and acquaint the House thereof, or he may ask the member making the complaint after the questions put before entering upon the list of business for further elucidation. Thereupon the member shall read his complaint as well as the documents, if any, before the House and may make a short statement. The Speaker, after hearing any other member, if necessary, shall decide if the complaint is in order:

Provided that the Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any other time:

Provided further that where the Speaker has refused his consent under rule 72, or is of opinion that the matter proposed to be discussed is not in order, he may read the complaint in the House and state that he refuses his consent or holds that the same is not in order.

76. **Complaint against a member. -** (1) If the complaint is against a member and the matter is brought before the House, the said member, shall be given a notice if he has not already been heard by the Speaker under the second proviso to Rule 72.

(2) A copy of the complaint shall be supplied to the member along with a copy of the document upon which the complaint is founded and the member with the permission of the Speaker shall have a right of inspecting all the documents. He shall also be given an opportunity to be heard in explanation or exculpation.

(3) The member complained against shall attend the House in his place on the day so fixed and if he is unable to attend, he shall intimate the Speaker his reasons for non-attendance and the House in view of the reasons given postpone the consideration of the matter. If, however, the House is of the opinion that there are no good reasons for absence or the member has wilfully absented, it may proceed with the matter in his absence. In case a member is absent and has failed to intimate the reasons for his absence due to unavoidable circumstances, the House may reopen the question at his request.

(4) The member complained against after attending the House as aforesaid shall withdraw from the House after his explanation under sub-rule (2) and shall not enter as long as the matter is under consideration of the House. The House may, however, allow him to hear the proceedings or re-call him for purposes of giving a further explanation or for tendering an apology.

77. **Speaker to refer the matter to the Committee on Privileges. –** When the Speaker asks for further elucidation as contemplated by the first part of rule 75 and holds the complaint in order under the latter part of the said rule, he may refer it to the Committee on Privileges for examination, investigation and report or he may, if he is of opinion that the matter is such as may be disposed of by the House, ask the members making the complaint to make motion that the matter be taken into consideration forthwith or at some future date.

78. **Motion after presentation of the report. -** The Chairman of the Committee or any member thereof or any member of the House may make a motion that the report of the Committee be taken into consideration forthwith or at some future time within which the report may be printed and copies supplied to members.

Note : - For rules relating to Committee on Privileges see Chapter XVII of these rules.

79. **Complaint by Secretary or Petition. -** (1) Whenever a question of breach of privilege has been raised on the report of the Secretary or by a petition as given under rules 72 (ii), or 72 (iii), the Speaker may, if he gives his consent thereto, refer the matter to the Committee on Privileges and acquaint the House thereof or he may, after reading the complaint and hearing any member, decide whether the complaint is as in order and if it is held to be so, may refer the matter to the Committee on Privileges.

(2) If the Speaker is of the opinion that the matter is such which should be placed for consideration before the House, he shall ask the Secretary to read the complaint before the House. The House may take the report into consideration at once or at some future time:

Provided that the complaint shall be printed and copies of it shall be supplied to the members before consideration of the matter in the House.

80. **Complaint by a Committee. -** Whenever a breach of privilege of a Committee has been committed, the Chairman of the Committee shall make a report thereof to the Speaker. The Speaker shall bring the matter to the notice of the House and the Chairman or, in his absence, any other member of the Committee may make a motion that the question of breach of privilege be taken into consideration forthwith or at some future time. Thereafter the procedure laid down in rules 75 and 76 so far as it is not inconsistent shall be followed.

81. **Substantive motion. –** After any one of the following motions is agreed to by the House ---

(1) motion under rule 77 that the matter be taken into consideration; or

(2) motion under rule 78 that the report of the Privilege Committee be taken into consideration; or

(3) motion under rule 79 that the complaint or petition be taken into consideration; or

(4) motion under rule 80 that the question of the breach of privilege, as contained in the report of the Committee, be taken into consideration;

any member may move a substantive motion indicating the commission of a breach of privilege and also suggesting the action to be taken by the House, and any other member may move an amendment to the said motion. After a brief discussion of the motion and the amendments, if any, the Speaker shall put the question.

82. **Opportunity to person charged. -** Except where the breach of privilege is committed in the actual view of the House, the House shall give an opportunity to the person charged to be heard in explanation or exculpation of the offence against him, before the sentence is passed:

Provided that if the matter has been referred to the Committee on Privileges and the person charged has been heard before the Committee, it will not be necessary for the House to give him that opportunity unless the House directs otherwise.

83. **Summoning the party charged. –** The Speaker may summon the person complained against by notice or warrant of arrest to appear before the House at any stage of the proceedings.

84. **Punishment. -** If the Committee on Privileges is of the opinion that a breach of privilege has been committed, the Committee may recommend and the House shall have power to inflict the following punishments: -

(1) Admonition;

(2) Reprimand;

(3) Suspension of a member;

(4) Fine;

(5) Expulsion of a member;

(6) Imprisonment, the term whereof is at the pleasure of the House but cannot extend beyond the prorogation or dissolution; or

(7) Any other punishment which the House may deem proper and fit in pursuance of the provisions of section 16.

85. **Groundless Complaint. -** In case the House finds a charge of breach of privilege groundless, it may order the payment of an amount not exceeding Rs.500 as costs to the party charged by the party complaining.

86. **Execution of Orders of the House. -** The Speaker or any other person authorised by him in this behalf shall have the power to execute all the orders passed and sentences inflicted by the House.

87. **Brevity of Debate. -** The debate at all stages on questions involving breach of privilege shall be brief.

88. **Regulation of Procedure. –** The Speaker may issue such directions as may be necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee or in the House.

89. **Application of the Rules to contempt. –** The above rules, so far as they are not inconsistent, shall apply to all cases of contempt.

90. **Power of Speaker to refer question of privilege to Committee. –** Notwithstanding anything contained in these rules, the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report, and acquaint the House thereof.

91. **Procedure on question of breach of privilege or contempt of the House by a Member, Officer or Servant of another Legislature. –** If a member, officer or servant of another Legislature in India is involved in a case of contempt or an alleged breach of privilege of the House, the Speaker shall refer the matter to the Presiding Officer of that Legislature unless on hearing the member who raised the question or persuing any document, where the complaint is based on a document, the Speaker is satisfied that no breach of privilege has been committed or the matter is too trivial to be taken notice of in which case he may disallow the motion for breach of privilege.

When a case of contempt or an alleged breach of privilege against another Legislature in India, in which a member, officer or servant of the House is involved, is referred to the House by the Presiding Officer of the Legislature concerned, the Speaker shall deal with the matter in the same way as if it were a case of breach of privilege of the House and communicate to the Presiding Officer who made the reference, a report about the enquiry and the action taken on the reference received.

92. **Application of this chapter to person entitled to take part in the proceedings of the Assembly. -** The foregoing provisions of this Chapter shall apply in relation to persons who, by virtue of the Act, have the right to speak in, and otherwise take part in the proceedings, of the Assembly or any Committee thereof, as they apply in relation to members of the Assembly.

INTIMATION TO SPEAKER OF ARREST, DETENTION ETC. AND RELEASE OF A MEMBER

93. **Intimation to Speaker by Magistrate of arrest, detention etc., of a Member. –** When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court or is detained under an executive order, the committing Judge, Magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Schedule.

94. **Intimation to Speaker on release of a Member. -** When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned in the appropriate form set out in the Schedule.

95. **Treatment of communications received from Magistrate. –** As soon as may be, the Speaker shall, after he has received a communication referred to in rule 93 or rule 94, read it out in the House if in session, or if the House is not in session, direct that the members be informed of the same.

Provided that if the intimation of the release of a member either on bail or by discharge on appeal is received before the House has been informed of the original arrest, the fact of his arrest, or his subsequent release or discharge may not be intimated to the House by the Speaker.

PROCEDURE REGARDING SERVICE OF A LEGAL PROCESS AND ARREST WITHIN THE PRECINCTS OF THE HOUSE

96. **Arrest within the precincts of the House. -** No arrest shall be made within the precincts of the House without obtaining the permission of the Speaker.

97. **Service of legal process. -** A legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.

[1][CHAPTER XIII

DELEGATED LEGISLATION

98. **Laying of Regulation, Rules, etc. on table. -** (1) Where a regulation, rule, sub-rule, bye-law, etc., framed in pursuance of the Constitution or of the legislative functions delegated by Parliament or by Assembly to a subordinate authority is laid before the House, the period specified in the Constitution or the relevant Act for which it is required to be laid shall be completed before the House is adjourned **sine die** and later prorogued, unless otherwise provided in the Constitution or the relevant Act.

(2) Where the specified period is not so completed, the regulation, rule, sub-rule, bye-law, etc., shall be re-laid in the succeeding session or session until the said period is completed in one session.

99. **Allotment of time for consideration of Amendments to Regulation, Rule, etc., -** The Speaker shall, in consultation with the Leader of the House, fix a day or days or part of a day as he may think fit for the consideration and passing of an amendment to such regulation, rule, sub-rule, bye-law, etc. of which notice may be given by a member:

Provided that notice of the amendment shall be in such form as the Speaker may consider appropriate and shall comply with these rule.

100. **Laying of a regulation, rule, etc., as amended on table. –** If a regulation, rule, sub-rule, bye-law, etc., is modified in accordance with the amendment passed by the House, the amended regulation, rule, sub-rule, bye-law, etc. shall be laid on the Table.

FOR RULES RELATING TO COMMITTEE ON DELEGATED LEGISLATION SEE CHAPTER XVII OF THESE RULES**]**

1 Inserted and renumbered as per the First Report (Sixth Assembly) of the Rules Committee, 1981-82, which was presented to the Legislative Assembly on 22-3-1982.

CHAPTER XIV

RESOLUTIONS

101. **Notice of resolutions by private members. -** (1) A private member who wishes to move a resolution shall give not less that [1]**[**twelve**]** days' notice to the Secretary of his intention and shall together with the notice submit a copy of the resolution which he wishes to move.

(2) A copy of the resolution, if it has obtained a place in the ballot and has been admitted by the Speaker, shall be sent to the Government ordinarily [1]**[**nine**]** days before the date fixed for its discussion:

Provided that the Speaker may allow a shorter notice.

102. **Notice of resolution by Government. -** It the Government desire to move a resolution they shall give seven days' notice and shall along with it supply a copy of the resolution to the Secretary, who shall have its copies sent to members within forty-eight hours of its receipt [1]**[**:**]**

[2]**[**Provided that the Speaker may allow a shorter notice.**]**.

103. **Form of resolution. –** A resolution may be in the form of a declaration of opinion, or recommendation or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government, or convey a message or commend, urge or request an action; or call attention to a matter or situation for consideration by Government or in such other form as the Speaker may consider appropriate.

104. **Subject matter of resolution. –** Subject to the provisions of these rules, any member or Minister may move a resolution relating to a matter of general public interest.

105. **Conditions of admissibility of resolutions. -** In order that a resolution may be admissible, it shall satisfy the following conditions, namely:-

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1 Substituted as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

2 Inserted as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

(1) it shall be clearly and precisely expressed;

(2) it shall raise substantially one definite issue;

(3) it shall not contain arguments, inferences, ironical expressions, imputations, or defamatory statement;

(4) it shall not refer to the conduct or character of persons except in their official or public capacity; and

(5) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India

106. **Admissibility of resolutions. –** The Speaker shall decide on the admissibility of a resolution and may, at his discretion, amend the form of a resolution so as to bring it into conformity with the rules. He may disallow any resolution or part thereof if in his opinion it does not comply with the rules or is otherwise calculated to obstruct or prejudicially affect the procedure of the House.

107. **Raising discussion on matters before Tribunals or other statutory authorities. –** No resolution which seeks to raise discussion on a matter pending before any Statutory Tribunal or Statutory Authority performing any judicial or quasi-judicial functions or any Commission or Court of Enquiry appointed to enquire into or investigate any matter shall ordinarily be permitted to be moved:

Provided that the Speaker may in his discretion allow such matter being raised in the House as is concerned with the procedure or subject or stage of inquiry if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the Tribunal or Commission or Court of Enquiry.

108. **Moving and withdrawal of resolutions. -** (1) A member in whose name a resolution appears on the list of business or any other member whom he may have authorised to act in his behalf may, when called on ---

(a) either move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business;

(b) or decline to move the resolution, in which case he shall confine himself to a mere statement to that effect:

Provided that the Speaker in his discretion may allow the member to make a brief statement as to why he does not propose to move the resolution.

(2) If the Member when called upon is absent and no other member has been authorised to act in his behalf as required under sub-rule (1), the resolution standing in his name shall lapse.

109. **Amendments. –** When a resolution is under discussion, any member may, subject to the rules relating to resolutions, move an amendment to such resolution:

Provided that no amendment be moved which if carried would have merely the effect of a negative vote.

110. **Notice of amendments. -** (1) If a copy of an amendment has not been delivered to the Secretary, thirty-six hours before the day fixed for the discussion of the resolution any member may object to the moving of the amendment and such objections shall prevail unless the Speaker allows the amendment to be moved.

(2) The Secretary shall, if time permits, make available to members from time to time lists of amendments of which notice have been given.

111. **Duration of speeches. -** No speech shall, except with the permission of the Speaker, exceed fifteen minutes in duration:

Provided that the mover of a resolution when moving the same and the Minister-in-charge of the department concerned when speaking for the first time, may speak for twenty-five minutes or for such longer times, as the Speaker may permit.

[1]**[**112. **Scope of discussion. -** The discussion on a resolution shall be strictly relevant to and within the scope of the resolution.**]**.

1 Inserted and renumbered as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966. The rules following rule 112 as inserted and numbered been consequently renumbered.

113. **Withdrawal of resolution. –** (1) A member who has moved a resolution or an amendment to a resolution, shall not withdraw the same except by leave of the House.

(2) No discussion shall be permitted on a motion for leave to withdraw.

114. **Resolution not discussed. -** If a resolution of which notice has been given and which has been entered on the list of business is not discussed during the sitting, it shall be deemed to have lapsed.

115. **Splitting of resolution. -** When any resolution involving several points has been discussed, it shall be in the discretion of the Speaker to split the resolution and put each or any point separately to the vote as he may think fit.

116. **Repetition of resolution. –** When a resolution has been moved, no resolution or amendment raising substantially the same question shall be moved within the six months from the date of the moving of the earlier resolution.

117. **Copy of resolution passed to be sent to Minister. -** A copy of every resolution which has been passed by the House shall be forwarded to the Minister concerned.

118. [1]**[Precedence of private members' resolutions]. –** (1) The relative precedence of notices of resolutions given by private members shall be determined by ballot, to be held in accordance with the directions given by the Speaker on such day, as the Speaker may appoint.

(2) Unless the Speaker otherwise directs, not more than five resolutions (in addition to any resolution which is outstanding under the proviso to rule 34) shall be set down in the list of business for any day allotted for the disposal of private members' resolutions.

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1 Substituted as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

CHAPTER XV

MOTIONS

119. **Discussion on a matter of public interest by motion. -** Save in so far as is otherwise provided by the Constitution or by the Act or by these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Speaker.

120. **Notice of a motion. –** Save as provided under rule 127 notice of a motion shall be given in writing addressed to the Secretary.

121. **Conditions of admissibility of a motion. –** In order that a motion may be admissible it shall satisfy the following conditions, namely that ---

(i) it shall raise substantially one definite issue;

(ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;

(iii) it shall not refer to the conduct or character of persons except in their public capacity;

(iv) it shall not raise a question of privilege;

(v) it shall not revive discussion of a matter which has been discussed in the same session or within the last six months, whichever is earlier;

(vi) it shall not anticipate discussion of a matter which is to be discussed in the same session; and

(vii) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India.

122. **Speaker to decide admissibility of a motion. –** The Speaker shall decide whether a motion or a part thereof is or is not admissible under these rules and may disallow any motion or a part thereof when in his opinion it is an abuse of the right of moving a motion or calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

123. **Motion for raising discussion on matters before Tribunals, Commissions, etc. -** No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any Commission or Court of Enquiry appointed to enquire into or investigate any matter shall ordinarily be permitted to be moved;

Provided that the Speaker may, in his discretion, allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the Tribunal or Commission or Court of Enquiry.

124. **Allotment of time and discussion of motions. –** The Speaker may, after considering the state of business in the House, allot a day or days or part of a day for the discussion of any such motion.

125. **Time-limit for speeches. -** The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

***[**126. **Discussion on report, etc. –** In any session or sessions of the House, the House shall discuss every year such of the reports, etc., of any Board, Corporation or Public Undertaking as have been laid on the Table of the House on the recommendation of the Business Advisory Committee.**]**

127. **Motions without notice. -** The following motions may be made if the Speaker permits, without notice: -

(i) Motion for condolence or congratulation;

(ii) Motion for adjournment of a meeting;

(iii) Motion for the withdrawal of strangers;

(iv) Motion for electing members to committees;

(v) Motion for the withdrawal of a Bill, a resolution or a motion or amendments thereto;

***** Inserted as per the First Report (Sixth Assembly) of the Rules Committee which was presented 1981-82, to the Legislative Assembly on 22-3-1982.

(vi) Motion for postponement of any business;

(vii) Motion for closure of debate;

(viii) Motion for suspension of a rule;

(ix) Motion to extend duration of a meeting;

[1] **[**(x) Motion of Thanks on Administrator's Address.**]**.

128. **A motion must not raise a question already decided. -** A motion must not raise a question substantially identical with one on which the Assembly has given its decision in the same session or within the last six months, whichever is earlier:

Provided the nothing herein contained shall, unless the Speaker otherwise directs, be deemed to prevent the making of any of the following motions namely:-

(a) motion for the taking into consideration or the reference to a Select Committee of a Bill where an amendment has been carried to a previous motion of the same kind to the effect that the Bill be circulated or re-circulated for obtaining opinion thereon;

(b) a motion made after return of Bill by the Administrator for consideration of the Assembly for an amendment relevant to the point or points referred for reconsideration;

(c) a motion for the amendment of a Bill which is consequential on or designed merely to alter the drafting of another amendment which has been carried.

129. **Motion for postponement of business. -** (1) A motion that consideration of a Bill, other than an Appropriation Bill under section 29 which has been introduced or of a motion other than a motion for adjournment or of a resolution, be adjourned to any future day in the same session available for such business or to any future session **sine die**, may be made by any member at any time and such motion shall take precedence on any other motion than before the Assembly. The Speaker after permitting a brief explanatory statement from the mover and from the member opposing, if the motion is opposed may without further debate, put the question thereon.

1 Inserted as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

(2) If a motion for the adjournment of private members business to a specified day is carried the adjourned business shall have priority over the private members' business fixed for that day.

(3) The Speaker may disallow such motion for the adjournment of business if it has in his opinion been made for the purpose of obstructing the business of the Assembly or for securing the adjournment of the meeting

130. **Closure. -** (1) At any time after a motion has been made any member may move "that the question be now put" and, unless it appears to the Speaker that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Speaker shall then put the motion ---

"That the question be now put".

(2) When the motion under sub-rule (1) has been carried, the question or questions consequent thereon shall be put forthwith without further debate:

Provided that the Speaker shall allow any member a right of reply which he may have under these rules.

CHAPTER XV

LEGISLATION

A. Introduction and publication of Bills

131. **Speaker's power of Publication of Bills before introduction. –** The Speaker may, on a request being made in this behalf, order the publication of any Bill (together with the Statement of Objects and Reasons and memoranda regarding delegation of legislative power and the financial implications, if any, accompanying it and the previous sanction of the President or the recommendation of the Administrator, if necessary), in the Gazette, although no motion has been made for leave to introduce the Bill. In that case, it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced it shall not be necessary to publish it again:

Provided that ordinarily no Bill may be so published in the Gazette when the House is in session.

132. **Notice of motion for leave to introduce a Bill by a private member. –** (1) A private member desiring to move for leave to introduce a Bill shall give notice of his intention and shall together with the notice submit a copy of the Bill and a Statement of Objects and Reasons which shall not contain any arguments:

Provided that the Speaker may, if he thinks fit, revise the Statement of Objects and Reasons.

(2) If notice is given of a motion to introduce a Bill or to move any amendment which, in the opinion of the Speaker, cannot be introduced or moved, save with the previous sanction of the President or the previous sanction or the recommendation of the Administrator, the Speaker shall, as soon as may be after the receipt of the notice, refer the Bill or the amendment to the President or the Administrator, as the case may be.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be fifteen days unless the Speaker allows the motion to be made at shorter notice.

133. **Introduction of a Bill dependent on another Bill pending before the House. –** A Bill which is dependent wholly or partly upon another Bill pending before the House may be introduced in the House in anticipation of the passing of the Bill upon which it is dependent:

Provided that the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the House and assented to by the President.

134. **Notice of an identical Bill. –** When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, shall be removed from or not entered in the list of pending notices, as the case may be, unless the Speaker otherwise directs.

135. **Financial Memorandum to Bills and money clauses in Bills. -** (1) A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.

(2) Clauses or provisions in Bills involving expenditure from public funds shall be printed in bolder type or in italics.

136. **Explanatory Memorandum to Bills delegating legislative power. –** A Bill involving proposals for the delegation of legislative power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

137. **Precedence of Private Member's Bills. -** (1) The relative precedence of notices of Bills given by private members shall be determined by ballot to be held in accordance with the directions given by the Speaker on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the Speaker may appoint.

(2) The relative precedence of the said Bills already introduced and pending in the House shall be determined in the following order:-

(a) Bills retuned by the Administrator with a message under section 25;

(b) Bills in respect of which reports of Select Committees that they be passed;

(c) Bills in respect of which motions have been carried that they be taken into consideration;

(d) Bills in respect of which reports of Select Committees have been presented;

(e) Bills which have been circulated for the purpose of eliciting opinions;

(f) Bills introduced and in respect of which no further motion has been made or carried.

(3) The relative precedence of Bills falling under the same clause of sub-rule (2) shall be determined by ballot to be held at such time and in such manner as the Speaker may direct.

138. **Motion for leave to introduce. –** If a motion for leave to introduce a Bill is opposed, the Speaker after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion may, without further debate, put the question.

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the Assembly, the Speaker may permit a full discussion thereon.

139. **Introduction of a Bill. -** Subject to the procedure given in rule 131 or after leave to introduce a Bill is granted, the Bill shall be introduced by the "Member-in-charge" of the Bill.

140. **Publication of Bills. -** As soon as may be after a Bill has been introduced, the Bill unless it has already been published shall be published in the Gazette.

141. **Copy of Bill to the Administrator and the President. -** A copy of every Bill introduced in the Assembly shall immediately after its introduction, be forwarded by the Secretary to the Administrator and the President for their information.

142. **Copy of Private Member's Bill to Minister. -** Whenever a private member of the Assembly gives notice of his intention to move for leave to introduce a Bill, the Secretary shall, as soon as possible, send a copy thereof together with the Statement of Objects and Reasons, to the Minister concerned, if it has obtained a place in the ballot.

B. Motions after Introduction

143. **Motions after introduction. -** After a Bill is introduced or on some subsequent occasion, the member in-charge of the Bill may make one of the following motions, namely: -

(a) that it be taken into consideration either at once or at some future day to be then specified; or

(b) that it be referred to a Select Committee of the House with such instructions as considered necessary; or

(c) that it be circulated for the purpose of eliciting opinion thereon:

Provided that no such motion shall be made unless copies of the Bill have been made available to the members for three days before the motion is made and any objection by a member shall prevail unless the Speaker allows the motion to be made.

144. **Power to ask for papers connected with a Bill. –** After a Bill has been introduced, any member may demand that copies of papers, if any, on which the Bill is based and which are not confidential, be placed on the table of the House.

145. **Discussion of principles of Bills. –** (1) [1]**[**On a motion referred to in rule 143 being made,**]** the principles of the Bill and its general provisions may be discussed, but the details of the Bill shall not be discussed further than is necessary to explain its principles.

(2) At this stage no amendments to the Bill may be moved but if the member-in-charge moves that the Bill ---

(a) be taken into consideration any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereof by a date to be mentioned in the motion, or

(b) be referred to a Select Committee any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) (a) Where opinions upon circulation of a Bill for eliciting opinion under the foregoing rules have been received, a statement containing a gist of opinions shall be laid upon the table by the Secretary as soon as possible following the last date of the receipt of such opinion.

(b) Thereupon the member-in-charge of the Bill, if he wishes to proceed with it, shall move that the Bill be referred to a Select Committee unless the Speaker allows a motion to be made that the Bill be taken into consideration forthwith or at some future date.

146. **Persons by whom motions in respect of Bills may be made. –** No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member-in-charge of the Bill, and no motion that a Bill be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting opinion thereon, shall be made by any member other than the member-in-charge of the Bill, except by way of amendment to a motion made by the member in charge of the Bill:

Provided that, if the member in charge of a Bill is unable for reasons which the Speaker considers adequate to move the next motion in regard to his Bill at any subsequent stage after introduction, he may authorise another member to move that particular motion with the approval of the Speaker.

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1 Substituted as per the Second Report of the Rules Committee 1965-66, which was presented to the Legislative Assembly on 17-3-1966.

Explanation. – Notwithstanding the provisions contained in the proviso the member who introduced the bill shall continue to be the member- in-charge of the Bill.

Note: For the rules relating to Select Committee see Chapter XVII of these rules.

C. Procedure after Presentation of Report of a Select Committee

147. **Motion that may be moved after presentation of report of Select Committee. -** (1) After the presentation of the final report of the Select Committee of the House on the Bill, the member in charge may move ----

(a) that the Bill, as reported by the Select Committee of the House, be taken into consideration:

Provided that any member may object to the report being so taken into consideration if a copy of the report has not been made available for the use of the members for three days before the day on which the motion is made and such objection shall prevail, unless the Speaker allows the report to be taken into consideration; or

(b) that the Bill, as reported by the Select Committee of the House, be recommitted to the same Select Committee or to a new Select Committee, either ---

(i) without limitation; or

(ii) with respect to particular clauses or amendments only; or

(iii) with instructions to the Committee to make some particular or additional provision in the Bill; or

(c) that the Bill, as reported by the Select Committee of the House, be circulated or re-circulated, as the case may be, for the purpose of eliciting opinion or further opinion thereon.

(2) If the member-in-charge moves that the Bill, as reported by the Select Committee of the House, be taken into consideration, any member may move as an amendment that the Bill be recommitted or be circulated or re-circulated for the purpose of eliciting opinion or further opinion thereon.

148. **Scope of debate. -** The debate on a motion that the Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.

D. Amendments to Clauses, etc., and Consideration of Bills

149. **Notice of amendments. -** (1) If notice of an amendment to the clauses or Schedules of a Bill has not been given thirty-six hours before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail unless the Speaker allows the amendment to be moved:

Provided that, in the case of a Government Bill, an amendment of which notice has been received from the member-in-charge of a Bill, shall not lapse by reason of the fact that the member-in-charge of the Bill has ceased to be a Minister or a member and such amendment shall be printed in the name of the new member-in-charge of the Bill:

Provided further that previous notice shall not be necessary in the case of amendments of a purely verbal character or of amendments consequential upon or moved in respect of amendments which have been carried.

(2) The Secretary shall, if time permits, make available to members from time to time lists of amendments of which notices have been received.

150. **Conditions of admissibility of amendments. –** The following conditions shall govern the admissibility of amendments to Clauses or Schedules of a Bill : -

(i) An amendment shall be within the scope of the Bill and relevant to the subject-matter of the clause to which it relates.

(ii) An amendment shall not be inconsistent with any previous decision of the House on the same question.

(iii) An amendment shall not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.

(iv) If an amendment refers to, or is not intelligible without a subsequent amendment or Schedule, notice of the subsequent amendment or Schedule shall be given before the first amendment is moved so as to make the series of amendments intelligible as a whole.

(v) The Speaker shall determine the order in which an amendment shall be moved.

(vi) The Speaker may refuse to allow an amendment which in his opinion is frivolous or meaningless.

(vii) An amendment may be moved to an amendment which has already been allowed by the Speaker.

151. **Sanction of the President or the sanction or recommendation of the Administrator to be annexed to notice of amendment. -** (1) If Government desire to move an amendment, which, under the Constitution or the Act, cannot be moved without the previous sanction of the President or the previous sanction or recommendation of the Administrator, they shall annex to the required notice a copy of such sanction or recommendation and the notice shall not be valid until this requirement is complied with.

(2) If a private member gives notice of an amendment which, in the opinion of the Speaker, cannot be moved without the previous sanction of the President or the previous sanction or recommendation of the Administrator, the Speaker shall, as soon as may be after the receipt of the notice, refer the amendment to the President or the Administrator, as the case may be.

152. **Order of amendments. –** (1) Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate, and in respect of any such clause a motion shall be deemed to have been made:

"That this clause stand part of the Bill".

(2) The Speaker may if he thinks fit, put as one question similar amendments to a Clause:

Provided that, if a member requests that an amendment be put separately, the Speaker shall put that amendment separately:

Provided further that in order to save time and repetition, a single discussion may be allowed to cover a series of inter-dependent amendments.

153. **Withdrawal of amendments. -** An amendment moved may, by leave of the House but not otherwise, be withdrawn on the request of the member moving it. If an amendment has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.

154. **Submission of Bills clause by clause. -** (1) Notwithstanding anything in these rules, it shall be in the discretion of the Speaker, when a motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill, to the Assembly Clause by Clause. The Speaker shall call each Clause separately, and when the amendments relating to it have been dealt with shall put the question "that this Clause or as the case may be, this Clause as amended, stand part of the Bill".

(2) The Speaker may, if he thinks fit, put as one question group of Clauses to which no amendments have been moved:

Provided that if a member requests that any Clause be put separately, the Speaker shall do so.

155. **Postponement of clause. -** The Speaker may, if he thinks fit, postpone the consideration of a clause.

156. **Consideration of Schedule. –** The Consideration of the Schedule or Schedules, if any, shall follow the consideration of the Clauses, Schedules shall be put from the Chair, and may be amended in the same manner as Clauses and the consideration of new Schedules shall follow the consideration of the original Schedules. The question shall then be put: "That this Schedule (or that this Schedule as amended, as the case may be), stands part of the Bill":

Provided that the Speaker may allow the Schedule or Schedules, if any, being considered before the Clauses are disposed of or along with a Clause or otherwise as he may think fit.

157. **Clause one, Preamble and Title of the Bill. -** Clause one, the preamble, if any and the title of a Bill shall stand postponed until the other clauses and Schedules (including new Clauses and new Schedules) have been disposed of and the Speaker shall then put the question: "That Clause one, or the Preamble or the Title (or as the case may be, that Clause one, Preamble or Title, as amended) stands part of the Bill, ".

E. Passing and authentication of Bills

158. **Passing of a Bill. –** (1) When a motion that a Bill be taken into consideration has been carried and no amendment has been made in the Bill, the member-in-charge of the Bill may at once move that the Bill be passed.

(2) If an amendment is made in the Bill, any member may object to a motion being made on the same day that the Bill be passed, and such objection shall prevail unless the Speaker allow the motion to be made.

(3) To such a motion no amendment shall be moved.

159. **Scope of Debate. –** The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill.

160. **Formal amendment to Bills. -** When a Bill is passed by the Assembly, the Secretary shall re-number the Clauses, revise and complete the marginal notes thereof, make such purely formal, verbal or consequential amendments therein as may be required and correct such errors as may appear to him to be due to inadvertence.

F. **General**

161. **Power of Speaker to bring the year of the Bill, in conformity with the year of assent. -** In cases of Bills introduced in the preceding year but passed in subsequent year, or if passed in the same year but the assent is likely to be given in

the subsequent year, the Speaker may change the year of the Bill bringing it in conformity to the year of its passing or likely assent by the President [1][or the Administrator, as the case may be.]

162. **Assent to Bill. -** (1) After the Secretary has made verbal or consequential amendments under rule 160, the Bill shall be submitted to the speaker for his signature and it shall, if approved as correct, be signed by him.

[1][(2) After the Speaker has signed a Bill, it shall be submitted to the Administrator for taking appropriate action as he deems fit under section 25 of the Act. When the assent has been obtained, the Bill shall be published in the Gazette as an Act of the Legislature.]

163. **Note of verbal amendments. -** Along with the signed copy under rule 162 a note showing the verbal and consequential amendments or rectification of errors made in the Bill, as required by rules 160 and 162 shall also be submitted to the Administrator. [1][A copy of these alterations shall be placed on the Table of the Assembly prior to the announcement of the assent of the President or Administrator, as the case may be.]

G. Reconsideration of Bills returned by the Administrator

164. **Reconsideration of Bills returned by the Administrator. –** (1) When a Bill which has been passed is returned by the Administrator to the Assembly for reconsideration, the point or points referred for reconsideration or the amendments recommended in his message shall be put before the Assembly by the Speaker, and shall be discussed and voted upon in the same manner as amendments to a Bill or in such other manner as the Speaker may deem proper for their consideration by the Assembly.

(2) Thereafter the same procedure, as laid down for the disposal of the Bills in the Assembly shall be followed.

H. Statutory regulations, rules, etc., laid before the House

165. **Laying of regulation, rule, etc., on the Table of the House. -** (1) Where a regulation, rule, sub-rule, bye-law, etc., framed in pursuance of the Legislative functions delegated by the Parliament or Legislature to a subordinate authority is laid before the House, the period specified in the relevant Act for which it is required to be laid shall be completed before the House is adjourned **sine die** and later prorogued unless otherwise provided in the relevant Act.

(2) Where the specified period is not so completed, the regulation, rule, sub-rule, bye-law, etc., shall be re-laid in the succeeding session or sessions until the said period is completed in one session.

166. **Allotment of time for discussion of amendment. -** The Speaker shall, in consultation with the Leader of the House, fix a day or days or part of a day as he may think fit for the consideration and passing of an amendment to such regulation, rule, sub-rule, bye-law, etc., of which notice may be given by a member:

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1 Amended as per the Second Report of the Rules Committee which was presented to the Legislative Assembly on 9-4-1973.

Provided that notice of that amendment shall be in such form as the Speaker may consider appropriate and shall comply with these rules.

I. Withdrawals of Bills and dropped Bills

167. **Adjournment of debate on a Bill. –** At any stage of a Bill which is under discussion in the House a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker.

168. **Withdrawal of Bill. -** The member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill on the ground that ---

(a) the Legislative proposal contained in the Bill is to be dropped; or

(b) the Bill is to be replaced subsequently by a new Bill which substantially alters the provisions contained therein; or

(c) the Bill is to be replaced subsequently by another Bill which includes all or any of its provisions in addition to other provisions, and if such leave is granted, no further motion shall be made with reference to the Bill, which shall automatically stand withdrawn.

169. E**xplanatory statement by member who moves or opposes withdrawal of motion. -** If a motion for leave to withdraw a Bill is opposed, the Speaker may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements and may thereafter without further debate, put the question.

170. **Removal of Bills from the Register of Bills. -** (1) Where any of the following motions made by a member in-charge of a Bill is rejected by the House, no further motion shall be made with reference to the Bill and such Bill shall be removed from the Register of Bills pending in the House ***** ---

(i) that leave be granted to introduce the Bill;

(ii) that the Bill be referred to a Select Committee;

(iii) that the Bill be taken into consideration;

***** The words 'for the Session' omitted as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

(iv) that the Bill as reported by Select Committee be taken into consideration; and

(v) that the Bill (or as the case may be, that the Bill as amended) be passed.

(2) A Bill pending before the House shall also be removed from the Register of Bills pending in the House in case a Bill substantially identical has been passed by the House.

Explanation. – A Bill pending before the House shall include ---

(i) a Bill introduced in the House which does not fall within the categories of Bills mentioned in this rule or rule 171, and

(ii) a Bill returned by the Administrator with a message under section 25, as the case may be.

171. **Special provisions for removal of a Private Member's Bill, from the Register of Bills. -** A Private member's Bill pending before the House shall also be removed from the Register of Bills pending in the House in case -

(a) the member-in-charge of the Bill ceases to be a member of the House;

(b) the member-in-charge of the Bill is appointed as Minister.

172. **Dropped Bills. -** Any Bill in respect of which no motion has been made in the Assembly for two years shall be deemed to have been dropped and removed from the Register of Bills by the order of the Speaker.

CHAPTER XVII

PROCEDURE FOR COMMITTEES

A. General

[1][173. **Parliamentary Committee. -** In this Chapter unless the context otherwise requires, Committee means and includes 'Parliamentary Committee' as defined in sub-rule (1) of rule 3.]

174. **Appointment of Committees of the House. -** (1) At the commencement of the first session after each general election and thereafter before the commencement of each financial year or from time to time when the occasion otherwise arises, different committees for specific or general purposes shall either be elected or constituted by the House or nominated by the Speaker:

Provided that no member shall be appointed to a committee if he is not willing to serve on the committee.

(2) Each of such committees shall consist of such number of members as is provided for each committee in the rules.

(3) Casual vacancies in the committees shall be filled by election or nomination, as the case may be, and any member elected or nominated to fill such vacancies shall hold office for the unexpired portion of the term for which the member in whose place he is elected or nominated would have held office:

Provided that the proceedings of the Committee shall not be held upon the ground that casual vacancies have not been filled.

175. **Chairman of the Committee. –** (1) The Chairman of each of these committees shall be appointed by the Speaker from amongst members of the committee:

Provided that, if the Deputy Speaker is a member of the Committee, he shall be the **Ex-officio** Chairman of the Committee.

(2) If the Chairman is for any reason unable to act, the Speaker may appoint another Chairman in his place.

(3) If the Chairman of the Committee is absent from any sitting, the Committee shall elect another member of the Committee as Chairman for that sitting only.

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1 Inserted as per the First Report (Sixth Assembly) of the Rules Committee 1981-82, which was presented to the Legislative Assembly on 22-3-1982.

176. **Quorum. -** (1) The quorum to constitute a meeting of any committee shall, save as otherwise provided in these rules, be not less than one-third of the total number of members of the committee.

(2) If at any time fixed for any meeting of the committee or if at any time during such meeting, there is no quorum the Chairman of the Committee shall either suspend the meeting until there is a quorum or adjourn the meeting to some future date.

(3) When the committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for meeting of the committee, the Chairman shall report the fact to the House:

Provided that where a Committee has been appointed by the Speaker, the Chairman shall report the fact of such adjournment to the Speaker.

(4) On such report being made, the House or the Speaker, as the case may be, shall decide the future course of action.

177. **Discharge of members absent from meeting of Committees. -** If a member is absent from two or more consecutive meetings of the committee without the permission of the Chairman, motion may be moved in the House for the discharge of such member from the committee:

Provided that where the members of the Committee are nominated by the Speaker, a member may be discharged by the Speaker after giving him an opportunity to explain.

178. **Resignation of a member. -** A member may resign his seat from the committee by writing under his hand addressed to the Speaker.

179. **Term of a Committee. -** The term of office of members of each of these committees shall be a financial year:

Provided that the committees elected or nominated under these rules, shall, unless otherwise specified, hold office until a new committee is appointed.

180. **Voting in the Committee. -** All questions at any meeting of the committee shall be determined by a majority of votes of the members present and voting. In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote.

181. **Power to appoint sub-committees. -** (1) Any of these committees under the rules may appoint one or more sub-committees, each having the powers of the undivided committee, to examine any matters that may be referred to them, and

the reports of such sub-committees shall be deemed to be the reports of the whole committee, if they are approved at a sitting of the whole committee.

(2) The order of reference to a sub-committee shall clearly state the point or points for investigation. The report of the sub-committee shall be considered by the whole committee.

182. **Meetings of the committee. -** The meetings of the committee shall be held on such days and at such hour as the Chairman of the committee may fix:

Provided that it the Chairman of the committee is not readily available, the Secretary may fix the date and time of a meeting.

183. **Committee may sit whilst the house is sitting. -** The committee may sit whilst the House is sitting:

Provided that on a division being called in the House, the Chairman of the committee shall suspend the proceedings in the committee for such time as will, in his opinion, enable the members to vote in a division.

184. **Venue of meetings. –** The meetings of the committee shall be held in the precincts of the House and if it becomes necessary to change the place of meeting outside the precincts of the House the matter shall be referred to the Speaker whose decision shall be final.

[1]**[**185. **Strangers to withdraw when committee deliberates. -** All persons other than members of the committee and officers of the Assembly Secretariat shall withdraw whenever the committee is deliberating.**]**

186. **Power to take evidence or call for papers, records or documents. -** (1) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the committee.

(2) It shall be in the discretion of the committee to treat any evidence [1]**[**given**]** before it as secret or confidential.

(3) No document submitted to the committee shall be withdrawn or altered without the knowledge and approval of the committee.

1 Inserted as per the First Report (Sixth Assembly) of the Rules Committee 1981-82, which was presented to the Legislative Assembly on 22-3-1982.

(4) The committee shall have power to take evidence on oath and to require the attendance of persons or the production of papers or records if considered necessary for the discharge of its duties:

[1][Provided that any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the committee the question shall be referred to the Speaker whose decision shall be final:

Provided further that the Government may decline to produce a document on the ground that its disclosure would be pre-judicial to the safety or interest of the State.]

(5) All evidence tendered before the committee shall be treated as secret and confidential till the presentation of the report of the committee to the House:

Provided that it shall be in the discretion of the committee to treat any evidence as secret and confidential in which case it shall not form part of the report.

187. **Party or a witness can appoint a Counsel to appear before committee. -** A committee may permit a party to be represented by a Counsel appointed by him and approved by the committee. Similarly a witness may appear before the committee accompanied by a Counsel appointed by him and approved by the committee.

188. **Procedure for examining witnesses. –** The examination of witnesses before the committee shall be conducted as follows:

(1) The committee shall, before a witness is called for examination, decide the mode of procedure and the nature of questions that may be put to the witness.

(2) The Chairman of the committee may first put to the witness such question or questions as he may consider necessary with reference to the subject-matter under consideration or any connected subject thereto according to the mode of procedure mentioned in sub-rule (1) of this rule.

(3) The Chairman may call other members of the committee one by one to put any other questions.

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1 Substituted as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

(4) A witness may be asked to place before the committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the committee.

(5) A verbatim record of proceedings of the committee, when a witness is summoned to give evidence shall be kept.

(6) The evidence [1]**[**given**]** before the committee may be made available to all members of the committee.

[1][189. **Special Report. -** A Committee may, if it thinks fit make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the Speaker or the House notwithstanding that such matter is not directly connected with or does not fall within or is not incidental to, its terms of reference.**]**

190. **Signing of the report of the committee. –** The report of the committee shall be signed by the Chairman on behalf of the committee:

Provided that in case the Chairman is absent or is not readily available the committee shall choose another member to sign the report on behalf of the committee.

191. **Availability of report before presentation to Government. –** The committee may, if it thinks fit, make available to Government a copy of its report or any completed part thereof before presentation to the House. Such reports shall be treated as confidential until presented to the House.

192. **Presentation of report. -** (1) The report of the committee shall be presented to the House by the Chairman of the committee or the person who has signed the report or any member thereof so authorised by the Chairman or in his absence or when he is unable to present the report by any member authorised by the committee and shall be placed on the Table of the House.

(2) In presenting the report the Chairman or in his absence, the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, or draw the attention of the House to the recommendations made by it, but there shall be no debate on that statement.

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1 Inserted as per the First Report (Sixth Assembly) of the Rules Committee 1981-82, which was presented to the Legislative Assembly on 22-3-1982.

(3) The Minister concerned or any Minister may give a short reply on that very day or on some future date on which the matter has been postponed, explaining the Government point of view and the action, which the Government proposed to take.

193. **Printing, publication or circulation of report prior to its presentation to the House. -** The Speaker may, on a request being made to him and when the House is not in session, order the printing, publication or circulation of a report of a committee although it has not been presented to the House. In that case the report shall be presented to the House during its next session at the first convenient opportunity.

194. **Power to make suggestions on procedure. -** (1) A committee shall have power to pass resolutions on matters of procedure relating to that committee for the consideration of the Speaker who may make such variations in procedure as he may consider necessary.

(2) Any of the committee may, with the approval of the Speaker, make detailed rules of procedure to implement the provisions contained in these rules.

195. **Power of Speaker to give direction on a point of procedure or otherwise. –** (1) The Speaker may, from time to time, issue such directions to the Chairman of the committee as he may consider necessary for regulating its procedure and the organisation of its work.

(2) If any doubt arises on any point of procedure or otherwise the Chairman may, if he thinks fit, refer the point to the Speaker whose decision shall be final.

[1][196. **Unfinished work of committee. –** Where a committee has not been able to complete its work before the expiry of its term or before the dissolution of the Assembly the new committee may take up the work at the stage where the outgoing committee left it. Any preliminary report, memorandum or note that the committee may have prepared or any evidence that the committee may have taken shall be made available to the new committee.]

1 Substituted as per the First Report (Sixth Assembly) of the Rules Committee 1981-82, which was presented to the Legislative Assembly on 22-3-1982.

197. **Secretary to be ex-officio Secretary of the Committee. -** The Secretary shall be the **ex-officio** Secretary of all the committees appointed under these rules.

198. **Applicability of general rules to committees. -** Except as otherwise specifically provided for any particular committee, the provisions of the general rules in this Chapter shall apply to all committees.

B. Business Advisory Committee

199. **Constitution of the committee. -** (1) There shall be a committee called the Business Advisory Committee nominated by the Speaker. It shall consist of not more than 6 members including the Speaker and the Deputy Speaker. The Speaker shall be the **ex-officio** Chairman of the committee.

(2) If the Speaker for any reason is unable to preside over any meeting of the committee the Deputy Speaker shall be the Chairman for that meeting. If both are unable to preside for any reason the Speaker shall nominate a Chairman for that meeting from amongst the members of the committee.

200. **Functions of the committee. –** (1) It shall be the function of the committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills or other Government business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the committee.

(2) The committee shall have the power to indicate in the proposed time-table the different hours at which the various stages of the Bill or other Government Business shall be completed.

(3) Such other functions relating to the business of the House may be assigned to the committee as the Speaker may from time to time decide.

201. **Report of the committee. –** The time-table in regard to the Bill or group of Bills and other business as recommended by the committee shall ordinarily be communicated to the members by a letter at least one day before it is reported by the Speaker to the House.

202. **Allocation of time. -** (1) As soon as may be after the report has been made to the House, a motion may be moved by a member of the committee designated by the Speaker: -

"that this House agrees with the allocation of time proposed by the Committee".

(2) When such a motion is accepted by the House, it shall take effect as if it were an order of the House:

Provided that an amendment may be moved that the report be referred back to the committee either without limitation or with reference to any particular matter:

Provided further that not more than half an hour shall be allotted for the discussion of the motion and no member shall speak for more than five minutes on such a motion.

203. **Disposal of outstanding matters at the appointed hour. -** At the appointed hour in accordance with the resolution of the House for the completion of a particular stage of a Bill or other business the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of Bill or business.

204. **Variation in the allocation of time. -** No variation in the time-table as decided upon by the House shall be made except on the request of the Leader of the House who shall notify orally to the House that there was general agreement for such variation which shall be enforced by the Speaker after taking the sense of the House.

C. Committee on Public Accounts

205. **Constitution of the committee. -** (1) There shall be a Committee on Public Accounts for the examination of the reports of the Comptroller and Auditor-General of India relating to the appropriation accounts of the Union territory, the annual financial accounts of the Union territory or such other accounts or financial matters as are laid before it or referred to it or which the committee deems necessary to scrutinize.

[1][(](2) The Committee on Public Account shall consist of not more than [2](nine) members in addition to the Finance Minister and the Chairman of the Committee on Estimates, who shall be members ex-officio. They shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote.**]**

(3) The Chairman shall be elected by the committee from amongst its members.

206. **Functions of the committee. -** (1) In scrutinizing the appropriation accounts of the Union territory and the report of the Comptroller and Auditor-General of India, it shall be the duty of the Public Accounts Committee to satisfy itself ---

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;

(b) that the expenditure conforms to the authority which governs it; and

(c) that every re-appropriation has been made in accordance with such rules as may be prescribed by the competent authority.

(2) It shall also be the duty of the Public Accounts Committee ---

(a) to examine the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes and projects together with the balance-sheets, and statements of profit and loss accounts which the Administrator may have required to be prepared or are prepared under the provisions of the statutory rules regulating the finances of a particular corporation, trading concern or project and the report of the Comptroller and Auditor-General thereon;

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1 Substituted as per the First Report of the Rules Committee which was presented to the Legislative Assembly on 27-3-1971.

2 Substituted as per the First Report of the Rules Committee which was presented to the Legislative Assembly on 4-8-1977.

(b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies the audit of which may be conducted by the Comptroller and Auditor-General of India either under the directions of the Administrator or by a statute; and

(c) to consider the report of the Comptroller and Auditor-General in case where the Administrator may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock.

D. Committee on Estimates

207. **Constitution of the committee. –** (1) There shall be a Committee on Estimates for the examination of such of the estimates as may seem fit to the committee or are specifically referred to it by the House.

[1][(2) The committee shall consist of not more than [2](nine) members in addition to the Finance Minister and the Chairman of the Committee on Public Accounts, who shall be members ex-officio. They shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote.].

[3][(3) The Chairman shall be elected by the committee from amongst its members.]

208. **Functions of the Committee. –** (1) The functions of the committee shall be ---

(a) to report what economies, improvements in organisation, efficiency or administrative reform consistent with the policy underlying the estimates, may be effected;

(b) to suggest alternative policies in order to bring about efficiency and economy in administration;

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1 Substituted as per the First Report of the Rules Committee which was presented to the Legislative Assembly on 27-3-1971.

2 Substituted as per the First Report of the Rules Committee which was presented to the Legislative Assembly on 4-8-1977.

3 Inserted as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and

(d) to suggest the form in which the estimates shall be presented to Assembly.

(2) The committee may continue its examination of the estimates from time to time throughout the financial year and report to the House as its examination proceeds. It shall not be incumbent on the committee to examine the entire estimates of any one year. The demands for grants may be finally voted notwithstanding the fact that the committee has made no report.

E. Committee on Government Assurances.

209. **Constitution and functions of the committee. -** There shall be a Committee on Government Assurances consisting of not more than 6 members nominated by the Speaker in order to scrutinize the assurances, promises, undertaking, etc., given to by Ministers from time to time on the floor of the House and to report on ----

(a) the extent to which such assurances, promises, undertakings, etc., have been implemented, and

(b) where implemented whether such implementation has taken place within the minimum time necessary for the purpose:

Provided that no Minister shall be appointed a member of the committee, and if a member of the committee is appointed a Minister, he shall cease to be a member of the committee from the date of such appointment.

F. Committee on Petitions

210. **Constitution of the committee. -** There shall be a Committee on Petitions consisting of not more than 6 members nominated by the Speaker:

Provided that no Minister shall be appointed a member of the committee, and if a member of the committee is appointed a Minister, he shall cease to be a member of the committee from the date of such appointment.

211. **Petition to whom to be addressed and how to be concluded. -**Every petition shall be addressed to the House and shall conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates.

212. **Scope of petitions. -** Petitions may be presented or submitted with the consent of the Speaker on ----

(i) a Bill which has been published under rule 125 or which has been introduced in the House;

(ii) any matter connected with the business pending before the House; and

(iii) any matter of general public interest provided that it is not one ---

(a) which falls within the cognizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or a quasi-judicial body or a commission;

(b) which can be raised on a substantive motion or resolution; or

(c) for which remedy is available under the law, including rules, regulations, bye-laws made by the Central Government or the Government of Union territory or an authority to whom power to make such rules, regulations, etc., is delegated.

213. **General form of a petition. -** (1) Every petition shall be couched in respectful, decorous and temperate language.

(2) Every petition shall be in the language in which the Assembly transacts its business under sub-section (2) of section 34 and if it is made in any other language, it shall be accompanied by a translation in the language used for the transaction of the business in the Assembly, and shall be signed by the petitioner.

214. **Authentication of signatories to a petition. -** [1]**[**(1)**]** The full name and address of every signatory to a petition shall be set out therein and shall be duly authenticated.

[2]**[**(2) Where there is more than one signatory to a petition, at least one person shall sign, or, if illiterate, affix his thumb impression, on the sheet on which the petition is inscribed. If signatures or thumb-impressions are affixed to more than one sheet, the prayer of the petition shall be repeated at the head of each sheet.**]**

215. **Document not to be attached to a petition. –** Letters, affidavits or other documents shall not be attached to any petition.

216. **Countersignature. -** (1) Every petition shall be presented and countersigned by a member.

(2) A member shall not present a petition from himself.

217. **Notice of presentation. -** A member shall give at least two days advance intimation to the Secretary of his intention to present a petition.

218. [2]**[Form of presentation. -]** A member presenting petition shall confine himself to a statement in the following form:

"I present a petition signed by .....petitioner(s) regarding....." and no debate shall be permitted on this statement.

219. **Procedure after presentation of a petition. –** (1) Every petition after its presentation under these rules shall be referred to the committee for examination.

(2) The committee may ---

(a) recommend to the Speaker the rejection of the petition, if it is not in conformity with the rules and in that case the Speaker shall reject it, and

(b) direct circulation of the petition in **extenso** or in a summary thereof.

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1 Renumbered as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

2 Amended as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

(3) After circulation and after evidence, if any, the Chairman of the committee or any member of the committee shall report to the House, the specific complaint contained in the petition and their suggestions for remedial measures for the particular case or to prevent such cases in future.

G. Committee on Delegated Legislation

220. **Constitution and Functions of the committee. ---** There shall be a Committee on Delegated Legislation consisting of not more than 6 members nominated by the Speaker in order to scrutinize and report to the House whether the powers to make regulations, rules, sub-rules, bye-laws, etc., conferred by the Act or delegated by any lawful authority are being properly exercised within such delegation:

Provided that no Minister shall be appointed a member of the committee and if a member of the committee is appointed a Minister, he shall cease to be a member of the committee from the date of such appointment.

221. **Duties of the committee. -** The committee shall, in particular, consider:-

(i) whether the delegated legislation is in accordance with the general object of the Constitution or the Government of Union Territories Act, 1963 or the Act pursuant to which it is made;

(ii) whether it contains matter which, in the opinion of the committee, should more properly be dealt with in an Act of Legislature;

(iii) whether it contains imposition of any tax;

(iv) whether it directly or indirectly bars the Jurisdiction of the courts;

(v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Government of Union Territories Act, 1963 or the Act pursuant to which it is made does not expressly give any such power:

(vi) whether it involves expenditure from the Consolidated Fund of the Union territory or the Public Revenues;

(vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Government of Union Territories Act, 1963 or the act pursuant to which it is made;

(viii) whether there appears to have been unjustifiable delay in the publication or laying it before Legislature;

(ix) whether for any reason its form or purport calls for any elucidation.

222. **Report of the committee. -** If the committee is of opinion that any such Legislation should be annulled wholly or in part, or should be amended in any respect, it shall report that opinion and the grounds thereof to the House. If the committee is of opinion that any other matter relating to any order should be brought to the notice of the House, it may report that opinion and matter to the House.

H. Rules Committee

223. **Constitution of the committee. -** There shall be a Committee on Rules of Procedure and Conduct of Business of the Puducherry Legislative Assembly consisting of not more than six members including the Speaker and the Deputy Speaker. The rest of the members shall be nominated by the Speaker.

224. **Functions of the committee. -** The functions of the committee shall be to consider matters of procedure and conduct of business in the House and to recommend any amendment or additions considered necessary to these rules.

225. **Chairman of the Committee. –** The Speaker shall be the **ex-officio** Chairman of the committee. If the Speaker for any reason is unable to preside over any meeting of the committee, the Deputy Speaker shall be the Chairman for that meeting. If both are unable to preside for any reason, the Speaker shall nominate a Chairman for that meeting from amongst the members of the committee.

226. **Procedure for the amendment to rules. -** (a) The recommendations of the committee shall be laid on the Table of the House and any member may give notice of any amendment to such recommendations within a period of seven days.

(b) Upon such notice, the amendments shall stand referred to the committee who shall consider it and may make such changes in their recommendations as considered necessary. The final report shall again be laid on the Table of the House. Thereafter on a motion made by a member of the committee, the House may adopt the report and the amendment to the rules as approved by the House shall be incorporated in the rules.

(c) If no notice of amendment to the recommendations of the Rules Committee is given as stated under sub-rule (b), the recommendations shall be deemed to have been approved by the House and the recommendations shall be incorporated in the rules after the expiry of seven days.

(d) The amended rules shall come into force as soon as adopted by the House, according to the foregoing provisions.

I. Select Committee

227. **Constitution of Select Committee. -** (1) The members of a Select Committee on a Bill shall be appointed by the House when a motion that the Bill be referred to a Select Committee is made and agreed to.

(2) The Select Committee shall consist of 8 members as follows:

(i) Minister in charge of the Bill;

(ii) Member in charge of the Bill, if any;

(iii) Six or seven members, as the case may be, of the Assembly to be elected by the method of proportional representation by means of the single transferable vote.

228. **Procedure in a Select Committee. –** The procedure in a Select Committee shall, as far as practicable, be the same as is followed in the House during the consideration stage of a Bill with such adaptations, whether by way of modification, addition or omission, as the Speaker may consider necessary or convenient for the proper working of the committee.

229. **Notice of amendments by members other than members of Select Committee. -** When a Bill has been referred to a Select Committee, any notice given by a member of any amendment to a clause in the Bill shall stand referred to the committee:

Provided that where notice of amendment is received from a member, who is not a member of the Select Committee, such amendment shall not be taken up by the committee unless moved by a member of the committee.

230. **Power of committee to take evidence. –** A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

231. **Printing and publication of evidence tendered before a Select Committee. –** (1) The discussions of a Select Committee shall not be disclosed by any person present in the meeting nor shall any reference to such discussions be made in the House.

(2) The evidence tendered before the Select Committee may be made available to all members of the Select Committee.

(3) The committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the Table.

(4) The evidence given before a Select Committee shall not be published by any member of the Select Committee or by any other person until it has been laid on the Table:

Provided that the Speaker may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.

232. **Records of decisions of the committee. -** A record of the decisions of a Select Committee shall be maintained and circulated to member of the committee under the direction of the Chairman.

233. **Report by Select Committee. -** (1) Soon after a Bill has been referred to it, the Select Committee shall meet from time to time in order to consider the Bill and shall make a report thereon within the time fixed by the House.

Provided that where the House has not fixed any time for the presentation of the report, the report shall be presented before the expiry of three months from the date on which the House adopted the motion for the reference of the Bill to the Select Committee:

Provided further that the House may at any time, on a motion being made, direct that the time for the presentation of the report by the Select Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The Select Committee shall in their report state whether the publication of the Bill directed by these rules has taken place, and the date on which the publication has taken place.

(4) Where a Bill has been altered, the Select Committee may, if it thinks fit, include in its report a recommendation to the member-in-charge of the Bill that his next motion should be a motion for circulation, or, where the Bill has already been circulated for re-circulation.

234. **Minute of dissent recorded by a member. -** (1) Any member of a Select Committee may record a minute of dissent on any matter or matters, connected with the Bill or dealt with in the report.

(2) A minute of dissent shall be couched in temperate and decorous language and shall not refer to any discussion in the Select Committee nor cast aspersion on the committee.

(3) If, in the opinion of the Speaker, a minute of dissent contains words phrases or expressions which are unparliamentary or otherwise inappropriate, he may order such words, phrases or expressions to be expunged from the minute of dissent.

(4) The minute of dissent, if any, shall form part of the report.

235. **Printing and publication of report. –** The Secretary shall cause every report of the Select Committee to be printed and a copy of the report shall be made available for the use of every member of the House. The report and the Bill, if amended, and as reported by the Select Committee shall be published in the Gazette and a copy of the amended Bill shall be supplied to every member.

J. Committee on Privileges

236. **Constitution of the committee. –** The Committee on Privileges consisting of 6 members including the Deputy Speaker shall be nominated by the Speaker. The Deputy Speaker shall be the Chairman of that committee.

237. **Quorum. –** The quorum to constitute a meeting of the committee shall be three.

238. **Procedure and examination of the question by the Committee on Privileges. -** (1) On a reference being made to the Committee on Privileges a notice along with a copy of complaint shall be issued by the Secretary to the person complained against to appear on a specified date, time and place.

(2) Such person shall attend on every date of hearing unless the committee exempts him from personal attendance, on his request:

Provided that subject to the above sub-rule he shall have a right to be defended by a counsel.

(3) If the said person is for any reason not able to attend on the date of hearing, he shall inform the committee of the reasons thereof. The committee may on the consideration of the reasons postpone the date of hearing to enable the person complained against to appear. If, however, the committee considers that there are no good reasons for the absence or the member has willfully absented, the committee may proceed with the matter in his absence and submit the report.

(4) If the said person admits his guilt or tenders apology the committee may make a report forthwith with such recommendation as it may deem fit.

239. **Examination of the question by the committee. –** The committee shall examine the question referred to it in the light of the evidence and the circumstances of the case and determine whether any breach of privilege has been committed, the nature of breach, the circumstances leading to it and make such recommendations as it may deem proper.

240. **Disability of members of the committee. -** The complaining member or the member complained against, if he be a member of the committee shall not sit on the committee so long as the matter complained by or against him, as the case may be, is under consideration before the committee.

241. **Sitting of Committee on Privileges. -** The Committee on Privileges shall meet, as soon as may be, after a question of privilege has been referred to it and from time to time thereafter till a report is made during the time fixed by the Speaker or the House, as the case may be:

Provided that where no time has been fixed for the presentation of the report, the report shall be presented within one month of the date of reference:

Provided further that the Speaker or the House, as the case may be, may from time to time extend the date for the presentation of the report by the committee.

242. **Report of the committee. -** The report of the committee shall indicate if a breach of privilege has been committed and what punishment in its opinion should be inflicted. It may also recommend the acceptance of an apology if the apology has been tendered.

[1] [K. Library Committee

243. **Constitution of the committee. –** The Library Committee consisting of six members, including the Deputy Speaker, shall be nominated by the Speaker. The Deputy Speaker shall be the Chairman of the committee.

244. **Functions of the committee. –** The functions of the committee shall be -

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(a) to consider and advise on such matters concerning the Library as may be referred to it by the Speaker from time to time;

(b) to consider suggestions for the improvement of the Library; and

(c) to assist members of the Legislative Assembly in fully utilising the services provided by the Library.

245. **Report of the committee. –** The report of the committee shall be submitted to the Speaker.**]**

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1 Inserted as per the First Report of the Rules Committee which was presented to the Legislative Assembly on 27-3-1971.

[1][L. COMMITTEE ON PAPERS LAID ON THE TABLE

246. **Constitution. –** (1) There shall be a Committee on Papers laid on the Table consisting of not more than six members nominated by the Speaker:**]**

Provided that no Minister shall be appointed a Member of the Committee and if a Member of the Committee is appointed a Minister, he shall cease to be a member of the Committee from the date of such appointment.

247. **Functions. –** (1) The functions of the Committee shall be to examine all papers laid on the Table of the House by Ministers and to report to the House on –

(a) whether there has been compliance of the provisions of the Constitution, Act, rule, or regulation under which the paper has been laid;

(b) whether there has been unreasonable delay in laying the paper; and

(c) if there has been such delay, whether a statement explaining the reasons for delay has been laid on the Table of the House and whether those reasons are satisfactory.

(2) The Committee shall perform such other functions in respect of the papers laid on the Table as may be assigned to it by the Speaker from time to time.

248. **Restriction on raising matters in house about papers laid. -** A member wishing to raise any of the matters referred to in sub-rule (1) of rule 247 shall refer it to the committee and not raise it in the House.

M. PARLIAMENTARY CONSULTATIVE COMMITTEES

249. **Composition. –** (1) The Speaker may, in consultation with the Leader of the House, constitute as many Parliamentary Consultative Committees as he thinks fit, in respect of a Department or group of Department of the Government composed of members of the Assembly only.

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1 Inserted as per the First Report (Sixth Assembly) of the Rules Committee, 1981-82 which was presented to the Legislative Assembly on 22-3-1982.

(2) Before nominating a member to a Parliamentary Consultative Committee the Speaker may, as far as possible, ascertain the option of the member in respect of serving on a particular Parliamentary Consultative Committee, but the decision of the Speaker shall be final.

(3) Each Parliamentary Consultative Committee shall be presided over by a Minister to be nominated by the Speaker:

Provided that one Minister may be the Chairman of more than one Parliamentary Consultative Committee.

(4) The Secretary shall be the Secretary to all Parliamentary Consultative Committees.

250. **Term. -** The Parliamentary Consultative Committees shall be constituted once in every term of the Assembly, but it shall be open to the Speaker, in consultation, with the Leader of the House, to nominate a fresh member or change the nomination of a member to a particular Parliamentary Consultative Committee as and when he may deem fit.

251. **Functions and powers. –** (1) The functions of the Parliamentary Consultative Committee will be ---

(a) to act as a liaison between the members and the Government;

(b) to enable the members to obtain such information from the Government, in relation to the policy programmers, plans, performance, achievements, functioning and expenditure of the Department or Departments concerned, as the members may desire have, and to provide a forum for discussion and exchange of view:

Provided that it shall be within the competence of the Minister to claim privilege in respect of such information as he may deem fit.

(c) to provide a forum for ventilation of grievances of public nature.

(2) It shall not be open to the committee to call for records, summon witnesses or require production of documents.

252. **Meetings and working procedure. –** (1) The Parliamentary Consultative Committee shall meet only during the period when there is no session, but there shall be not less than two meetings of each Parliamentary Consultative Committee in a year.

(2) The Chairman may for the purpose of assisting him in making available to members information desired by them require the service of any official of the Department concerned and may ask him to make available any documents or information as he may think fit.

(3) There shall be no voting resolution or report of the committees, but the proceedings of the committees may be drawn up and circulated to the members concerned.

(4) The Chairman shall be free to announce the decisions, if any taken as a result of the discussions of the committee to the press.

(5) No decision involving financial implications or bearing upon the working of an autonomous Board or body shall be taken at the meeting of the Parliamentary Consultative Committee.

(6) Nothing transacted in the course of discussions in the committees shall be referred to in the House either by the members or by the Chairman**]**.

CHAPTER XVIII

MOTION FOR REMOVAL OF SPEAKER AND DEPUTY SPEAKER AND NO-CONFIDENCE MOTIONS AGAINST MINISTERS

253. **Motion for removal of Speaker or Deputy Speaker. -** A member wishing to give a notice of a resolution under section 7 (2) (c) for the removal of the Speaker or the Deputy Speaker from his office shall do so in writing:

Provided that no resolution for the aforesaid purpose shall be moved unless at least fourteen days' notice has been given to the Secretary.

254. **Leave of House to take up resolution. –** (1) Subject to the provisions of sub-section (1) of section 8, the Speaker or the Deputy Speaker or such other person, as is referred to in sub-section (4) of section 7 shall preside when a motion for removal under the foregoing rule is taken up for consideration.

(2) The member in whose name the motion stands may withdraw the motion, but if he does not do so he shall ask for the leave of the House to move the motion. No speech shall be permitted at this stage, but the mover may briefly state the reasons for brining the motion.

(3) The Speaker or the presiding member shall ask those members who are in favour of leave being granted to rise in their places. If less than one-fifth of the total number of the then members of the House rise in their places, the Speaker or the Presiding Officer shall inform the mover that he has not the leave of the House to move the resolution.

255. **Resolution included in the List of Business on the appointed day. –** (a) In case the mover obtains the leave of the House to move the resolution according to the provisions of the foregoing rule the resolution shall be included in the list of business to be taken up on some appointed day.

(b) Such a resolution shall be taken after the question hour and before any other business is entered upon.

256. **Time-limit for speeches. -** The speeches on the resolution shall not exceed 15 minutes in duration:

Provided that the mover of the resolution may speak for such longer time as the member presiding may permit.

257. **Motion of no-confidence in Ministers. –** (1) A motion expressing want of confidence in the Council of Ministers may be made with the consent of the Speaker subject to the following restrictions, namely: -

(a) leave to make the motion shall be asked for after questions and before the list of business for day is entered upon;

(b) the member asking for leave must, before the commencement of the sitting for that day, deliver to the Secretary a written notice of the motion which he proposes to move.

(2) If the Speaker is of opinion that the motion is in order he shall read the motion to the House and shall request those members who are in favour of leave being granted to rise in their places, and, if not less than one-fifth of the total number of the members of the Hose rise accordingly, the Speaker shall intimate that leave is granted and that the motion will be taken on such day, not being more than ten days from the date on which the leave is granted, as he may appoint. If less than the requisite number of members rise, the Speaker shall inform the member that he has not the leave of the House.

(3) If leave is granted under sub-rule (2), the Speaker may, after considering the state of business in the House, allot a day or days or part of the day for the discussion of the motion.

(4) The Speaker shall, at the appointed hour on the allotted day or the last of the allotted days, forthwith put every question necessary to determine the decision of the House on, the motion.

(5) The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

258. **Statement by a Minister who has resigned. -** (1) A member who has resigned the Office of Minister shall have the right with the consent of the Speaker to make a personal statement in explanation of his resignation. A copy of the statement shall be forwarded to the Speaker and the Leader of the House one day in advance of the day on which it is made:

Provided that in the absence of a written statement, the points or the gist of such statement shall be conveyed to the Speaker and the Leader of the House one day in advance of the day on which it is made.

(2) Such statement shall be made after questions and before the list of business for the day is entered upon.

(3) There shall be no debate on such statement, but any Minister may make a statement pertinent thereto.

CHAPTER XIX

COMMUNICATIONS BETWEEN THE ADMINISTRATOR AND THE ASSEMBLY

259. **Communications from the Administrator to the Assembly. -** Communications from the Administrator to the Assembly may be made, --

(1) by a written message delivered to the Speaker and read to the House by him, or

(2) through a Minister.

260. **Communications from the Assembly to the Administrator. -** Communication from the Assembly to the Administrator shall be made, ---

(1) by formal address, after a motion made and carried in the House, and

(2) through the Speaker.

CHAPTER XX

RESIGNATION AND VACATION OF SEATS IN THE HOUSE AND ABSENTEE MEMBERS

261. **Resignation of seats in the House. –** (1) A member wishing to resign his seat in the House shall do so in the form prescribed.

FORM OF RESIGNATION

To

The Speaker,
Legislative Assembly,
Puducherry.

Sir,

I hereby tender my resignation of my seat in the House with effect from ……(date) forenoon-/afternoon.

Yours faithfully,

Place.
Date:

(Signature of Member
of the House)

Note: - The date and time of resignation given in the letter shall not be earlier than the one on which the letter is written.

(2) As soon as may be, the Speaker shall on receipt of the letter of resignation, it he is satisfied about the genuineness and voluntary nature thereof, inform the House that such and such a member has resigned his seat in the House:

Provided that when the House is not in session, the Speaker shall inform the House of it immediately after it reassembles.

(3) The resignation shall take effect from the date and time specified in the letter of resignation.

(4) The Secretary shall, as soon as may be after receipt of resignation by the Speaker, cause the said fact of resignation published in the Gazette and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

(5) If any dispute arises as regards the genuineness or voluntary nature of the resignation, the same shall be determined by the Speaker before action is taken under sub-rule (2) or sub-rule (4).

(6) If any letter of resignation is not in the form prescribed, it shall be returned to the member concerned for the purpose of being submitted in the prescribed form.

262. **Permission to remain absent from meetings of the House. -** (1) A member wishing to obtain permission of the House for remaining absent from meetings thereof under sub-section (3) of section 13 shall make an application in writing to the Speaker, stating the period for which he may be permitted to be absent from the meetings of the House.

(2) Such application shall be set down for consideration by the House soon after receipt, as may be ordered by the Speaker, and shall on the day so fixed be considered by the House immediately after questions, and before any other business for the day is entered upon.

(3) The Speaker shall decide the manner in which the decision of the Assembly shall be taken on such applications.

(4) The Secretary shall inform the member, as soon as possible, of the decision of the Assembly on his application.

(5) If a member who has been granted leave of absence under sub-rule (2) attends the session of the House during the period of his leave, the unexpired portion of the leave from the date of his resumed attendance shall lapse.

(6) If a member is absent without permission from all meetings of the Assembly for a period of 60 days or more, computed in the manner provided in the proviso to sub-section (3) of section 13, the Leader of the House or any other member may move that such member's seat be declared vacant.

(7) Three days' notice of such a motion shall be necessary and a complete statement of the dates on which the member was absent shall be appended to it.

(8) The Secretary shall, after the motion under sub-rule (6) is carried, cause the information to be published in the Gazette and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

263. **Attendance register. -** A record of attendance of members in the meetings of the Assembly shall be kept by the Secretary and for this purpose an attendance register shall be maintained. It will be placed in the lobbies an hour before the commencement of a meeting and the members, other than the Speaker, the Deputy Speaker , Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries, shall sign it before the meeting is adjourned for the day. A member who has not signed the register shall be treated as absent:

Provided that the member who has been so treated as absent may satisfy the Speaker within 15 days thereof that he attended the meeting, but failed to sign. And the Speaker, if so satisfied, may order that he be marked present.

CHAPTER XXI

GENERAL RULES OF PROCEDURE

A. Notices

264. **Giving of notices. -** (1) Every notice required by the rules shall be given in writing addressed to the Secretary and shall be left at the table or in his office during working hours.

(2) Unless otherwise provided in these rules, a notice received in the office at hours other than those specified in the preceding sub-rule shall be treated as given on the next opening day.

265. **Circulation of notice and papers to members. -** The Secretary shall circulate to each member a copy of every notice or other papers which under these rules are required to be made available to members.

[1] **[** 266. **Publicity of notices in advance. -** A notice shall not be given publicity by any member or other person until it has been admitted by the Speaker and circulated to members:

Provided that a notice of a question shall not be given any publicity until the day on which the question is answered in the House.**]**

B. Amendments

267. **Amendments which may be admissible. -** (1) Subject to these rules an amendment must be relevant to the subject matter of the motion to which it is proposed.

(2) An amendment may not be moved which, if carried would have merely the effect of a negative vote.

(3) After a decision has been given on an amendment to any part of a motion an earlier part shall not be amended.

(4) No amendment may be proposed which is inconsistent with a previous decision on the same subject.

(5) The Speaker may, at any stage, disallow an amendment or refuse to put an amendment which in his opinion is frivolous.

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1 Inserted and numbered as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

268. **Amendment how put. -** (1) When one or more amendments are moved to a motion, the Speaker shall, before putting the question thereon, state or read to the House the terms of the original motion.

(2) It shall be in the discretion of the Speaker either to put the original motion to vote first or any of the amendments thereto.

C. Rules to be observed by members

269. **Rules to be observed by members while present in the House. -** Whilst the House is sitting, a member ---

(i) shall not read any books, newspaper or letter, nor shall he do anything except in connection with the business of the House;

(ii) shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;

(iii) shall bow to the Chair while entering or leaving the House, and also when taking or leaving his seat;

(iv) shall not pass between the Chair and any member who is speaking;

(v) shall not leave or cross the floor of the House when the Speaker is addressing the House;

(vi) shall always address the Chair;

(vii) shall ordinarily keep to his usual seat while addressing the House;

(viii) shall maintain silence when not speaking in the House;

(ix) shall not obstruct proceedings, hiss or interrupt and shall avoid making running commentaries when speeches are being made in the House;

(x) shall not, while speaking, point to any stranger in any gallery.

270. **Member to speak when called by the Speaker. –** When a member rises to speak, his name shall be called by the Speaker. If more members than one rise at the same time, the member whose name is so called shall be entitled to speak.

271. **Mode of addressing the House. –** A member desiring to make any observations on any matter before the House shall rise when he speaks and shall address the Speaker:

Provided that a member disabled by sickness or infirmity may be permitted by the Speaker to speak while sitting.

272. **Rules to be observed while speaking and answering questions. -** (1) The matter of every speech must be strictly relevant to the matter under discussion.

(2) A member while speaking or answering a question shall not --

(i) give any evasive reply to any question;

(ii) express any opinion or make any comment on any matter of fact on which a judicial decision is pending;

(iii) make a personal charge against a member;

(iv) use offensive expressions about the conduct or proceedings of the Parliament or the Legislature of any State or of any Union territory;

(v) reflect on any decision of the House except on a motion for rescinding it;

(vi) reflect upon the conduct of the President or any Government or any Administrator or the conduct of any Court of Justice sitting as such;

(vii) utter treasonable or defamatory words but he may, with the permission of the Speaker, quote them for the purposes of his arguments.

[1][273. **Procedure regarding allegation against a person. –** No allegation of defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the Speaker may, at any time, prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.]

1 Inserted and numbered as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

274. **Questions to be asked through the Speaker. –** When for the purposes of explanation during discussion or for any other sufficient reason any member has occasion to ask a question from another member on any matter, then under the consideration of the Assembly he shall ask the question through the Speaker.

275. **Irrelevance or repetition. –** The Speaker, after having called the attention of the Assembly to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

[1][276. **Personal explanation. –** A member may, with the permission of the Speaker, make a personal explanation although there is no question before the House but in this case no debatable matter may be brought forward and no debate shall arise.]

D. Order of speeches and right of reply

277. **Order of speeches and right of reply. –** (1) After the member who makes a motion has spoken, other members may speak on the motion in such order as the Speaker may determine. If any member when called upon by the Speaker does not speak, he shall not be entitled, except by the permission of the Speaker, to speak on the motion at any later stage of the debate.

(2) Except as otherwise provided, no member shall speak more than once on any motion except for the purpose of making a personal explanation and then only with the permission of the Speaker, and in such case no debatable matter may be brought forward.

(3) A member who has moved a substantive motion or an amendment thereto or has made a motion for reduction or omission of an item under the budget demands, may speak again by way of reply, and if the motion or the amendment is moved by a private member, the Minister to whose department the matter under discussion relates shall have right of speaking after the mover whether he has previously spoken in the debate or not:-

1 Inserted and numbered as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

[1]**[**Provided that nothing in this sub-rule shall be deemed to give any right of reply to the mover of an amendment to a Bill or a resolution save with the permission of the Speaker.

278. **Conclusion of Debate. –** Subject to the provisions of sub-rule (3) of rule 277 the reply of the mover of the original motion shall in all cases conclude the debate.**]**

279. **Address by Speaker. –** The Speaker may himself, or on a point being raised or a request made by a member, address the House at any time on a matter under consideration in the House with a view to aid members in their deliberations, and such expression of views shall not be taken to be in the nature of a decision.

E. Procedure when Speaker rises

280. **Speaker to be heard in silence. -** (1) Whenever the Speaker speaks (addresses) he shall be heard in silence and any member who is then speaking or offering to speak shall immediately [2]**[**resume his seat.**]**

(2) No member shall leave his seat while the Speaker is addressing the House.

F. Decision

281. **Procedure for obtaining decision of the House. -** A matter requiring the decision of the House shall be decided by means of a question put by the Speaker.

282. **Proposal and putting of question. –** When a motion has been made, the Speaker shall propose the question for the consideration, and put it for the decision of the House. If a motion embodies two or more separate propositions, these propositions may be proposed by the Speaker as separate questions.

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1 Inserted as per the First Report (Sixth Assembly) of the Rules Committee, 1981-82 which was presented to the Legislative Assembly on 22-3-1982.

2 Substituted as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

283. **No speech after voices collected. -** A member shall not speak on a question after the Speaker has collected the voices both of the ayes and of the noes on that question.

284. **Decision. –** (1) Votes may be taken by voices or by division and shall be taken by division, if any member so desires:

Provided that the Speaker may, if he is satisfied that the division is unnecessarily claimed, avoid a division by taking votes by show of hands.

(2) The result of a division shall at once be announced by the Speaker and shall not be challenged.

[1][(3) The Speaker may appoint a Teller.].

G. Speaker's power to order withdrawal of a member or to adjourn the House or suspend a sitting

285. **Power to order withdrawal of members. –** (1) The Speaker shall preserve order; and may direct any member, whose conduct in his opinion, is disorderly, to withdraw immediately from the House and the member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's sitting.

(2) If a member, when ordered by the Speaker to withdraw under sub-rule (1) above, does not obey or if a member is ordered to withdraw a second time in the same session, the Speaker may name him. As soon as a member is named, the Leader of the House shall forthwith make a motion to the effect that the member so named be suspended from the service of the House for the period to be mentioned in the motion; but there shall be no discussion on such a motion.:

Provided that this period shall in no case be longer than the remainder of the session:

Provided further that the House may, at any time, on a motion being made, resolve that such suspension be terminated.

(3) The Speaker shall have full authority to carry out his order or the decision of the House and may employ, or authorize the employment of necessary force, at any stage of the proceedings.

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1 Inserted as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

(4) The Speaker may, in the case of grave disorder arising in the House, adjourn the House or suspend a sitting for a time to be determined by him.

H. Points of order

286. **Points of order and decisions thereon. –** (1) A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution or such sections of the Act, as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker.

(2) A point of order may be raised in relation to the business before the House at the moment;

Provided that the Speaker may permit a member to raise a point of order during the interval between the termination of one item of business and the commencement of another if it relates to maintenance of order in or arrangement of business before the House.

(3) Subject to the conditions referred to in sub-rules (1) and (2) a member may formulate a point of order and the Speaker shall decide whether the point raised is a point of order and if so, give his decision thereon, which shall be final.

(4) No debate shall be allowed on a point of order, but the Speaker may, if he thinks fit, hear members before giving his decision.

(5) A point of order is not a point of privilege.

(6) A member shall not raise a point of order ---

(a) to ask for information, or

(b) to explain his position, or

(c) when a question on any motion is being put to the house, or

(d) which may be hypothetical, or

(e) that division bells did not ring or were not heard.

287. **Raising of a matter which is not a point of order. –** A member who wishes to bring to the notice of the House any matter which is not a point of order, shall give notice to the Secretary in writing stating briefly the point which he wishes to raise in the House, together with reasons for wishing to raise it and he shall be permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix.

I. Record and report of proceedings

288. **Record of proceedings of the Assembly . –** (1) The Secretary shall keep a journal in which a short record of the decisions of the Assembly for each day shall be entered.

(2) The journal after each meeting of the House, shall be signed by the Speaker; and when so signed it shall form an authentic record of the decisions of the House.

(3) The journal shall be printed and copies of it supplied to members within ten days.

289. **Report of proceedings of the Assembly . –** (1) The Secretary shall also cause to be prepared a full and accurate report of the proceedings of the Assembly at each of its meetings and shall publish it in such form and manner as the Speaker may from time to time direct.

(2) A copy of such report shall be sent by the Secretary to each member of the Assembly and the administrator [1][as soon as practicable.]

290. **Expunging of words from debates. –** (1) If the Speaker is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent, or unparliamentary or undignified, he may, in his discretion, order that such word or words be expunged from the proceedings of the House.

(2) The portion of the proceeding of the House so expunged shall be marked by asterisks and an explanatory foot-note shall be inserted in the proceedings as follows:

"Expunged as ordered by the Chair, on such and such date."

1 Substituted as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

[1][291. **Printing and publication of papers. –** (1) The Speaker may authorise printing, publication, distribution or sale of any paper, document or report in connection with the business of the House or any paper, document or report laid on the Table or presented to the House or a Committee thereof.

(2) A paper, document or report printed, published, distributed or sold in pursuance of sub-rule (1) shall be deemed to have been printed, published, distributed or sold under the authority of the House within the meaning of sub-section (2) of section 16 of the Act.

(3) If a question arises whether a paper, document or report is in connection with the business of the House or not, the question shall be referred to the Speaker whose decision shall be final.

292. **Custody of papers. –** The Secretary shall have custody of all records, documents and papers belonging to the House or any of its Committees or Assembly Secretariat and he shall not permit any such records, documents or papers to be taken from the precincts of the House without the permission of the Speaker.

293. **Restriction on use of chamber of house. –** The Chamber of the House shall not be used for any purpose other than the sittings of the House**]**.

J. Admission of strangers

294. **Speaker to regulate admission of strangers. -** The admission of strangers during the sittings of the house to those portions of the house, which are not reserved for the exclusive use of members, shall be regulated in accordance with orders or rules made by the Speaker.

295. **Power to order withdrawal of strangers –** The Speaker may, at any time during a sitting of the Assembly, order the withdrawal of strangers from any precincts of the House.

296. **Steps for expulsion of strangers. -** The Speaker may take such steps as may be necessary or such action as the circumstances of the case may in his discretion require, for the expulsion of any stranger from any portion of the House.

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1 Inserted as per the First Report (Sixth Assembly) of the Rules Committee, 1981-82 which was presented to the Legislative Assembly on 22-3-1982.

[1][297. **Removal and taking into custody of strangers. –** An officer of the Secretariat authorised in this behalf by the Speaker shall remove from the precincts of the House or take into custody and stranger whom he may see, or who may be reported to him to be, in any portion of the precincts of the House which is reserved for the exclusive use of members, and also any stranger who, having been admitted into any portion of the precincts of the House, misconducts himself or wilfully infringes the regulations made by the Speaker under rule 294 or does not withdraw when the strangers are directed to withdraw under rule 29 while the House is sitting].

K. Power of Speaker to make regulations for Ballot and for Election by Single Transferable Vote

298. **Speaker to make regulations for ballot and for election by single transferable vote. -** The Speaker shall make regulations governing the method of election by single transferable vote or holding of ballot or for any other purposes for which no provision has been made in these rules.

L. Holding of election by the Assembly

299. **Holding of election by the Assembly . -** When in pursuance of an Act or otherwise, the members of the Assembly or a section thereof has to elect representatives on a public body, the Secretary shall, when requested in this behalf arrange to hold an election in accordance with the provisions of the Act or under the directions of, and regulations, if any, made by the Speaker.

M. Laying of paper or document on the Table of the House

300. **Laying of any paper or document on the Table of the House. -** No paper or document shall be laid on the Table of the House without the order or permission of the Chair.

[1][301. **Papers quoted to be laid. –** If a Minister quotes in the House a despatch or other paper which has not been presented to the House, he shall lay the relevant paper on the Table:

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1 Inserted as per the First Report (Sixth Assembly) of the Rules Committee, 1981-82 which was presented to the Legislative Assembly on 22-3-1982.

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:

Provided further that where a Minister gives in his own words a summary or gist of such despatch or paper it shall not be necessary to lay the relevant papers on the Table:

302. **Authentication and treatment of papers laid. –** (1) A paper or document to be laid on the Table shall be duly authenticated by the member presenting it.

(2) All papers and documents laid on the Table shall be considered public.

303. **Document containing advice or opinion disclosed to be laid. –** If an answer to a question or during debate, a Minister disclosed the advice or opinion given to him by any officer of the Government or by any other person or authority, he shall ordinarily lay the relevant document or parts of document containing that opinion or advice, or a summary thereof on the Table.

304. **Treatment of papers and other things laid on the table of the house. –** (1) A paper or document to be laid on the Table shall be duly authenticated by the member presenting it.

(2) All papers, documents and other things laid on the Table shall be considered public and shall not be allowed to be withdrawn or returned except with the permission of the Speaker:

Provided that the Speaker may dispose of things other than papers and document in such manner as he may consider necessary or appropriate.

(For rules relating to Committee on Papers laid on the Table, see Chapter XVII of these rules)

N. Amendment of rule

305. **Notice. -** Unless the Speaker directs otherwise, not less than fifteen days' notice of the motion for leave to amend the rules, shall be given and the notice shall be accompanied by a draft of the proposed amendments.

306. **Leave of the House. –** The motion shall be set down for such day as the Speaker may direct. When the motion is reached, the Speaker shall read draft amendments and ask whether the member has the leave of the House. If objection is taken, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who objects, shall request those members who support the motion to rise in their place and if not less than one-fifth of total number of members rise accordingly, the Speaker shall intimate that the member has the leave of the House. If less than one-fifth of the members rise, the Speaker shall inform the member that he has not the leave of the House.

307. **Draft amendments to be referred to the Rules Committee. –** Where a member has the leave of the House to proceed, the draft amendments shall be referred to the Rules Committee of the House.

308. **Procedure. –** On receipt of the report of the Rules Committee the procedure in regard to Bills originating in the Assembly shall, as far as may be, be followed with such necessary alternations as to the form of the motions that may be made as the Speaker may direct.

O. Miscellaneous

309. **Suspension of rules. -** Any member may, with the consent of the Speaker move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried, the rule in question shall be suspended for the time being. The Speaker shall decide the procedure to be followed in such a case.

310. **Interpretation and removal of difficulties. –** If any doubt arises as to the interpretation of any of the provisions of these rules, the decision of the Speaker shall be final.

311. **Residuary powers. -** All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may from time to time direct.

312. **Speaker's decision not be questioned. –** No decision of the Speaker in respect of disallowance of any resolution or question or in respect of any other matter shall be questioned.

P. Relative precedence

313. **Relative precedence of different classes of business before the House. –** Unless the Speaker otherwise directs the relative precedence of the classes of business before the House specified below shall be in the following order, namely :-

(i) Oath or affirmation.

(ii) Questions (including short notice questions).

(iii) Obituary references.

(iv) Papers to be laid on the Table.

(v) Communication of messages from the Administrator.

(vi) Intimation regarding President's assent to Bills

(vii) Communications form Magistrates or other authorities regarding arrest or detention or release of members of the House.

(viii) Presentation of reports of Committees.

(ix) Laying of evidence before Select Committee in respect of Bills.

(x) Presentation of petitions.

(xi) Questions involving a breach of privilege.

(xii) Leave to move motions for adjournment of the business of the House.

(xiii) Calling attention notices.

(xiv) Announcement by the Speaker regarding leave of absence of members from the sitting of the House.

(xv) Announcement by the Speaker regarding various matters, e.g., resignations of members of the House, nomination to panel of presiding members, committees, etc.

(xvi) Rulings or announcements by the Speaker.

(xvii) Miscellaneous statements by Ministers.

(xviii) Personal statement by ex-Minister in explanation of his resignation.

(xix) Motion for election to committee.

(xx) Motion for extension of time for presentation of report of Select Committee on a Bill.

(xxi) Bill to be withdrawn.

(xxii) Bill to be introduced.

(xxiii) Laying of explanatory statement giving reasons for immediate legislation by Ordinances.

(xxiv) Motion for adoption of Report of Business Advisory Committee.

(xxv) Motion for leave to move resolution for removal of Speaker / Deputy Speaker .

(xxvi) Motion for leave to make a motion of no-confidence in the Council of Ministers.

(xxvii) Consideration of report of Committee on Privileges.

[1] [CHAPTER XXII

SECRET SITTINGS OF THE HOUSE

314. **Secret sitting. –** (1) On a request made by the Leader of the House, the Speaker shall fix a day or part thereof for sitting of the House in secret.

(2) When the House sits in secret no stranger shall be permitted to be present in the Chamber, Lobby or Galleries:

Provided that persons authorised by the Speaker may be present in the Chamber, Lobby or Galleries.

1 Chapter inserted as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

315. **Report of the proceedings. -** The Speaker may cause a report of the proceedings of a secret sitting to be issued in such manner as he thinks fit, but no other person present shall keep a note or record of any proceedings or decisions of a secret of sitting whether in part or full, or issue any report of, or purport to describe, such proceedings.

316. **Procedure in other respects. –** The procedure in all other respects in connection with a secret sitting shall be in accordance with such directions as the Speaker may give.

317. **Lifting ban of secrecy. –** (1) When it is considered that the necessity for maintaining secrecy in regard to the proceedings of a secret sitting has ceased to exist and subject to the consent of the Speaker, a motion may be moved by the Leader of the House or any member authorised by him that the proceedings in the House during a secret sitting be no longer treated as secret.

(2) On adoption by the House of the motion under sub-rule (1), the Secretary shall cause to be prepared a report of the proceedings of the secret sitting and shall, as soon as practicable, publish it in such form and manner as the Speaker may direct.

318. **Disclosure of proceedings or decisions. –** Subject to the provisions of Rule 289, disclosure of proceedings or decisions of a secret sitting by any person on any manner shall be treated as a gross breach of privilege of the House.**]**

SCHEDULE

Form of communication regarding arrest, detention, conviction or release, as the case may be, of a member

Place……
Date……..

To

The Speaker,
Legislative Assembly,
Puducherry.

A

Dear Thiru Speaker,

I have the honour to inform you that I have found it my duty, in the exercise of my powers under section …… of the ……(Act), to direct that Thiru……Member of the Legislative Assembly be arrested / detained for ……..(reasons for the arrest or detention, as the case may be).

Thiru ……M.L.A., was accordingly arrested / taken into custody at ……(time) on……(date) and is at present lodged in the ……Jail ……(place).

B

I have the honour to inform you that Thiru ……M.L.A., was tried at the …….. court before me on a charge (or charges) of ……..(reasons for the conviction).

On ……(date) after a trial lasting for ……days I found him guilty of ……and sentenced him to imprisonment for …… (period).

(His application for leave to appeal to *****……is pending consideration).

*****Name of the Court.

[1] **[C**

I have the honour to inform you that Thiru …….. M.L.A., who was arrested / detained / convicted on ……(date), for ……..(reasons for arrest / detention / conviction), was released on ……..(date) on ……(grounds for release).**]**.

Yours faithfully,

(**Judge, Magistrate or Executive Authority)**

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1 Substituted as per the Second Report of the Rules Committee 1965-66 which was presented to the Legislative Assembly on 17-3-1966.

THE RULES OF BUSINESS OF THE GOVERNMENT OF PUDUCHERRY, 1963.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFIARS

New Delhi-11, the 22nd June, 1963.

In exercise of the powers conferred by article 239 and the proviso to article 309 of the Constitution, section 46 of the Government of Union Territories Act, 1963 (20 of 1963) and all other powers enabling him in that behalf, the President hereby makes the following rules, namely:-

CHAPTER - I

Preliminary

1. These Rules may be called the Rules of Business of the Government of Puducherry, 1963.

2. (1) In these rules, unless the context otherwise requires, --

(a) 'the Act' means the Government of Union Territories Act, 1963 (20 of 1963);

(b) "the Administrator" means the Administrator of the Union territory of Puducherry;

(c) "Chapter" means a Chapter of these rules;

(d) "the Council" means the Council of Ministers appointed under section 44 of the Act;

(e) "Department" means any of the departments or officers specified in the Schedule to the Business of the Government of Puducherry (Allocation) Rules, 1963;

(f) "the Government" means the Government of Puducherry;

(f-1) "Legislative Assembly" or "Legislature of the Union territory" means the Legislative Assembly of the Union territory;

(g) "Schedule" means the Schedule appended to these rules;

(h) "Secretary" means a Secretary in a Department and includes Secretary to the Administrator and the Chief Secretary.

(2) Unless the context otherwise requires, General Clauses Act, 1897 (10 of 1897) shall apply for the interpretation of these rules as it applies for the interpretation of a Central Act.

CHAPTER - II

General

3. The business of the Government shall be transacted in accordance with these rules.

4. (1) The business of the Government in relation to matters with respect to which the Council is required under section 44 of the Act to aid and advise the Administrator in the exercise of his functions shall be transacted and disposed of in accordance with the provisions of Chapter III.

(2) The remaining business of the Government shall be transacted and disposed of in accordance with the provisions of Chapter IV.

(3) Notwithstanding anything contained in sub-rule (1) and sub-rule (2), prior reference in respect of the matters specified in Chapter V shall be made to the Central Government in accordance with the provisions of that Chapter.

5. (1) All contracts in connection with the administration of the Union territory of Puducherry shall be expressed to be made by the President and shall be executed on behalf of the President by such person and in such manner as he may direct or authorise under article 299 of the Constitution.

***[**(2) Where the person authorised to execute contracts is the Administrator, he shall exercise that authority with previous approval of the Central Government in all cases involving exercise of financial powers in excess of those delegated to him from time to time by the Central Government.**]**

(3) Any other person authorised to execute contract shall exercise that authority, --

(a) if the contract is in connection with public works upto the monetary limits prescribed under the Central Public Works Department Code or orders of the Central Government;

(b) in other cases upto such monetary limits and subject to such conditions as the Administrator may prescribe whether generally or in respect of specified classes of contracts to be executed by specified classes of officers:

Provided that in any case covered by clause (b), prior approval of the Central Government shall be obtained, if such approval is required in that case under sub-rule (2).

***** Sub-rule (2) of rule 5 has been substituted by notification No. U-11022/2/73-UTL dated 23rd November 1973, of the MHA, GOI, New Delhi.

CHAPTER - III

Disposal of Business allocated among Ministers

6. (1) The Council shall be collectively responsible for all executive orders issued from any department in the name of the Administrator or contracts made in exercise of the powers conferred on the Administrator or any officer subordinate to him in accordance with these rules, whether such orders or contracts are authorised by an individual Minister on a matter pertaining to the Department under his charge or as the result of discussion at a meeting of the Council or howsoever otherwise.

(2) Without prejudice to the provisions of sub-rule (1), the Minister in charge of a department shall be primarily responsible for the disposal of the business pertaining to that department.

7. (1) The rules and orders made by the Central Government to regulate the procedure in its departments and offices relating to sanctioning of expenditure, appropriation and re-appropriation of funds, public works and purchases of stores required for use in the public service shall, subject to the rules governing the delegation of powers to the Administrators and any general or special orders of the Central Government, continue to apply in relation to the departments and offices of the Government of the Union territory.

(2) Unless the case is fully covered by the powers to sanction expenditure or to appropriate or re-appropriate funds conferred by any general or special orders made by the Finance Department, no Department shall, without the previous concurrence of the Finance Department, issue any order, which may --

(a) involve any abandonment of revenue or involve any expenditure for which no provision has been made in the Appropriation Act;

(b) involve any grant of land or assignment of revenue or concession, grant, lease or licence in respect of mineral or forest rights or rights to water power or any easement or privilege;

(c) relate to the creation or abolition of posts, fixation of strength of a service; or

(d) otherwise have a financial bearing whether involving expenditure or not.

(3) No proposal which requires previous concurrence of the Finance Department under this rule, but in which the Finance Department has not concurred, may be proceeded with unless a decision to that effect has been taken by the Council.

(4) No re-appropriation shall be made by any Department other than the Finance Department, except in accordance with such general delegation of power of re-appropriation as the Finance Department may have made.

(5) Except to the extent that power may have been delegated to the Department under rules approved by the Finance Department, every order of an administrative Department conveying a sanction to be enforced in audit shall be communicated to the audit authorities by the Finance Department.

(6) Nothing in this rule shall be construed as authorising any authority or Department, including the Finance Department, --

(a) to make re-appropriation from one Grant or Appropriation for charged expenditure to another Grant or Appropriation for charged expenditure;

(b) to re-appropriate funds provided for charged expenditure to meet votable expenditure;

(c) to re-appropriate funds provided for voted expenditure to meet charged expenditure;

(d) to appropriate or re-appropriate funds to meet expenditure on a new service not contemplated in the budget as approved by the Legislative Assembly.

8. The Chief Secretary shall be the Secretary to the Council and the Secretary to the Administrator shall be the Joint Secretary to the Council. When the Secretary to the Council is absent, the Joint Secretary shall perform his duties.

9. Subject to the orders of the Chief Minister under rule 10, all cases referred to in the Schedule shall be brought before the Council in accordance with the provisions contained in this Chapter:

Provided that no case in regard to which the concurrence of the Finance Department is required under rule 7 shall, save in exceptional circumstances and under the directions of the Chief Minister, be discussed by the Council unless the Finance Minister has had opportunity of considering it.

10. All cases referred to in the Schedule shall be submitted to the Chief Minister after consideration by the Minister in charge with a view to obtaining his orders for the Circulation of the case under rule 11 or for bringing it up for consideration at a meeting of the Council.

11. (1) The Chief Minister may direct that any case submitted to him under rule 10 may, instead of being brought for discussion at a meeting of the Council, be circulated to the Ministers for opinion, and if all the Ministers are unanimous and the Chief Minister thinks that a discussion at a meeting of the Council is unnecessary, the case shall be decided without such discussion. If the Ministers are not unanimous or if the Chief Minister thinks that discussion at a meeting is necessary, the case shall be discussed at a meeting of the Council.

(2) If it is decided to circulate any case, the Department to which the case belongs shall prepare a memorandum setting out in brief the facts of the case, the points for decision and the recommendations of the Minister-in-charge and forward copies thereof to the Secretary to the Council who shall arrange to circulate the same among the Ministers and simultaneously send a copy thereof to the Administrator.

12. (1) While directing that a case shall be circulated, the Chief Minister may also direct, if the matter be urgent, that the Ministers shall communicate their opinion to the Secretary to the Council by a particular date which shall be specified in the memorandum referred to in rule 11.

(2) If any Minister falls to communicate his opinion to the Secretary to the Council by the date specified in the Memorandum, it shall be assumed that he has accepted the recommendations contained therein.

(3) If the Ministers have accepted the recommendations contained in the Memorandum or the date by which they were required to communicate their opinion has expired, the Secretary to the Council shall submit the case to the Chief Minister. If the Chief Minister accepts the recommendations and if he has no observation to make, he shall return the case with his orders thereon to the Secretary to the Council.

(4) On receipt of the case, the Secretary to the Council shall communicate the decision to the Administrator and pass on the case to the Secretary concerned, who shall thereafter take necessary steps to issue the orders unless a reference to the Central Government is required in pursuance of the provisions of Chapter V.

13. When it has been decided to bring a case before the Council, the Department to which the case belongs shall, unless the Chief Minister otherwise directs, prepare a memorandum indicating with sufficient precision the salient facts of the case and the points for decision. Copies of the memorandum and such other papers as are necessary to enable the case to be disposed of shall be forwarded to the Secretary to the Council who shall arrange to circulate the memorandum to the Ministers and simultaneously send a copy thereof to the Administrator.

14. In cases which concern more than one Department, the Ministers shall attempt by previous discussion to arrive at an agreement. If an agreement is reached, the memorandum referred to in rule 11 of rule 13 shall contain the joint recommendations of the Ministers; and if no agreement is reached, the memorandum shall state the points of difference and the recommendations of each of the Ministers concerned.

15. (1) The Council shall meet at such place and time as the Chief Minister may direct.

(2) Except with the permission of the Chief Minister, no case shall be placed on the agenda of a meeting unless papers relating thereto have been circulated as required by rule 13.

(3) After an agenda paper showing the cases to be discussed at a meeting of the Council has been approved by the Chief Minister, copies thereof together with copies of such memoranda as have not been circulated under rule 13, shall be sent by the Secretary to the Council to the Administrator, the Chief Minister and other Ministers so as to reach them two days before the date of such meeting. The Chief Minister may, in case of urgency, curtail the said period of two days.

(4) If any Minister is on tour, the agenda paper shall be forwarded to the Secretary in the Department concerned who, if he considers that the discussion of any case should await the return of the Minister, may request the Secretary to the Council to take the orders of the Chief Minister for a postponement of the discussion of the case until the return of the said Minister.

(5) The Chief Minister or in his absence, any other Minister nominated by the Chief Minister, shall preside at a meeting of the Council.

(6) The Secretary of the Department concerned with the case may be required to attend the meeting of the Council, if the Chief Minister so directs.

(7) The Secretary to the Council shall attend all the meetings of the Council and shall prepare a record of the decisions. He shall forward a copy of such record to each of the Ministers.

16. (1) The decision of the Council relating to each case shall be separately recorded and after approval by the Chief Minister or the Minister presiding, shall be placed with the records of the case. An advance copy of the record of the decision prepared by the Secretary to the Council and also of the record of the decision of the Council, as approved, shall be forwarded by the Secretary to the Council to the Administrator.

(2) When a case has been decided by the Council and the approved record of the decision has been communicated to the Administrator, the Minister concerned, shall take action to give effect to the decision.

DEPARTMENTAL DISPOSAL OF BUSINESS

A – General

17. Except as otherwise provided by or under these rules, cases may be disposed of by or under the authority of the Minister-in-charge who may, by means of standing orders, give such directions as he thinks fit for the disposal of cases in the Department. Copies of such standing orders shall be sent to the Administrator and the Chief Minister.

18. Each Minister shall, by means of standing orders, arrange with the Secretary of the Department what matters or classes of matters are to be brought to his personal notice. Copies of such standing orders shall be sent to the Administrator and the Chief Minister.

19. Every Monday (or if it is a holiday, on the next working day), the Secretary shall submit to the Minister-in-charge a statement showing the particulars of important cases disposed of in the Department by the Minister and the Secretary and other officers during the preceding week. A copy of the said statement shall be simultaneously submitted also to the Administrator and to the Chief Minister.

20. (1) When the subject of a case concerns more than one Department, no order shall be issued (nor shall the case be laid before the Council) until it has been considered by all the Departments concerned, unless the case is one of extreme urgency.

(2) If the Departments concerned are not in agreement regarding such a case, the Minister-in-charged of any of the Departments may, if he wishes to proceed with the case, direct that the case be submitted to the Chief Minister for orders or for laying the case before the Council.

21. (1) A Secretary may call for and see the papers in any Department, other than the Finance Department or Appointments Department, if such papers are required for the disposal of any case in his Department.

(2) A requisition made under sub-rule (1) shall be dealt with under the general or special orders of the Minister-in-charge.

(3) (a) A Minister may call for papers from any Department for his information:

Provided that if the paper is of a secret nature, it shall be sent to the Minister only under the orders of the Minister-in-charge of the Department to which it belongs:

Provided further that no paper under disposal shall be sent to any Minister until it has been seen by the Minister-in-charge of the Department to which it belongs.

(b) If the Minister is of opinion that any further action should be taken on the papers called for by him from any Department, he shall communicate his views to the Minister-in-charge of the Department concerned and, in case of disagreement, may submit the case to the Chief Minister with a request that the matter be laid before the Council. No further notes shall be recorded in the cases before the papers are so laid before the Council.

(4) (a) The Chief Secretary may, on the orders of the Chief Minister or any Minister or of his own motion, call for and see the papers relating to any case in any Department and such a requisition by him shall be complied with by the Secretary to the Department concerned.

(b) The Chief Secretary may, after examination of the case, submit it for the orders of the Minister-in-charge, or the Chief Minister through the Minister-in-charge.

(5) The Administrator may call for papers relating to any case in any Department and such a request shall be complied with by the Secretary to the Department concerned who shall simultaneously inform the Minister-in-charge of the Department of the action taken by him.

22. If a question arises as to the Department to which a case properly belongs, the matter shall be referred for the decision of the Chief Secretary who shall, if necessary, obtain the orders of the Chief Minister.

23. All communications, received from the Central Government (including those from the Prime Minister and other Ministers of the Central Government) other than those of a routine or unimportant character, shall, as soon as possible after receipt, be submitted by the Secretary to the Minister-in-charge, the Chief Minister and the Administrator for information.

24. Any matter which is likely to bring the Government of the Union territory into controversy with the Central Government or with any State Government shall, as soon as the possibility of such a controversy is seen, be brought to the notice of the Administrator and the Chief Minister.

25. The following classes of cases shall be submitted to the Administrator through the Chief Minister before the issue of orders, namely:-

(i) cases raising questions of policy;

(ii) cases which affect or are likely to affect the peace and tranquility of the Union territory;

(iii) cases which affect or are likely to affect the interest of any minority community, Scheduled Castes and Backward Classes;

(iv) cases which affect the relations of the Government of the Union territory with any State Government, the Supreme Court or the High Court at Madras;

(v) constitution of Advisory Boards under section 9 of the Maintenance of Internal Security Act, 1971 (26 to 1971);

(vi) cases required to be referred to the Central Government under the Act or under Chapter V;

(vii) cases pertaining to the Administrator's Secretariat and personal establishment and other matters relating to his office;

(viii) Omitted.

(ix) financial proposals involving new taxation;

(x) Omitted;

(xi) all proposed resolutions on Administration Reports;

(xii) Omitted;

(xiii) cases relating to issue of rules under an Act in force in the Union territory;

(xiv) petitions for mercy from persons under sentence of death and other important cases in which it is proposed to recommend any revision of a judicial sentence;

(xv) any departure from these rules which comes to the notice of the Chief Secretary or the Secretary of any Department;

(xvi) cases relating to summoning, prorogation and dissolution of the Legislative Assembly, removal of disqualification of voters at elections to the Legislative Assembly, fixing of dates of elections to the Legislative Assembly and other connected matters;

(xvii) Omitted;

(xviii) matters relating to Plan evaluation;

(xix) any case of administrative importance as the Chief Minister may consider necessary.

26. Where in any case the Administrator considers that any further action should be taken or that action should be taken otherwise than in accordance with the orders passed by the Minister-in-charge, the Administrator may require the case to be laid before the Council for consideration whereupon the case shall be so laid:

Provided that the notes, minutes or comments of the Administrator in any such case shall not be brought on the Secretariat record unless the Administrator so directs.

27. The Chief Minister shall --

(a) cause to be furnished to the Administrator such information relating to the Administrator of the Union territory and proposals for legislation as the Administrator may call for; and

(b) if the Administrator so requires, submit for the consideration of the Council any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

B – FINANCE DEPARTMENT

28. The Finance Department shall be consulted in all cases in which its previous concurrence is necessary under these Rules.

29. When the Finance Department is consulted / under these Rules, the views of that Department shall be brought on to the permanent record of the Department to which the case belongs and shall form part of the case.

30. (1) The Finance Minister may call for any papers from any Department in which financial consideration is involved and the Department, to whom the request is addressed, shall supply the papers.

(2) On receipt of papers called for under sub-rule (1), the Finance Minister may request that the papers with his notes on them shall be submitted to the Council.

(3) Subject to the provisions of sub-rule (1) of rule 7, the Finance Department may make rules to govern financial procedure in general in all departments and to regulate the business of the Finance Department and the dealings of other departments with the Finance Department.

C – LAW DEPARTMENT

31. Except as hereinafter provided, the Law Department is not, in respect of legislation an originating or initiating Department and its proper function is to put into technical shape the projects of legislation on which the policy has been approved; and every proposal to initiate legislation shall be considered in, and if necessary, transferred to the Department to which the subject matter of the legislation relates and the necessity for legislation and all matters of substance to be embodied in the Bill shall be discussed and, subject to rule 6, settled in such Department.

32. Proposals to initiate legislation shall be treated as a case and shall be disposed of accordingly:

Provided that the case shall not be submitted to the Chief Minister until the department concerned has consulted the Law Department as to –

(i) the need for the proposed legislation from a legal point of view;

(ii) the competence of the legislature of the Union territory to enact the measure proposed;

(iii) the requirements of the Constitution, the Act or any other law for the time being in force as to the obtaining of the previous sanction of the President thereto; and

(iv) the consistence of the proposed measure with the provisions of the Constitution and in particular those relating to the fundamental rights.

33. If legislation is decided upon, the department shall, if the legislation involves expenditure from the Consolidated Fund of the Union territory, prepare in consultation with the Finance Department, a financial memorandum. The papers shall then be sent to the Law Department requesting it to draft the Bill accordingly.

34. The Law Department shall thereafter prepare a draft Bill and return the case to the Department concerned.

35. The Administrative Department shall obtain the opinion of such officers and bodies as it deems necessary on the draft Bill and submit the opinion so received with a copy of the draft Bill to the Minister-in-charge.

36. If the draft Bill is approved by the Minister-in-charge, it shall be circulated to the other Ministers and a copy thereof shall be supplied to the Administrator and thereafter the draft Bill shall be brought before a meeting of the Council in accordance with these Rules.

37. If it is decided to proceed with the draft Bill, with or without amendments, the originating department shall send the case to the Law Department requesting it to prepare a final draft of the Bill.

38. The Law Department shall then finalise the draft and send it to the originating Department indicating at the same time the sanctions, if any, required for the Bill. If any provisions in the Bill involving expenditure from the Consolidated Fund of the Union territory are modified in the finalised draft, the originating Department shall send the finalised draft Bill to the Finance Department for revising, if necessary, the financial memorandum.

39. The originating Department shall then transfer the final draft Bill to the Law Department with the instructions of the Council thereon, including instructions as to its introduction in the Legislative Assembly and with copies of such papers relating to the Bill, such as, the Statement of Objects and Reasons, the Financial Memorandum, the Memorandum of Delegated Legislation, etc., as should be forwarded to the Legislative Assembly. After such transfer, the Bill shall be deemed to belong to the Law Department.

40. Notwithstanding anything contained in rule 31, measures designed solely to codify and consolidate existing enactments and legislation of a formal character such as repealing and amending Bills may be initiated in the Law Department:

Provided that the Law Department shall send a copy of the draft Bill to the Department which is concerned with the subject matter, for consideration as an administrative measure and the Department to which it is sent shall forthwith make such enquiries as it thinks fit and shall send to the Law Department its opinion thereon together with a copy of every communication received by it on the subject.

41. (1) Whenever a private member of the Legislative Assembly gives notice of his intention to move for leave to introduce a Bill, the Law Department shall forthwith send a copy of the Bill and the Statement of Objects and Reasons for information to the Chief Minister and to the Department to which the case belongs.

(2) The Bill shall be dealt with as a case by the Law Department in the first instance, where it shall be considered in its technical aspects, such as, need for previous sanction of the President or the Administrator and the competence of the Legislative Assembly to enact the measure and thereafter the Law Department shall forward the case with its opinion to the Department to which it belongs.

(3) If any provisions of such Bill involve expenditure from the Consolidated Fund of the Union territory, the Department shall, before it is circulated, prepare, in consultation with the Finance Department, the financial memorandum in respect of the Bill.

42. The provisions of rule 41 shall apply, as far as may be, to amendments of substance recommended by the Select Committee and also to all amendments, notice of which is given by members of the Legislature for being moved during the consideration of a bill in that legislature.

43. (1) When a Bill has been passed by the Legislative Assembly, it shall be examined in the Department concerned and the Law Department and shall be presented to the Administrator with –

(a) a report of the Secretary of the Department concerned as to the reasons, if any, why the Administrator's assent should not be given; and

(b) a report of the Law Secretary as to the reasons, if any, why the Administrator's assent should not be given or the Bill should not be reserved for the consideration of the President.

(2) Where the Administrator directs that the bill should be reserved for the consideration of the President or returned to the Legislative Assembly, together with a message for reconsideration as is mentioned in the first proviso to section 25 of the Act, necessary action in that behalf shall be taken by the Secretary to the Administrator in consultation with the Secretary of the Administrative Department concerned and the Law Secretary.

(3) After obtaining the assent of the Administrator or the President, as the case may be, the Law Department shall take steps for the publication of the Bill in the Official Gazette as an Act of the Legislative Assembly.

44. Whenever it is proposed in any Department (other than the Law Department)-

(i)to issue a statutory rule, notification or order;

(ii)to sanction under a statutory power the issue of any rule, bye-law, notification or order by a subordinate authority; or

(iii) to submit to the Central Government any draft statutory rule, notification or order for issue by them;

the draft shall be referred to the Law Department for opinion and for revision where necessary.

45. (1) All administrative department shall consult the Law Department on -

(a) the construction of Statutes, Acts, Regulations and statutory rules, orders and notifications;

(b) any general legal principles arising out of any case;

(b) the institution or withdrawal of any prosecution at the instance of any administrative department; and

(c) the preparation of important contracts to be entered into by the Government.

(2) Every such reference shall be accompanied by an accurate statement of the facts of the case and the point or points on which the advice of the Law Department is desired.

CHAPTER-IV

DISPOSAL OF BUSINESS RELATING TO ADMINISTRATOR'S EXECUTIVE FUNCTIONS REFERRED TO IN SUB-RULE (2) OF RULE 4

46. The Administrator may, by standing orders in writing, regulate the transaction and disposal of the business relating to his executive functions referred to in sub-rule (2) of rule 4:

Provided that the standing orders shall be consistent with the provisions of this Chapter, Chapter V and the instructions issued by the Central Government from time to time:

Provided further that in the exercise of his functions with respect to the property of the Union situated within the Union territory, the Administrator shall act in consultation with the Council.

47. (1) With respect to persons serving in connection with the administration of the Union territory, the Administrator shall exercise such power and functions as may be entrusted to him under the rules and orders regulating the conditions of service of such persons or by any other order of the President.

(2) In the exercise of the powers and functions referred to in sub-rule (1), the Administrator shall act in consultation with the Chief Minister.

(3) Notwithstanding anything contained in sub-rule (1) or sub-rule (2), the Administrator shall consult the Union Public Service Commission on all matters in which the Commission is required to be consulted under clause (3) of article 320 of the Constitution; and in every such case shall not make any order otherwise than in accordance with the advice of the Union Public Service Commission unless authorised to do so by the Central Government.

(4) All correspondence with the Union Public Service Commission and the Central Government regarding recruitment and conditions of service of persons serving in connection with the administration of the Union territory shall be conducted by the Chief Secretary under the direction of the Administrator.

48. In regard to any matter referred to in sub-rule (2) of rule 4 and in respect of which no specific provisions has been made in the foregoing rules in this Chapter, the Administrator may, if he deems fit, either consult his Council or the Chief Minister, before exercising his powers or discharging his functions in respect of that matter.

CHAPTER V

REFERENCES TO THE GOVERNMENT OF INDIA

49. The Administrator may refer to the Central Government any draft Bill before it is introduced in the Legislature of the Union territory. When a draft Bill is referred to the Central Government under this rule, the advice of the Central Government shall be awaited before the Bill is introduced in the Legislature of the Union territory.

50. In case of difference of opinion between the Administrator and a Minister in regard to any matter referred to in sub-rule (1) of rule 4, the Administrator shall endeavour by discussion of the case to settle any point on which such difference of opinion has arisen. Should the difference of opinion persist, the Administrator may direct that the case be referred to the Council.

51. In case of difference of opinion between the Administrator and the Council with regard to any matter referred to in sub-rule (1) of rule 4, the Administrator shall refer it to the Central Government for the decision of the President and shall act according to the decision of the President.

52. Where a case is referred to the Central Government in pursuance of rule 51, it shall be competent for the Administrator to direct that action shall be suspended pending the decision of the President on such case or, in any case where the matter is in his opinion so urgent that it is necessary that immediate action should be taken, to give such direction as he deems necessary.

53. Where a direction has been given by the Administrator in pursuance of rule 52, the Minister concerned shall take action to give effect to such direction.

54. (1) In respect of each financial year, the Administrator shall have a development plan (which shall represent the approved phase for the year in the Five Year Plan for the Union territory) drawn up with such details as the Central Government may be order prescribe,

(2) After the annual plan has been considered by the Administrator and his Council, it shall be referred to the Central Government for approval.

55. (1) The Form of the annual financial statement of the Union territory (including the grants and appropriations in which it shall be divided) and the procedure for obtaining the approval of the President to this statement shall be such as the Central Government may by order prescribe,

(2) Each demand for grant or appropriation shall be so drawn up as to indicate separately the provision for plan schemes and the provision for non-plan expenditure,

56. (1) The Administrator shall refer to the Central Government every Bill which --

(a) If passed by the Legislative Assembly, is required to be reserved for the consideration of the President under sub-section (2) of section 21 or, as the case may be, under the second proviso to section 25, of the Act;

(b) relates to any matter enumerated in the Concurrent List in the Seventh Schedule to the Constitution;

(c) attracts the provisions of article 304 of the Constitution as applicable to the Union territory;

(d) relates to any matter which may ultimately necessitate additional financial assistance from the Central Government through substantive expenditure from the Consolidated Fund of the Union territory or abandonment of revenue or lowering of the rate of any tax;

(e) pertains to any matter relating to Universities;

(f) affects or is likely to affect the interests of any minority community, Scheduled Caste or Backward Class.

(2) Subject to the provisions of any instructions which may from time to time be issued by the Central Government, the Administrator shall make a prior reference to the Central Government in the Ministry of Home Affairs or to the appropriate Ministry with a copy to the Ministry of Home Affairs, in respect of the following matters, namely:-

(a) all important cases raising questions of policy;

(b) cases affecting the relations of the Central Government with any State Government, the Supreme Court or any High Court or the Court of Judicial Commissioner;

(c) proposals for appointment of the Chief Secretary, Development Commissioner, Finance Secretary, Law Secretary, Inspector General of Police, and appointments to posts which carry an ultimate salary of Rs.2,000/- per mensem or more;

(d) Inter-sectional alteration in plan schemes; and

(e) non-delegated financial powers.

57. Notwithstanding anything contained in these Rules, a prior reference shall be made to the Central Government or Chief Engineer, Central Public Works Department or such other engineering officers as the Central Government may prescribe, in regard to all matters relating to public work undertaken by the Government of the Union territory in which the sanction of the Central Government or Chief Engineer or other, engineering officers aforesaid, as the case may be, is required under the Central Public Works Code or Orders of the Central Government issued in that behalf.

58. When a matter has been referred by the Administrator to the Central Government or any other authority under these Rules, further action thereon shall not be taken except in accordance with the decision of that Government or authority.

CHAPTER – VI

MISCELLANEOUS

59. The Chief Secretary and the Secretary of the Department concerned are severally responsible for the careful observance of these Rules and when either of them considers that there has been any material departure from them, he shall personally bring it to the notice of the Minister-in-charge, the Chief Minister and the Administrator.

SCHEDULE

(See rules 9 and 10)

1. Cases relating to summoning and prorogation and dissolution of the Legislative Assembly, removal of disqualification of voters at elections to the Legislative Assembly, fixing of dates of elections to the Legislative Assembly and other connected matters.

2. The annual financial statements to be laid before the Legislature and demands for supplementary, additional or excess grants.

3. Cases in which the attitude of the Council to any resolution or Bill to be moved in the Legislature is to be determined.

4. Proposals for the imposition of a new tax or any change in the method of assessment or the pitch of any existing tax or land revenue or irrigation rates.

5. Any proposal which effects the finances of the of the Union territory which has not the consent of the Finance Minister.

6. Any proposal for re-appropriation to which the consent of the Finance Minister is required and has been withheld.

7. Proposals involving the alienation, either temporary or permanent, or of sale, grant or lease of Government property exceeding rupees three thousand in value or the abandonment or reduction of revenue exceeding that amount except when such alienation, sale, grant or lease of Government property is in accordance with the rules or with a general scheme already approved by the Council.

8. The annual audit review of the finance of the Union territory and the report of the Public Accounts Committee.

9. Proposals involving any important change in policy or practice.

10. Proposed circulars embodying important changes in the administrative system of the Union territory.

11. Any proposal for the institution or withdrawal of a prosecution by Government against the advice tendered by the Law Department.

12. Proposals for the creation or abolition of any public office the maximum remuneration of which exceed rupees two hundred and fifty.

13. Appointment of Committees of Inquiry on the initiative of the Government or in pursuance of a resolution passed by the Legislature of the Union territory and reports of such Committees.

14. Cases required by the Administrator or Chief Minister to be brought before the Council.

15. Omitted.

16. Proposals relating to rules to be made under proviso to section 33(1) of the Act.

17. Draft Bills and proposals for legislation.

18. Proposals for reference to President for decision on questions arising as to whether a member of the Legislative Assembly has become subject to any disqualification under section 14(1) of the Act; any proposal to recover or to waive recovery of the penalty due under section 15, of the Act.

19. Proposals to vary or reverse a decision previously taken by the Council.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

No.F.10/5/63-SH(R)-I New Delhi-11, the 1st July, 1963.

NOTIFICATION

In exercise of the powers conferred by article 239 of the Constitution and Section 46 of the Government of Union Territories Act, 1963 (20 of 1963), and all other powers enabling him in that behalf, and in super session of the existing rules and orders on the subject, the President is pleased to make the following Rules, namely:-

1) Short Title: - These Rules may be called the Business of the Government of Puducherry (Allocation) Rules, 1963.

2) Definitions: - In these Rules unless the context otherwise requires:-

(a) "the act" means the Government of Union Territories Act, 1963 (20 of 1963);

(b) "the Administrator" means the Administrator of the Union Territory of Puducherry;

(c) "the Council" means the Council of Ministers appointed under Section 44 of the Act;

(d) "the Government" means the Government of Union of Territory of Puducherry.

(e) "Secretary" means a Secretary in a department and include Secretary to the Administrator, and Chief Secretary and

(f) "Schedule" means a schedule appended to these Rules.

3) Allocation of subjects to departments etc: - The entire business of the Government shall be transacted in the Department and offices (all of which are hereinafter referred to as "Department") specified in the schedule and shall be classified and distributed between those Departments and offices as laid down therein.

Provided that the Administrator may, from time to time make such additions to, or modifications in the list of business allotted to a Department as he thinks fit.

4) Allocation of Departments among Ministers: - The Administrator shall, in consultation with the Chief Minister, allocate to the Ministers so much of business of the Government as relates to matters with respect to which the Council is required under Section 44 of the Act to aid and advise the Administrator in the exercise of his functions and for that purpose assign one or more Departments to the charge of a Minister:

Provided that nothing in this rule shall prevent the assignment of one department to the charge of more than one Minister.

5) Official head of Departments:- There shall be a Secretary for each Department who shall be the official head of that Department:

Provided that:-

a) more than one Department may be placed in charge of the same secretary;

b) the work of a Department may be divided between two or more secretaries.

A.N. MEHTA
Director Gen-Puducherry,
Ministry of External Affairs.

GOVERNMENT OF PUDUCHERRY
CONFIDENTIAL AND CABINET DEPARTMENT
(*G.O.Ms. No.49, dated 16th April 1985.*)

ORDER

Notification dated 13th March 1985 of the Government of India, Ministry of Home Affairs is published for general information.

F. PAHNUNA,
Chief Secretary to Government.

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

New Delhi, the 13th March, 1985.

NOTIFICATION

In exercise of the powers conferred by article 239 of the Constitution and Section 46 of the Government of Union Territories Act, 1963 (20 of 1963), and all other powers enabling him in that behalf, the President makes the following rules to amend the Business of the Government of Puducherry (Allocation) Rules, 1963, namely:-

1. These rules may be called the Business of the Government of Puducherry (Allocation) Amendment Rules, 1985.

2. In the Business of the Government of Puducherry (Allocation) Rules, 1963, for the schedule, the following Schedule shall be substituted, namely:-

THE SCHEDULE
(see rule 3)

I. *Confidential and Cabinet Department*:

1. Political and Confidential matters
2. Cabinet Affairs, including dissolution of the Legislative Assembly and Governor's address.
3. Rules of Business and Allocation of Business Rules
4. Defence of India Act and Rules
5. Anti-Corruption and Vigilance
6. All matters connected with 'Militarv'
7. Control over the Administrators of Karaikal, Mahe and Yanam
8. Matters relating to Southern Zonal Council
9. All matters relating to Raj Nivas
10. Salaries and Allowances of Ministers, Speaker, Deputy Speaker / Members including Establishment of Council of Ministers.
11. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

II. *Home Department*:

1. Law and Order
2. Police i.e. all matters relating to Police Organisation of Puducherry including Armed Police, maintenance of Public Security.
3. Wireless

4. Arms Act – Arms, Fire Arms and Explosives,
5. National Integration
6. Foreigners / Passports and Visas
7. Jails
8. Citizenship and Naturalization
9. Extradition and Civil Processes.
10. Fire Services
11. Home Guards
12. Correspondence with the consulate General of France in Puducherry
13. Political Sufferers
14. Civil Defence
15. Freedom Fighters
16. Preventive Detention
17. Linguistic Minorities
18. Rehabilitation of Ex-servicemen
19. Recruitment / posting / promotion and transfer of all posts exclusive to this Department

III. *General Administration Department*:

1. National Holidays and Ceremonial Occasions
2. Visits of V.I.Ps.
3. Stationery and Printing including Government Press
4. Government Gazette
5. Administration Report
6. Secretariat Library
7. Central Records Branch
8. Printing Presses
9. Newspapers and Periodicals
10. Telephones / Liveries
11. Office Accommodation
12. Information
13. Publicity
14. Staff Cars
15. Protocol
16. Official Language
17. Post and Telegraph
18. Guest Houses
19. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

IV. *Department of Personnel and Administrative Reforms*:

1. All matters relating to I.A.S, I.P.S and P.C.S. cadres
2. Advice on recruitment rules
3. Correspondence with U.P.S.C.

4. Civil list
5. Discipline and Appeal relating to the Services
6. Service conditions of Ex-French employees
7. Organisation and Methods Inspection / Work Study
8. Administrative Reforms
9. Reservation of vacancies for SC / ST / Ex-Servicemen etc.
10. Reservation for physically handicapped
11. Training of Administrative personnel
12. Departmental Examinations and test for common categories
13. Deputation and Foreign Service
14. Office Procedure / Office Manual
15. Administrative Inspections
16. All matters relating to recruitment / posting / transfer and promotion of all common category posts.

V. *Finance Department*:

1. Budget and Accounts of the Union Territory
2. Rules and orders regarding control of expenditure and financial procedures.
3. Interpretation of Financial and Accounts Rules
4. Scrutiny of Financial sanctions
5. Delegation of financial powers
6. Pension and Gratuity
7. Provident Funds
8. The Consolidated Fund of the Union Territory
9. The Contingency Fund of the Union Territory
10. The Chief Ministers Discretionary Grant / The Chief Minister's Welfare Fund / Compassionate Funds.
11. Finance Committee / Estimates Committees / Public Accounts Committee
12. Report of the Auditor General / Controller General
13. Stamps
14. Commercial Taxes
15. Financial Resources
16. Financial Inspections
17. National Small Savings Scheme / Compulsory Deposit Scheme
18. Salaries and Allowances
19. Local Fund Audit
20. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

VI. *Revenue Department*:

1. Land Revenue and Collection
2. Land Records and Tenures, Land Records Survey and Settlement

3. Recoveries of Public Demands
4. Lease of Government lands
5. Acquisition and Requisition of lands on behalf of the Government
6. Registration
7. Relief to victims of natural calamities
8. Weights and Measures
9. House Rent Control
10. Land Records
11. Excise
12. Cinematograph Act
13. Civil Supplies
14. Prevention of Adulteration of food stuffs and other articles
15. Gold Control
16. Cement Control
17. Licencing of Rice Mills and matters connected with wheat products
18. Urban land ceiling
19. Treasure Trove
20. Eviction of unauthorized occupants from public premises
21. Administration of Hindu Religious Institutions / Endowments
22. Wakfs
23. Money lenders, money lending, chit funds
24. Procurement of paddy and rice
25. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

VII. *Planning Department*:

1. Planning in all aspects, including First year Plans
2. Economics and Statistics
3. Census
4. Liaison with Institutional Financing Agencies
5. Training of technical personnel
6. Monitoring and Evaluation
7. Research
8. Coordination
9. Manpower Planning
10. Non-conventional sources of energy
11. Computerisation
12. Science and Technology
13. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

VIII. *Department of Rural Development*:

1. Agriculture
2. Animal Husbandry including Dairying

3. Fisheries
4. Co-operation
5. Community Development
6. Rural Employment Schemes / Programmes
7. Soil Conservation
8. Wild Life and Forestry
9. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

IX. *Department of Industrial Development*:

1. Industries
2. Power
3. Port
4. Tourism
5. Handlooms / Power looms
6. Handicrafts
7. Distribution of scarce raw materials to industries
8. Geology and Mines
9. Iron, Steel and Coal Control
10. Commerce
11. Civil Aviation
12. Transport
13. Railways
14. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

X. *Health and Welfare Department*:

1. (a) Medical
   (b) Public Health
   (c) Family Welfare
   (d) Nursing School (ESI)
   (e) Drug control.

2. (a) Scheduled Caste Welfare
   (b) Social Welfare- (i) Nutrition
   (ii) Child Welfare
   (iii) Women Welfare
   (iv) Handicapped Welfare
   (v) Social Defence
   (vi) Welfare of the aged and inform destitutes widows etc.
   (c) Other Backward Classes Welfare.

3. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

XI. *Education Department*:

1. Pre-primary Education
2. Primary Education
3. Middle and Secondary Education
4. Higher Secondary Education
5. Collegiate Education / University Education
6. Technical Education
7. Continuing Education
8. Adult Education
9. Physical Education
10. Audio-visual Education
11. N.C.C
12. Bal Bhavans
13. Sports
14. Youth Services
15. Art and Culture-
    (a) Libraries
    (b) Museums
    (c) Archives
    (d) Academies
    (e) Grant-in-aid for voluntary Cultural Organisations
    (f) Protection of Ancient and Historical Monuments.
16. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

XII. *Local Administration and Public Works Department*:

1. Municipalities
2. Commune Panchayats / Village Panchayats
3. Comite de Bienfaisance
4. Housing
5. Town and Country Planning
6. Urban Development and Planning Authorities
7. Environment
8. Slum Improvement
9. Public Health Engineering
10. Drinking Water Supply and Sanitation
11. Drainage ad Sewerage
12. Buildings
13. Roads and Bridges etc.
14. Irrigation and Flood Control
15. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

XIII. *Law Department*:

1. Drafting and Scrutiny of Bills and Statutory Rules, Notifications, Orders and Bye-law.
2. Administration of justice including courts
3. Appeals against acquittals and applications for enhancements of sentences
4. Advice on all legal matters
5. Supervision of Government Litigation, including appointment and remuneration of Government Pleaders, Public Prosecutors, special Counsels, etc.
6. Legacies and Inter-State properties.
7. Ex-French Laws and Rules and their interpretation
8. Elections
9. Legal Practitioner and Bar Councils
10. Civil Law Procedures
11. Official receivers
12. Notary Public
13. Judicial Reforms
14. Legal Aid to Weaker Sections
15. Scrutiny of Agreement
16. Writing off any decretal dues
17. Arbitrators
18. Translation of State Acts and Rules, Regulation etc. into Tamil and other languages.
19. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

XIV. *Labour Department*:

1. All matters relating to Labour Welfare, including conditions of Labour, Minimum Wages, Provident Funds and Amenities for Labour.
2. National Employment Services and Employment Exchange
3. Industrial and Labour Disputes, Conciliation and Arbitration.
4. Resettlement of Labour
5. Factories and Boilers
6. Apprentices Training
7. Trade Unions
8. Employees' State Insurance
9. Shops and Commercial Establishments
10. Bounded Labour
11. All other matters pertaining to conditions of employment including Industrial Training Institutes.
12. Recruitment / posting / promotion and transfer of all posts exclusive to this Department.

H.V. GOSWAMI,
Joint Secretary to the Government of India,
(U-11022 / 2 / 85-UIL)

GOVERNMENT OF PUDUCHERRY
NOTIFICATION

Puducherry, the July 1, 1963

G.S.R. 1-In exercise of the powers conferred by sub-section (3) of Section 46 of the Government of Union Territories Act, 1963 (20 of 1963) and in supersession of the existing orders in this behalf, the Administrator hereby makes the following rules, namely,

1. (1) These Rules may be called the Puducherry Authentication (Orders and other Instruments) Rules, 1963.

(2) It shall come into force at once.

***[**"2. The orders and other instruments made and executed in the name of the Administrator shall be authenticated, -

(a) by the signature of the Chief Secretary, a Secretary including the Secretary to the Administrator, a Deputy Secretary or an Under Secretary in any of the departments of the Government or by any officer conferred with ex-officio status of a Secretary, Joint Secretary, Deputy Secretary or Under Secretary in any of the departments of the Government;

(b) in the case of orders and other instruments relating to the Finance Department by the Budget Officer of the Finance Department, Puducherry; and

(c) in the case of orders and other instruments relating to the Legislative Assembly Department, by the Editor of Debates of the Legislative Assembly Department, Puducherry"**]**.

***** Amended vide Notification in GO Ms. No.26 dt. 7.5.1984 of the General Administration Department, Puducherry and published in Extra-ordinary Pt. II Gaz. No.11 dated 18.5.1984. These rules have come into force w.e.f 18.05.1984.

GOVERNMENT OF PUDUCHERRY
APPOINTMENTS DEPARTMENT.

No.1-210/65 Appts.

Puducherry, the 6th February, 1965

MEMORANDUM.

The Notification F.No.5/4/65-GP dated the 11th January 1965 of the Government of India, Ministry of Home Affairs, New Delhi, is republished in the Gazette.

P.L. SAMY,
Under Secretary to Government.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
New Delhi, dated the 11th January, 1963.
NOTIFICATIONS

G.S.R. In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the Administrator of Puducherry shall exercise the power to make rules in regard to the following matters, namely –

(i) the method of recruitment to the Central Civil Services and Posts Class II Class III and Class IV under his administrative control in connection with the affairs of the Union Territory;

(ii) the qualifications necessary for appointment to such services and posts; and

(iii) the conditions of service of persons appointed to such services and posts for the purposes of probation, confirmation, seniority and promotion

Provided that the powers conferred by this Notification shall not be exercisable in respect of such services and posts as are borne on a cadre common to two or more Union Territories.

(F.No.5/4/65-GP.)

V.P. MALHOTRA,
Deputy Secretary (GP).

GOVERNMENT OF PUDUCHERRY
APPOINTMENTS DEPARTMENT

No.1210/66/Appts

Puducherry, the 26th November 1966.

NOTIFICATION

The following Notifications G.S.R. dated 24th October 1966 and G.S.R. dated 9th November 1966 of the Government of India, Ministry of Home Affairs are republished in the State Gazette.

P.L. SAMY,
Under Secretary to Government.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi the 24th October 1966.

NOTIFICATION

G.S.R. In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the conditions of service of the ex-French employees of the Union Territory of Puducherry, namely:-

1. Short title and Commencement:

(1) These rules may be called the Puducherry ex-French Employees (Conditions of Service) Rules, 1966.
(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition:

In these rules, unless the context otherwise requires--
(a) "appointed day" means the 1st day of November 1954;
(b) "ex-French employee" means a person who was a civil servant or an employee of ex-French establishments of Puducherry (other than a person who belonged to the Metropolitan Cadre-or the General Cadre of France d'outre-Mer Ministry) and who was taken in the service of the Government of India with effect from the appointed day and who is continuously in the service of that Government since that day;
(c) "Puducherry" means the territories specified in entry 9 of the First Schedule to the Constitution.

3. Conditions of service of ex-French employees:

Until any order to the contrary is made by the President, the conditions of service of every ex-French employee who is appointed to and Central Civil Service or post shall be the same as those of a person appointed to a corresponding Central Civil Service or post and every such ex-French employee shall be governed by the same rules (including the Central civil Services Classification, Control and Appeal) Rules, 1965 and orders as are for the time being applicable to a person appointed to a corresponding Central Civil Service or post.

Provided that until any provision is made in this behalf, the scales of pay and rates of dearness allowances admissible to every such ex-French employee shall be determined in accordance with the orders which were in force immediately before the commencement of these rules;

Provided further that the Administrator of Puducherry may, from time to time, in the case of an ex-French employee who draws pay at rate or scale of pay admissible to an employee of the corresponding category of the Government of Madras, revise such rate or scale of pay so as to bring such rate or scale of pay on par with the rates or scales of pay which the government of Madras may, from time to time, sanction for its employees of the corresponding categories.

Provided further that until any order is made by the President to the contrary, every ex-French employed shall continue to be governed by the rules which were in force immediately before the commencement of these rules with regard to the remuneration, leave and pension admissible to such employee.

4. Rules not to apply to matters relating to Probation, Confirmation, etc.

Nothing contained in these rules shall apply to probation, confirmation, security or promotion in respect of ex-French employees in relation to whom the Administrator of Puducherry has been authorized by the notification of the Government of India in the Ministry of Home Affairs, No. F. 5/4/65-GP, dated the 11th January 1965 to make rules under the proviso to article 309 of the constitution.

5. Rules not to apply to certain ex-French temporary employees:

Nothing contained in these rules shall apply to any ex-French temporary employee who has, after the appointed day, exercised his option voluntarily to come over to equivalent scales of pay of the post in the corresponding category in the Government of Madras.

6. Repeal

All rules and orders relating to matters in respect of which provision has been made in these rules, in so far as they are applicable to ex-French employees and are inconsistent with the provisions of these rules, are hereby repealed:

Provided that:-

(a) such repeal shall not affect the previous operation of any such rules or orders which were in force before the commencement of these rules or anything done or any action taken thereunder;

(b) any proceeding under the said rules or orders pending at the commencement of these rules shall be continued and disposed of so far as may be, in accordance with the provisions of these rules and orders as if these rules have not been made.

V.P. MALHOTRA,
Deputy Secretary to the Govt. of India.

GOVERNMENT OF INDIA
Ministry of Home Affairs

New Delhi-11, the 9th November 1966.

NOTIFICATION

GSR --- In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules, namely:

1. Short title, Commencement and Application:

1. The rules may be called the Puducherry Administration (Conditions of service of Employees) Rules, 1966.
2. They shall come into force on the date of their publication in the official gazette.
3. They shall apply to all persons appointed to Civil Services and posts under the Administrative control of the Administrator of the Union Territory of Puducherry other than Ex-French Employees, as defined in the Puducherry Ex-French Employees (Conditions of Service) Rules, 1966.

2. Conditions of service of persons appointed to Central Civil Services and posts under the Administrative control of the Administrator of Puducherry:

The conditions of service of all persons appointed to the Central Civil Services and posts, Class I, Class II, Class III, and Class IV, under the Administrative control of the Administrator of Puducherry (hereinafter in this rule referred to as 'employee') shall, subject to any other provision made by the President, be the same as the conditions of service of persons appointed to other corresponding Central Civil Services and posts and shall be governed by the same rules and orders as are for the time being applicable to the latter category of persons;

Provided that the scales of pay and dearness and other allowances granted to such employees shall, until any other provision is made in this behalf continue to be governed by the orders in force immediately before the commencement of these rules;

Provided further that in the case of employees if they are drawing pay at the rates or scales of pay admissible to the corresponding categories of employees of the Madras Government, it shall be competent for the Administrator to revise the rates or, scales of pay of such employees so as to bring them on par with the rates and scales of pay which may be sanctioned by the Madras Government from time to time for the corresponding categories of employees.

4. Rules not to apply to matters relating to probation Confirmation, Seniority and Promotion:

Nothing contained in these rules shall apply to probation, confirmation, seniority and promotion in respect of persons in relation to whom the Administrator of Puducherry has been authorized under the Notification of the Government of India in the Ministry of Home Affairs No.F.5(4)/65-GP, dated the 11th January 1965, to make rules under the proviso to article 309 of the constitution.

5. Repeal:

All rules and orders relating to matters for which provision is made in Rule 2 in so far as they are applicable to persons referred to therein, and are inconsistent with the provisions of these rules are hereby repealed;

Provided that –

a. such repeal shall not effect the previous operation of the said rules or orders or anything done or any action taken thereunder:
b. any proceeding under the said rules or orders pending at the commencement of these rules shall be continued and disposed of, as far as may be, in accordance with the provisions of the rules and orders made applicable under Rule 2.

Sd/-
(V.P. MALHOTRA)
DEPUTY SECRETARY TO THE GOVT. OF INDIA

GOVERNMENT OF PUDUCHERRY

Legislative Assembly Department

(G. O. Ms. No. 6, dated 25th February 1986)

NOTIFICATION

In exercise of the powers conferred by section 14A of the Government of Union Territories Act, 1963 (Central Act 20 of 1963) read with paragraph 8 of the Tenth Schedule to the Constitution of India, the Speaker, Puducherry Legislative Assembly, hereby makes the following rules, namely:-

1. Short title.- These rules may be called the Members of Puducherry Legislative Assembly (Disqualification on ground of Defection) Rules, 1986.

2. Definitions.- In these rules, unless the context otherwise requires.-

(a) 'Act' means the Government of Union Territories Act, 1963 (Central Act 20 of 1963);

(b) 'Assembly' means the Puducherry Legislative Assembly;

(C) 'Bulletin' means the Bulletin Part-II of the Assembly;

(d) 'Committee' means the Committee of Privileges of the Assembly;

(e) 'Form' means the Committee of Privileges of the Assembly;

(f) 'date of commencement', in relation to these rules means the date on which these rules take effect under section 14A of the Act read with sub-paragraph (2) of paragraph 8 of the Tenth Schedule;

(g) 'House' means the Assembly;

(h) 'Leader', in relation to a legislature party, means a member of the party chosen by it as its leader and includes any other member of the party authorised by the party to act, in the absence of the leader as, or discharge the functions of, the leader of the party for the purposes of these rules;

(i) 'member' means a member of the 'Assembly;

(j) 'Tenth Schedule' means the Tenth Schedule to the Constitution of India;

(k) 'Secretary' means the Secretary to the Assembly and includes any person for the time being performing the duties of the Secretary.

3. Information to be furnished by leader of a legislature party.- (1)The leader of each legislature party (other than a legislature party consisting of only one member) shall, within thirty days after the first sitting of the House, or, where such legislature party is formed after the first sitting, within thirty days after its formation, or, in either case within such further period as the Speaker may for sufficient cause allow, furnish the following to the Speaker, namely:-

(a) a statement (in writing) containing the names of members of such legislature party together with other particulars regarding such members as in Form-I and the names and designations of the members of such party who have been authorised by it for communicating with the Speaker for purposes of these rules;

(b) a copy of the rules and regulations (whether known as such or as constitution or by any other name) of the political party concerned ; and

(c) where such legislature party has any separate set of rules and regulations (whether known as such or as constitution or by any other name), also a copy of such rules and regulations.

(2) Where a legislature party consists of only one member, such member shall furnish a copy of the rules and regulations mentioned in clause (b) of sub-rule (1) to the Speaker, within thirty days after the first sitting of the House or, where he has become a member of the House after the first sitting, within thirty days after he has taken his seat in the House, or, in either case within such further period as the Speaker may for sufficient cause allow.

(3) In the event of any increase in the strength of a legislature party consisting of only one member, the provisions of sub-rule (1) shall apply in relation to such legislature party as if such legislature party had been formed on the first date on which its strength increased.

(4) Whenever any change takes place in the information furnished by the leader of a legislature party under sub-rule (1) or by a member under sub-rule (2), he shall, within thirty days thereafter, or within such further period as the Speaker may for sufficient cause allow, furnish in writing information to the Speaker with respect to such change.

(5) In the case of the House in existence on the date of commencement of these rules, the reference in sub-rules (1) and (2) to the date of the first sitting of the House shall be construed as a reference to the date of commencement of these rules.

(6) where a member belonging to any political party votes or abstain from voting in the House contrary to any direction issued by such political party or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority, the leader of the legislature party concerned or where such member is the leader, or as the case may be, the sole member of such legislature party, such member, shall, as soon as may be after the expiry of fifteen days from the date of such voting or abstention, and in any case within thirty days from the date of such voting or abstention, inform the Speaker as in Form-II whether such voting or abstention has or has not been condoned by such political party, person or authority.

Explanation : A member may be regarded as having abstained from voting only when he, being entitled to vote, voluntarily refrained from voting.

4. Information etc. to be furnished by members.- (1) Every member who has taken his seat in the House before the date of commencement of these rules shall furnish to the Secretary within thirty days from such date or within such further period as the Speaker may for sufficient cause allow, a statement of particulars and declaration as in Form-III

(2) Every member who takes his seat in the House after the commencement of these rules shall, before making and subscribing an oath or affirmation under section 11 of the Act and taking his seat in the House deposit with the Secretary, his election certification or, as the case may be, a certified copy of the notification nominating him as a member and also furnish to the Secretary, a statement of particulars and declaration as in Form-III.

Explanation : For the purposes of this sub-rule, "Election Certificate" means the certificate of election issued under the Representation of the People Act, 1951 (Central Act 43 of 1951) and the rules made thereunder.

(3) A summary of the information furnished by the members under this rule shall be published in the Bulletin and if any discrepancy therein is pointed out to the satisfaction of the speaker, necessary corrigendum shall be published in the Bulletin.

5. Register of information as to members.- (1) The Secretary shall maintain, as in Form-IV, a register based on the information furnished under rules 3 and 4 in relation to the members.

(2) The information in relation to each member shall be recorded on a separate page in the Register.

6. Reference to be by petitions.- (1) No reference of any question as to whether a member has become subject to disqualification under the Tenth Schedule shall be made except by a petition in relation to such member made in accordance with the provisions of this rule.

(2) A petition in relation to a member may be made in writing to the Speaker by any other member;

Provided that a petition in relation to the Speaker shall be addressed to the secretary.

(3) The Secretary shall,-

a) as soon as may be after the receipt of a petition under the proviso to sub-rule (2) make a report in respect thereof to the House; and

b) as soon as may be after the House has elected a member in pursuance of the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule place the petition before such member.

(4) Before making any petition in relation to any member, the petitioner shall satisfy himself that there are reasonable grounds for believing that a question has arisen as to whether such member has become subject to disqualification under the Tenth Schedule.

(5) Every Petition,-

a) shall contain a concise statement of the material facts on which the petitioner relies ; and

b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and where the petitioner relies on any information furnished to him by any person, a statement containing the names and addresses of such persons and the gist of such information as furnished by each such person.

(6) Evert petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil procedure, 1908 (Central Act 5 of 1908), for the verification of pleadings.

(7) Every annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

7. Procedure.- (1) On receipt of a petition under rule 6, the Speaker shall consider whether the petition complies with the requirements of the rule.

(2) If the petition does not comply with the requirements of rule 6, the Speaker shall dismiss the petition and intimate the petitioner accordingly.

(3) If the petition complies with the requirements of rule 6, the Speaker shall cause copies of the petition and of the annexures thereto to be forwarded,-

a) To the member in relation to whom the petition has been made ; and

b) Where such member belongs to any legislature party and such petition has not been made by the leader thereof, also to such leader, and such member or leader shall, within seven days of the receipt of such copies, or within such further period as the Speaker may for sufficient cause allow, forward his comments in writing thereon to the Speaker.

(4) After considering the comments, if any, in relation to the petition, received under sub-rule (3) within the period allowed (Whether originally or on extension under that sub-rule), the Speaker may either proceed to determine the question or, if he is satisfied, having regard to the nature and circumstances of the case that it is necessary or expedient so to do, refer the petition to the Committee for making a preliminary inquiry and submitting a report to him.

(5) The Speaker shall, as soon as may be after referring a petition to the Committee under sub-rule (4), intimate the petitioner accordingly and make an announcement with respect to such reference in the House, or, if the House is not then in session, cause the information as to the reference to be published in the Bulletin.

(6) Where the Speaker makes a reference under sub-rule (4) to the Committee, he shall proceed to determine the question as soon as may be after receipt of the report from the Committee.

(7). The procedure which shall be followed by the Speaker for determining any question ***[**…..**]** and the procedure which shall be followed by the Committee for the purpose of making a preliminary inquiry under sub-rule (4) shall be, so far as may be, the same as the procedure for inquiry and determination by the Committee of any question as to breach of privilege of the House by a member, and neither the Speaker nor the Committee shall come to any finding that a member has become subject to disqualification under the Tenth Schedule without affording a reasonable opportunity to such member to represent his case and to be heard in person.

(8). The provisions of sub-rules (1) to (7) shall apply with respect to a petition in relation to the Speaker as they apply with respect to a petition in relation to any other member and for this purpose, reference to the Speaker in these sub-rules shall be construed as including references to the member elected by the House under the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule.

8. Decision on petitions.- (1) At the conclusion of the consideration of the petition, the Speaker or, as the case may be, the member elected under the

proviso to sub-paragraph(1) of paragraph 6 of the Tenth Schedule shall by order in writing,-

(a) dismiss the petition, or

(b) declare that the member in relation to whom the petition has been made has become subject to disqualification under the Tenth Schedule, and cause copies of the order to be delivered or forwarded to the petitioner, the member in relation to whom the petition has been made and to the leader of the legislature party, if any, concerned.

(2) Every decision declaring a member to have become subject to disqualification under the Tenth Schedule shall be reported to the House forthwith if the House is in session, and if the House is not in session, immediately after the House reassembles.

(3) Every decision referred to in sub-rule (1) shall be published in the Bulletin and notified in the official gazette and copies of such decision forwarded by the Secretary to the Election Commission of India and the Government of Puducherry.

9. Directions as to detailed working of these rules.- The Speaker may from time to time, issue such directions as he may consider necessary in regard to the detailed working of these rules.

FORM-I

[See rule 3 (1) (a) **]**

Name Of the legislature party: Name of the corresponding political party:

Sl. No.	Name of the member (in block letters)	Father's / Husband's Name	Permanent address	Name of the Constituency from which elected
(1)	(2)	(3)	(4)	(5)

Date : Signature of the leader of the legislature party.

***** Deleted vide GO Ms.No.10 dated 7.11.86 of the Legislative Assembly Dept, Puducherry.

FORM-II
[See rule 3 (6)]

To

The Speaker,
Legislative Assembly,
Puducherry.

Sir,

At the sitting of the House held on …….. (date) during voting of …… (subject-matter)……

*****Thiru……...M.L.A. (…… Assembly Constituency) member of Political party), and Member of …….. (name of legislature party) had Voted / abstained from voting.

*****I,……(name of the member) M.L.A. (…….. Assembly Constituency) member of …….. (name of the Political party) and leader of /sole member of …….. (name of legislature party) Voted / abstained from voting.

contrary to the direction issued by…… + (***** person / authority / party) without obtaining the perior permission of the said + person / authority / party.

2. On (date) …….. the aforesaid matter was considered by …….. + (***** person / authority / party) and the said ***** voting / abstention was ***** condoned / was condoned by ***** him / it.

Yours faithfully.
(Signature)

Date:

***** Strike out inappropriate words/portions.

+ Here mention the name of the person / authority / party, as the case may be, who had issued the direction.

FROM-III

[See rule 4**]**

1. Name of the member : (in block letters)
2. Father's / husband's name :
3. Permanent address :
4. Puducherry address :
5. Date of election / nomination :
6. Party affiliation as on -
   (i) Date of election / nomination :
   (ii) Date of signing this form :

DECLARATION

I …….. hereby declare that the information given above is true and correct.

In the event of any change in the information above, I undertake to intimate the Speaker immediately.

Signature / thumb-Impression of member.

Date:

FROM-IV

[See rule 5 1) **]**

Name of the member (in block letters)	Father's / Husband's name	Permanent address	Puducherry address	Name of the Assembly Constituency from which, elected	Date of election / nomination	Name of political party to which he belongs	Name of legislature party to which he belongs	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

S. VAITHYANATHAN,
SECRETARY.

THE PONDICHERRY (ALTERATION OF NAME) ACT, 2006

[No.44 of 2006]

[September 13, 2006]

An Act to alter the name of the Union territory of Pondicherry

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

Prefatory Note-statement of Objects and Reasons.- The people of Pondicherry have been demanding since long renaming of the Union territory of Pondicherry as the Union territory of Puducherry on the basis that in the ancient time the said territory was known as Puducherry. The Legislative Assembly of Pondicherry passed an official resolution on the 15th October, 1980 requesting the Government of India to pass necessary legislation for altering the name of Pondicherry. The proposal was also approved by the Council of Ministers of the Union territory of Pondicherry. Subsequently, in 1996, the Council of Ministers reiterated their request for changing the name of Pondicherry as Puducherry and forwarded the proposal to the Government of India for approval. Further, in 1999, the Chief Minister of Pondicherry again reiterated the proposal for change of name of the Union territory of Pondicherry.

1. Therefore, it has been decided to introduce a Bill for the purpose of altering the name of the Union territory of Pondicherry to Union territory of Puducherry by amending, inter alia, the-

(a) Part VIII of the Constitution;
(b) First Schedule of the Constitution;
(c) Fourth Schedule of the Constitution; and
(d) Government of Union Territories Act, 1963.

2. The Bill seeks to achieve the above object.

1. Short title and commencement,- (1) This Act may be called the **Pondicherry (Alteration of Name) Act, 2006.**

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "appointed day" means the date appointed under sub-section (2) of Section 1 for the coming into force of this Act;

(b) "appropriate Government" means the Central Government, and as respects a law relating to a matter enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to the Union territory of Puducherry, also the administrator of the Union territory of Puducherry;

(C) "law" includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the Union territory of Pondicherry;

3. Alteration of name of the Union territory of Pondicherry.-As from the appointed day, the Union territory of Pondicherry shall be known as the Union territory of Puducherry.

4. **Amendment of Part VIII of the Constitution.-**In part VIII of the Constitution, for the word "Pondicherry", wherever it occurs, the word "Puducherry" shall be substituted.

5. **Amendment of First Schedule to the Constitution.-**In the First Schedule to the Constitution, under the heading "II. THE UNION TERRITORIES", in Entry 6, under the column "Name", for the word "Pondicherry", the word "Puducherry" shall be substituted.

6. **Amendment of Fourth Schedule to the Constitution.-**In the fourth Schedule to the Constitution, under the heading "TABLE", in Entry 30, in the second column, for the word "Pondicherry", the word "Puducherry", shall be substituted.

7. **Amendment of Section 2 of Act 20 of 1963.-**In the Government of Union Territories Act, 1963, in Section 2, in sub-section (i), in clause (h), for the word "Pondicherry", the word "Puducherry" shall be substituted.

8. **Power to adapt laws.-**(1) For the purpose of giving effect to the alteration of the name of the Union territory of Pondicherry by section 3, the appropriate Government may, before the expiration of one year from the appointed day, by order, make such adaptations and modifications of any law made before the appointed day, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

(2) Nothing in sub-section (1) shall be deemed to prevent Parliament or Legislative Assembly of the Union territory of Puducherry or other competent authority from repealing or amending any law adapted or modified by the appropriate Government under the said sub-section.

9. **Power to construe laws.-** Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law, may construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

10. **Legal proceedings.-** where immediately before the appointed day any legal proceedings are pending to which the administrator of the Union territory of Pondicherry is a party, or the Union of India represented by the said administrator is a party, then, for the purposes of those proceedings, any reference to the administrator of the Union territory of Pondicherry shall be construed as a reference to the administrator of the Union territory of Puducherry.

Ministry of Home Affairs, Noti. No. S.O.1627(E), date September 28, 2006, p**[**ublished in the Gazette of India, Extra., Part II, Section 3(ii), dated 28th September, 2006, p.1 No.1139. **[**F.No. U-13034/35/96-GP(UTL)**]**

In exercise of the powers conferred by sub-section (2) of section 1 of the **Pondicherry (Alteration of Name) Act, 2006** (44 of 2006), the Central Government hereby appoints the 1st day of October, 2006 as the date on which the provisions of the said Act shall come into force.

GOVERNMENT OF PUDUCHERRY
LAW DEPARTMENT
(G.O. Ms. No. 27/2007-LD, dated 21st September 2007)

ORDER

Whereas the Union territory of Pondicherry has been made known as the Union territory of Puducherry with effect from the 1st day of October 2006 by virtue of section 3 of the Pondicherry (Alteration of Name) Act, 2006 (Central Act 44 of 2006) read with notification issued under S.O. 1627(E), dated 28th day of September 2006 of the Ministry of Home Affairs, New Delhi;

And whereas in pursuance of section 8 of the said Act, the Administrator of the Union territory of Puducherry, may, for the purpose of giving effect to the alteration of the name as the Union territory of Puducherry, by order, make such adaptations and modifications of any law, relating to a matter enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to the Union territory of Puducherry, whether by way of repeal or amendment, as may be necessary or expedient:

Now, therefore, in exercise of the powers conferred by the said section 8 and all other powers enabling him in this behalf, the Administrator, Puducherry hereby makes the following order, namely:-

1. (1) This order may be called the Puducherry Adaptation of Laws Order, 2007.
   (2) It shall be deemed to have come into force on the 1st day of October 2006.
2. (1) In this order "appointed day" means the 1st day of October 2006.

   (2) "Law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the Union territory of Puducherry before the appointed day, relating to a matter enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution, in so far as any such matter is applicable in relation to the Union territory of Puducherry.

   (3) The General Clauses Act, 1897 (Central Act 10 of 1897) may apply for the interpretation of this order, as it applies for the interpretation of a Central Act and the Acts of the legislature of the Union territory of Puducherry.

3. As from the appointed day, the laws specified in section 4 shall, until altered, repealed or amended by a competent authority or competent legislature, have effect, subject to such adaptations and modifications as directed in this order.

4. (a) In the short title of every law, namely:-

(i)every Act of the Legislative Assembly of the Union territory of Puducherry;

(ii) every Regulation made by the President of India;

(iii) every Ordinance promulgated by the Administrator of the Union territory of Puducherry: and

(iv) every order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the Union territory of Puducherry before the appointed day, relating to a matter enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution, in so far as any such matter is applicable in relation to the Union territory of Puducherry,-

the word "Pondicherry" shall be substituted by the word "Puducherry" and

(b) wherever the word "Pondicherry" or the expression "Union territory of Pondicherry" occurs in any such law, there shall be substituted therefor the word "Puducherry" or the expression "Union territory of Puducherry" respectively.

5. Notwithstanding anything contained in this order, the name of the town shall be retained as "the Pondicherry Town" eventhough the name of the Union Territory has been altered and named as "the Union territory of Puducherry".

Ministry of Law and Justice (Legislative Dept.), Noti, No. G.S.R. 628(E), dated September 26, 2007, published in the Gazette of India, Extra., Part II, Section 3(i), dated 26th September, 2007, pp. 4-7, No. 436

Whereas, under sub-section (1) of Section 8 of the Pondicherry (Alteration of Name) Act, 2006 (44 of 2006), the Central Government is empowered, by order, to make such adaptations and modifications of any law made before the 1st day of October, 2006, as may be necessary or expedient for the purpose of giving effect to the alteration of the name of the Union Territory of Pondicherry;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 8 of the said Act, the Central Government hereby makes the following order, namely:-

1. (1) This order may be called the Pondicherry (Alteration of Name) Adaptation of Laws Order, 2007.
   (2) It shall be deemed to have come into force on the 1st day of October, 2006.
2. The General Clauses Act, 1897 (10 of 1897) shall apply for the interpretation of this order as it applies for the interpretation of a Central Act.
3. The laws mentioned in the Schedule to this order shall, until altered, repealed or amended by Parliament or other competent authority, have effect subject to the adaptations and modifications directed in that Schedule.

SCHEDULE

De Facto Agreement, dated 21st October, 1954

In Articles 18,25,29,30,31 for "Pondicherry", substitute "Puducherry".

The French Establishments, (Administration) Order, 1954
(Notification S.R.O. 3314, dated 30th October, 1954)

In Section 2 for "Pondicherry", substitute "Puducherry".

The French Establishments, (Application of Laws) Order, 1954
(Notification S.R.O. 3315, dated 30th October, 1954)

In Section 2 for "Pondicherry", substitute "Puducherry".
In the Schedule for "Pondicherry", wherever it occurs, substitute "Puducherry".

The Essential Commodities (Application to the State of Pondicherry) Order, 1956
(Notification S.R.O. 215/63-GP/56, dated 24th January, 1956)

In the long title for "Pondicherry", substitute "Puducherry";
In Clause 1 and 2, for "Pondicherry", substitute "Puducherry".

The Land Improvement Loans and Agriculturists' Loans (Application to the State of Pondicherry) Order, 1956
(Notification S.R.O.214/62-GP/56, dated 24th January, 1956)

In the long title for "Pondicherry", substitute "Puducherry";
In Clause 1 and 2, for "Pondicherry", substitute "Puducherry".

The Standards of Weights and Measures (Application to the State of Pondicherry) Order, 1958

(Notification S.O. 1686, dated 13th August, 1958)

In the long title for "Pondicherry", substitute "Puducherry";

In Clause 1, 2, for "Pondicherry", substitute "Puducherry".

The Pondicherry (Application of Motor Vehicles Act) Order, 1959

(Notification S.R.O. 715, dated the 27th June, 1959)

In the long title for "Pondicherry", substitute "Puducherry";

In Clauses 1, 2, 3 and 4, for "Pondicherry", substitute "Puducherry".

The Essential Services Maintenance (Application to the State of Pondicherry) Order, 1960

(Notification S.O. 1716, dated the 9th July, 1960)

In the long title for "Pondicherry", substitute "Puducherry";

In Clauses 1, 3, 4 and 5 for "Pondicherry", substitute "Puducherry".

The Requisitioning and Acquisition of Immovable Property (Application to the State of Pondicherry) Order, 1960

(Notification S.R.O. 5, dated the 26th December, 1960)

In the long title for "Pondicherry", substitute "Puducherry";

In Clause 1 and 2, for "Pondicherry", substitute "Puducherry".

The Sugar Export Promotion (Application to the State of Pondicherry) Order, 1961

(Notification S.R.O. 623, dated the 19th April, 1961)

In the long title for "Pondicherry", substitute "Puducherry";

In Clauses 1 and 2, for "Pondicherry", substitute "Puducherry".

The Pondicherry Weights and Measures (Enforcement) Order, 1961

(Notification number G.S.R. 1147, dated the 7th September, 1961)

In the long title for "Pondicherry", substitute "Puducherry";

In Clauses 1, 2 and 3, for "Pondicherry", wherever it occurs, substitute "Puducherry".

The Pondicherry (Regulation of Sugar Production) Order, 1962

(Notification number G.S.R. 71, dated the 15th January, 1962)

In the long title for "Pondicherry", substitute "Puducherry";

In Clauses 1, 2 and 3, for "Pondicherry", wherever it occurs, substitute "Puducherry".

The Telegraph (Application to the State of Pondicherry) Order, 1962

(Notification number G.S.R. 224, dated the 1st February, 1962)

In the long title for "Pondicherry", substitute "Puducherry";

In Clauses 1, 2 and 3, for "Pondicherry", substitute "Puducherry".

The collection of Statistics (Application to the State of Pondicherry) Order, 1962

(Notification number S.O. 1089, dated 2nd April, 1962)

In the long title for "Pondicherry", substitute "Puducherry";

In Clauses 1 and 2 for "Pondicherry", wherever it occurs, substitute "Puducherry".

The Citizenship (Pondicherry) Order, 1962

(Notification number G.S.R. 1640, dated the 29th November, 1962)

In the long title for "Pondicherry", substitute "Puducherry";

In the Notification Number G.S.R. 1557 dated the 24th November, 1962, for "Pondicherry", wherever it occurs, substitute "Puducherry".

In the Notification Number S.O. 4 dated the 20th December, 1962, for "Pondicherry", wherever it occurs, substitute "Puducherry".

In the Notification Number S.O. 3865 dated the 29th December, 1962, for "Pondicherry", wherever it occurs, substitute "Puducherry".

In the Notification Number G.S.R. 132 dated the 15th January, 1963, for "Pondicherry", wherever it occurs, substitute "Puducherry".

In the Notification Number G.S.R. 362 dated the 27th February, 1963, for "Pondicherry", wherever it occurs, substitute "Puducherry".

In the Notification Number S.O. 1000 dated the 21st March, 1965, for "Pondicherry", wherever it occurs, substitute "Puducherry".

In the Notification Number S.O. 907(E) dated the 3rd December, 1976, for "Pondicherry", wherever it occurs, substitute "Puducherry".

In the Notification Number S.O. 33(E) dated the 13th January, 1984, for "Pondicherry", wherever it occurs, substitute "Puducherry".

In the Notification Number S.O. 322(E) dated the 11th April, 1997, for "Pondicherry", wherever it occurs, substitute "Puducherry".

The Treaty of Cession of the French Establishments of Pondicherry, Karaikal, Mahe and Yanam

In the long title for "Pondicherry", substitute "Puducherry";

In articles, for "Pondicherry", wherever it occurs, substitute "Puducherry".

The Pondicherry (Administration) Act, 1962 (49 of 1962)

In the long title for "Pondicherry", substitute "Puducherry";

In Clauses 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18 and 20, for "Pondicherry", wherever it occurs, substitute "Puducherry".

The Taxation Laws (Extension to Union Territories) Regulation, 1963 (3 of 1963)

In the long title for "Pondicherry", substitute "Puducherry";

Section 2. – In Clause (b), for "Pondicherry", substitute "Puducherry";

Section 3. – (i) In sub-section (1), for "Pondicherry", substitute "Puducherry";

(ii) In sub-section (2), for "Pondicherry", substitute "Puducherry";

In the Schedule, in Column 4 relating to modifications, for "Pondicherry", wherever it occurs, substitute "Puducherry".

The Pondicherry (Laws) Regulation, 1963 (7 of 1963)

In the long title for "Pondicherry", substitute "Puducherry";

Section 1. – In sub-section (1), for "Pondicherry", substitute "Puducherry";

In Section 2, 3, 4, 5, 6, 7, and 8. - for "Pondicherry", wherever it occurs, substitute "Puducherry".

In the First Schedule in Column 4 relating to modification, for "Pondicherry", wherever it occurs, substitute "Puducherry".

In the Rules of Business of the Government of Pondicherry, 1963, for "Pondicherry", wherever it occurs, substitute "Puducherry".

The Constitution (Pondicherry) Scheduled Castes Order, 1964 (Notification number G.S.R. 419, dated the 5th March, 1964)

In the long title for "Pondicherry", substitute "Puducherry";

In Clauses 1 and 2. - for "Pondicherry", substitute "Puducherry".

The Companies (Profits) Surtax Act, 1964 (7 of 1964)

In Section 24 for "Pondicherry", substitute "Puducherry".

The Police Forces (Restriction of Rights) Act, 1966 (33 of 1966)

In the Notification Number G.S.R. 1122, dated the 20th July, 1967 regarding coming into force of the Act in the Union Territory, in exercise of the powers conferred by clause (a) of sub-section (3) of Section 1, for "Pondicherry", *substitute* "Puducherry".

The Pondicherry (Extension of Laws) Act, 1968 (26 of 1968)

In the long title for "Pondicherry", *substitute* "Puducherry";

Section 1. – In the short title, for "Pondicherry", *substitute* "Puducherry";

In Sections 2, 3, 4, 5, 6, and 7. - For "Pondicherry", wherever it occurs, *substitute* "Puducherry".

The Schedules, (i) in Part I, in Column 4 relating to modifications, for "Pondicherry", wherever it occurs, *substitute* "Puducherry".

(ii) In Part II, in Column 5 relating to modifications, for "Pondicherry", wherever it occurs, *substitute* "Puducherry".

The Patents Act, 1970 (39 of 1970)

Section 2. - In sub-Clause (vi) of clause (i) of sub-section (1), for "Pondicherry", *substitute* "Puducherry".

The North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971)

Section 10. – In Clause (a), in Item 23 for "Pondicherry", *substitute* "Puducherry".

Section 13. – In Clause (b), for "Pondicherry", *substitute* "Puducherry".

The Wild Life (Protection) Act, 1972 (53 of 1972)

In the Notification Number G.S.R. 62(E), dated the 1st March, 1975, regarding coming into force of the Act in the Union Territory, in exercise of the powers conferred by sub-section (3) of Section 1, for "Pondicherry", *substitute* "Puducherry".

The Delimitation Act, 1972 (76 of 1972)

Section 4. – In the second proviso, for "Pondicherry", *substitute* "Puducherry".

The Coconut Development Board Act, 1979 (5 of 1979)

Section 4. - In the Clause (h) of sub-section (4), of Section 4, for "Pondicherry", *substitute* "Puducherry".

The Auroville (Emergency Provisions) Act, 1980 (59 of 1980)

In the opening paragraph, for "Pondicherry", *substitute* "Puducherry".

The Indian Veterinary Council Act, 1984 (52 of 1984)

In the Notification Number S.O. 3248, dated the 27the June, 1985, regarding coming into force of the Act in the Union Territory, in exercise of the powers

conferred by sub-section (3) of Section 1, for "Pondicherry", *substitute* "Puducherry".

The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (46 of 1988)

Section 10. – In Explanation 1 in clause (iv), for "Pondicherry", *substitute* "Puducherry".

The Constitution (Scheduled Castes) Orders (Second Amendment) Act, 2002 (61 of 2002)

Section 2. – (i) In Sub-section (5), for "Pondicherry", *substitute* "Puducherry".

(ii) In Schedule V, for "Pondicherry", *substitute* "Puducherry".

The National Commission for Minority Educational Institutions Act, 2004 (2 of 2005)

In the Schedule, at Serial Number 3, for "Pondicherry", *substitute* "Puducherry".

The Food Safety and Standards Act, 2006 (34 of 2006)

In the First Schedule in Zone V, in Item 7, for "Pondicherry", *substitute* "Puducherry"`.

THE PUDUCHERRY (LAWS) REGULATION, 1963

(No. 7 of 1963.)

Promulgated by the President in the Fourteenth year of the Republic of India.

A Regulation to extend certain laws to the Union territory of Puducherry.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him: -

1. *Short title and commencement.* - (1) This Regulation may be called the Puducherry (Laws) Regulation, 1963.

(2) It shall come into force at once.

2. *Definitions.* - In this Regulation, unless the context otherwise requires. –

(a) "Act" means an Act or Ordinance specified in the First Schedule;

(b) "Chief Commissioner" means the Administrator of Puducherry;

(c) "Puducherry" means the Union territory of Puducherry.

3. *Extension with amendments of certain laws to Puducherry and their commencement therein.* – The Acts as they are generally in force in the territories to which they extend, shall extend to, and come into force in, Puducherry on the 1st day of October, 1963, subject to the modifications, if any specified in the First Schedule.

4. *Repeal and saving.* - (1) Any law in force in Puducherry or any area thereof corresponding to any Act referred to in section 3 shall stand repealed as from the coming into force of such Act in Puducherry; and all the laws specified in the Second Schedule are hereby repealed.

(2) Nothing in sub-section (1) shall affect ---

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made;

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, patent, permit or licence granted, or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act extended to Puducherry by this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

(3) Any law in force in Puducherry, corresponding to each of the following Acts, namely: -

(i) The Indian Soldiers (Litigation) Act, 1925 (4 of 1925),

(ii) The Registration of Foreigners Act, 1939 (16 of 1939),

(iii) The Foreigners Act, 1946 (31 of 1946),

(iv) The Forward Contracts (Regulation) Act, 1952 (74 of 1952).

(v) The Central Sales Tax Act, 1956 (74 of 1956).

shall be deemed to have been repealed with effect from the date of extension of that Act to Puducherry except as respects things done or omitted to be done thereunder before such repeal.

5. *Extension of rules, orders, etc., under certain laws.* - (1) All rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the provisions of any Act generally for the territories to which such Act extends shall, as from the commencement of the provisions of such Act in Puducherry, extend to, and come into force in, Puducherry.

(2) Notwithstanding anything contained in sub-section (1), no rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the following Acts, namely: -

(i) The Indian Explosives Act, 1884 (4 of 1884);

(ii) The Petroleum Act, 1934 (30 of 1934);

(iii) The Inflammable Substances Act, 1952 (20 of 1952).

shall extend to and come into force in, Puducherry unless the Central Government by notification in the Official Gazette, otherwise directs.

6. *Rules of construction.* – (1) In any Act or in any of the rules, notifications, orders, regulations and bye-laws made or issued thereunder and extended to Puducherry by this Regulation. --

(a) any reference to any provision of law not in force, or to any functionary not in existence, in Puducherry shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory:

Provided that ----

(i) if any question arises as to who such corresponding functionary is, or

(ii) if there is no such corresponding functionary,

the Chief Commissioner shall decide as to who such functionary will be and his decision shall be final;

(b) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Chief Commissioner.

(2) Where by any Act a power is conferred to make rules, regulations or bye-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, then that power may be exercised at any time after the making of this Regulation; but rules, regulations, bye-laws or orders so made or issued shall not take effect till the commencement of the Act in Puducherry.

(3) For the purpose of facilitating the application in relation to Puducherry of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

7. *Power to remove difficulties.* --- If any difficulty arises in giving effect in Puducherry to the provisions of any Act extended by this Regulation to that Union territory, the Central Government may, by order in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty, and any such order may provide for the transfer of any matter pending before any court, tribunal or other authority immediately before the commencement of such Act to any corresponding court, tribunal or authority for disposal.

8. *Amendment of Act 2 of 1934.* – In the Reserve Bank of India Act, 1934, in paragraph 4 of the First Schedule, for the words "Union territory of the Laccadive, Minicoy and Amindivi Islands". the words "Union territories of Puducherry and the Laccadive, Minicoy and Amindivi Islands" shall be substituted.

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THE FIRST SCHEDULE

(See section 2)

Year (1)	No. (2)	Short title (3)	Modifications (4)
1838	19	The Coasting-Vessels Act, 1838.	
1860	21	The Societies Registration Act, 1860.	
1860	45	The Indian Penal Code	
1861	5	The Police Act, 1861.	
1867	25	The Press and Registration of Books Act, 1867.	
1871	1	The Cattle-trespass Act, 1871.	
1872	1	The Indian Evidence Act, 1872.	
1873	5	The Government Savings Banks Act, 1873.	
1874	4	The Foreign Recruiting Act, 1874.	
1878	1	The Opium Act, 1878.	
1878	6	The Indian Treasure-trove Act, 1878.	
1882	2	The Indian Trusts Act, 1882.	
1884	4	The Indian Explosives Act, 1884.	
1886	11	The Indian Tramways Act, 1886.	
1888	3	The Police Act, 1888.	
1888	4	The Indian Reserve Forces Act, 1888.	
1889	1	The Metal Tokens Act, 1889.	
1890	6	The Charitable Endowments Act, 1890.	
1890	9	The Indian Railways Act, 1890.	
1894	1	The Land Acquisition Act, 1894.	
1895	10	The Indian Railway Companies Act, 1895.	
1897	4	The Indian Fisheries Act, 1897.	
1897	10	The General Clauses Act, 1897.	

Year (1)	No. (2)	Short title (3)	Modifications (4)
1898	3	The Lepers Act, 1898.	
1898	5	The Code of Criminal Procedure, 1898.	
1898	9	The Live-stock Importation Act, 1898.	
1901	2	The Indian Tolls (Army and Air Force) Act, 1901.	
1902	4	The Indian Tramways Act, 1902.	
1903	7	The Indian Works of Defence Act, 1903.	
1904	7	The Ancient Monuments Preservation Act, 1904.	
1905	4	The Indian Railway Board Act, 1905.	
1908	6	The Explosive Substances Act, 1908.	
1908	14	The Indian Criminal Law Amendment Act, 1908.	
1908	15	The Indian Ports Act, 1908.	
1911	2	The Indian Patents and Designs Act, 1911.	In Section 2, clause (7) insert the following sub-clause at the end --- "(g) in relation to the Union territory of Puducherry, the High Court at Madras.".
1912	4	The Indian Lunacy Act, 1912.	
1912	8	The Wild Birds and Animals Protection Act, 1912.	
1914	2	The Destructive Insects and Pests Act, 1914.	
1916	7	The Indian Medical Degrees Act, 1916.	
1917	1	The Inland Steam-vessels Act, 1917.	
1917	18	The Post Office Cash Certificates Act, 1917.	
1920	14	The Charitable and Religious Trusts Act, 1920.	
1923	3	The Cotton Transport Act, 1923.	
1923	6	The Cantonments (House Accommodation) Act, 1923.	
1923	8	The Workmen's Compensation Act, 1923.	
1923	14	The Indian Cotton Cess Act, 1923.	
1923	19	The Indian Official Secrets Act, 1923.	
1924	2	The Cantonments Act, 1924.	
1924	4	The Central Board of Revenue Act, 1924.	

Year (1)	No. (2)	Short title (3)	Modifications (4)
1925	12	The Cotton Ginning and Pressing Factories Act, 1925.	Sub-section (1A) of section 9 shall have effect as if for the words and figures "after the 27th day of February, 1939", the words "after the date of commencement of this Act" were substituted.
1925	19	The Provident Funds Act, 1925	
1925	26	The Indian Carriage of Goods by Sea Act, 1925.	
1926	16	The Indian Trade Unions Act, 1926.	
1927	16	The Indian Forest Act, 1927.	
1927	17	The Indian Lighthouse Act, 1927.	
1930	2	The Dangerous Drugs Act, 1930.	
1930	24	The Indian Lac Cess Act, 1930.	
1932	9	The Indian Partnership Act, 1932.	In Section 1, for sub-section (3), substitute--- "(3) It shall come into force at once except section 69, which shall come into force on the 1st day of July, 1964".
1932	22	The Tea Districts Emigrant Labour Act, 1932.	
1933	2	The Children (Pledging of Labour) Act, 1933.	
1933	17	The Indian Wireless Telegraphy Act, 1933.	
1934	19	The Indian Dock Labourers Act, 1934.	
1934	20	The Indian Carriage by Air Act, 1934.	
1934	30	The Petroleum Act, 1934.	
1936	4	The Payment of Wages Act, 1936.	
1937	1	The Agricultural Produce (Grading and Marking) Act, 1937.	
1938	4	The Insurance Act, 1938.	
1938	5	The Manoeuvres, Field Firing and Artillery Practice Act, 1938.	

Year	No.	Short title	Modifications
(1)	(2)	(3)	(4)
1938	20	The Criminal Law Amendment Act, 1938.	
1938	24	The Employers' Liability Act, 1938.	
1938	26	The Employment of Children Act, 1938.	Section 3B of the Act shall have effect as if for the reference to the 1st day of October, 1939, a reference to the date of expiry of one year from the commencement of the Act were substituted.
1940	23	The Drugs Act, 1940.	
1940	27	The Agricultural Produce Cess Act 1940.	
1942	18	The Weekly Holidays Act, 1942.	
1942	41	The Armed Forces (Special Powers) Ordinance, 1942.	
1944	10	The Indian Coconut Committee Act, 1944.	
1944	18	the Public Debt Act, 1944.	
1946	9	the Indian Oilseeds Committee Act, 1946.	
1946	20	The Industrial Employment (Standing Orders) Act, 1946.	
1946	25	The Delhi Special Police Establishment Act, 1946.	
1947	2	The Prevention of Corruption Act, 1947.	
1947	14	The Industrial Disputes Act, 1947.	
1947	15	The Armed Forces (Emergency Duties) Act, 1947.	
1947	24	The Rubber Act, 1947.	
1947	29	The Capital Issues (Control) Act, 1947.	
1947	48	The Indian Nursing Council Act, 1947.	Any reference to a citizen of India in the Act shall be construed as including a reference to a person of Puducherry origin who has opted to retain his French nationality in pursuance of the Treaty of Cession.

Year (1)	No. (2)	Short title (3)	Modifications (4)
1948	8	The Pharmacy Act, 1948.	
1948	9	The Dock Workers (Regulation of Employment) Act, 1948.	
1948	11	The Minimum Wages Act, 1948.	
1948	16	The Dentists Act, 1948.	Any reference to a citizen of India in the Act shall be construed as including a reference to a person of Puducherry origin who has opted to retain his French nationality in pursuance of the Treaty of Cession.
1948	34	The Employees' State Insurance Act, 1948.	
1948	53	The Oilfields (Regulation and Development) Act, 1948.	
1948	56	The Territorial Army Act, 1948.	
1948	61	The Central Silk Board Act, 1948.	
1948	63	The Factories Act, 1948.	
1949	8	The Seaward Artillery Practice Act, 1949.	
1949	38	the Chartered Accountants Act, 1949.	
1949	46	The Banking Companies (Legal Practitioners, Clients' Accounts) Act, 1949	
1950	4	The Preventive Detention Act, 1950.	
1950	12	The Emblems and Names (Prevention of Improper Use) Act, 1950.	
1950	40	The Army and Air Force (Disposal of Private Property) Act, 1950.	
1950	45	The Air Force Act, 1950.	
1950	46	The Army Act, 1950.	
1950	49	The Contingency Funds of India Act, 1950.	
1951	39	The Marking of Heavy Packages Act, 1951.	

Year (1)	No. (2)	Short title (3)	Modifications (4)
1951	51	The Railway Companies (Emergency Provisions) Act, 1951.	
1951	63	The State Financial Corporations Act, 1951.	
1951	65	The Industries (Development and Regulation) Act, 1951.	
1951	69	The Plantations Labour Act, 1951.	
1952	19	The Employees' Provident Funds Act, 1952.	
1952	20	The Inflammable Substances Act, 1952.	
1952	32	The Contempt of Courts Act, 1952.	
1952	36	The Indian Standards Institution (Certification Marks) Act, 1952.	
1952	46	The Criminal Law Amendment Act, 1952.	
1952	60	The Commissions of Inquiry Act, 1952.	
1952	62	The Reserve and Auxiliary Air Forces Act, 1952.	
1953	27	The Air Corporations Act, 1953.	
1953	49	The Salt Cess Act, 1953.	
1954	21	The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.	
1954	27	The Delivery of Books and Newspapers (Public Libraries) Act, 1954.	
1954	37	The Prevention of Food Adulteration Act, 1954.	
1954	43	The Special Marriage Act, 1954.	
1955	16	The Medicinal and Toilet Preparations (Excise Duties) Act, 1955.	
1955	22	The Untouchability (Offences) Act, 1955.	

Year	No.	Short title	Modifications
(1)	(2)	(3)	(4)
1955	23	The State Bank of India Act, 1955.	
1955	25	The Hindu Marriage Act, 1955.	In section 2, after sub-section (2), insert --- "(2A) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the Renoncants of the Union territory of Puducherry.".
1955	51	The Railway Stores (Unlawful Possession) Act, 1955.	
1956	1	The companies Act, 1956.	(i) Insert the following as section 2B – "2B. *Construction of certain references in the application of the Act to Puducherry.* – In the application of this Act to the Union territory of Puducherry --- (a) references to the dates specified in sections 37 (1) and (2) and 125 (1) shall be construed as references to the 1st day of November, 1954; (b) reference to the 1st day of December, 1949, in sub-section (4) of section 89 shall be construed as a reference to the 1st day of April, 1956; (c) references to the dates specified in sections 294 (3) (a), 295 (6) and 618 shall be construed as references to the commencement of this Act in that Union territory; (d) reference to the 15th day of August, 1956 in sub-section (4) of section 325 shall be construed as a reference to the date of expiry of three months from the commencement of this Act in that Union territory; (e) references to the 15th day of August, 1960, in section 330 and sub-

			section (1) of section 332 shall be construed as references to the date of expiry of two years from the commencement of this Act in that Union territory;
			(f) reference to the 1st day of March, 1958, in section 361 shall be construed as a reference to the 1st day of March, 1964.".
			(ii) In section 3 (1) (ii), after sub-clause (3) of clause (f), insert --- "or (4) in the Union territory of Puducherry or any part thereof, before the commencement of the Indian Companies Act, 1913, therein;".
1956	30	The Hindu Succession Act, 1956.	In section 2, after sub-section (2), insert– "(2A) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the Renoncants of the Union territory of Puducherry.".
1956	33	The Inter-State Water Disputes Act, 1956.	
1956	48	The National Highways Act, 1956.	
1956	49	The River Boards Act, 1956.	
1956	53	The Lok Sahayak Sena Act, 1956.	
1956	61	The Khadi and Village Industries Commission Act, 1956.	
1956	69	The Terminal Tax on Railway Passengers Act, 1956.	
1956	102	The Indian Medical Council Act, 1956.	(i) Any reference to a citizen of India in the Act shall be construed as including a reference to a person as Puducherry origin who has opted to retain his French nationality in pursuance of the Treaty of Cession;

Year (1)	No. (2)	Short title (3)	Modifications (4)
1956	102	The Indian Medical Council Act, 1956. *Cont..*	(ii) In sub-section (2) of section 13, omit the word "and" at the end of clause (a) and insert the following as clause (c) --- "and (c) before the 16th day of August, 1962, by a medical institution in the former French Establishments in India, "; (iii) Omit the following entries from the Second Schedule --- "Puducherry Medical School, Puducherry ... Medicine de' Ecole de Puducherry (Diploma)."; (iv) At the end of Part I of the Third Schedule, add the following --- "Ecole de Medicine .. Diploma de Ecole Medicine, Puducherry .. D.E.M.P.".
1957	14	The Copyright Act, 1957.	
1957	20	The Coal Bearing Areas (Acquisition and Development) Act, 1957.	
1957	23	The Railway Protection Force Act, 1957.	
1957	46	The Cantonments (Extension of Rent Control Laws) Act, 1957.	
1957	58	The Additional Duties of Excise (Goods of Special Importance) Act, 1957.	
1957	62	The Navy Act, 1957.	
1957	67	The Mines and Minerals Regulation and Development) Act, 1957.	Sub-section (1) of section 16 and section 30 A shall have effect as if for the words and figures "before the 25th day of October, 1949", the words "before the commencement of this Act" were substituted.

Year (1)	No. (2)	Short title (3)	Modifications (4)
1958	24	The Ancient Monuments and Archaeological Sites and Remains Act, 1958.	
1958	27	The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958.	
1958	32	The Public Premises (Eviction of Unauthorised Occupants) Act, 1958.	
1958	43	The Trade and Merchandise Marks Act, 1958.	
1958	44	The Merchant Shipping Act, 1958.	
1959	23	The Cost and Works Accountants Act, 1959.	
1959	31	The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959.	
1959	43	The Oil and Natural Gas Commission Act, 1959.	
1959	46	The Government Savings Certificates Act, 1959.	
1959	54	The Arms Act, 1959.	
1960	59	The Prevention of Cruelty to Animals Act, 1960.	
1960	60	The Children Act, 1960.	
1961	23	The Criminal Law Amendment Act, 1961.	
1961	27	The Motor Transport Workers Act, 1961.	
1961	47	The Deposit Insurance Corporation Act, 1961.	
1961	52	The Apprentices Act, 1961.	
1961	53	The Maternity Benefit Act, 1961.	

THE SECOND SCHEDULE

(See section 4)

1. All laws relating to Fete Legale (Legal Holidays).

2. All laws relating to local banishment and in particular ---

(i) Law of 9th July 1852;

(ii) Article 19 of Law dated the 27th May, 1885;

(iii) Decree dated the 30th October, 1935;

(iv) Act No. 50-374 dated the 29th March, 1950;

(v) Arrete No. 1434 dated the 28th September, 1950.

S. RADHAKRISHNAN.
President.

R.C.S. SARKAR,
Secretary to the Government of India.

THE PUDUCHERRY (EXTENSION OF LAWS) ACT, 1968

(No. 26 of 1968)

(24th May, 1968)

An Act to extend certain Central Acts to the Union territory of Puducherry.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows: -

Short title.

1. This Act may be called the Puducherry (Extension of Laws) Act, 1968.

Definitions.

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

(a) "Act" means an Act or the Ordinance specified in the Schedule;

(b) "Administrator" means the Administrator of Puducherry appointed by the President under article 239 of the Constitution;

(c) "Puducherry" means the Union territory of Puducherry,

Extension with amendments of certain laws to Puducherry and their commencement therein.

3. (1) The Acts specified in Part I of the Schedule as they are generally in force in the territories to which they extend and the Acts specified in Part II of the Schedule as they were in force on the 1st day of August, 1966 in the State or Union territory mentioned thereagainst shall extend to Puducherry, subject to the modifications, if any, specified in the Schedule.

(2) Notwithstanding anything contained in sub-section (1), or in the relevant provision, if any, of each such Act for the commencement thereof, the provisions of each such Act shall come into force in Puducherry on such date as the Administrator may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of any Act and any reference in any such provision to the commencement of the Act shall be construed as a reference to the coming into force of that provision.

Repeal and saving

4. (1) Any law in force in Puducherry or any area thereof corresponding to any Act referred to in sub-section (1) of section 3 or any part thereof (except in so far as such law continues to be applicable to Renoncants) shall stand repealed as from the coming into force of such Act in Puducherry.

(2) Nothing in sub-section (1) shall affect---

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act has not been passed:

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

Extension of rules, orders, etc., under certain laws.

5. All rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the provisions of any Act generally for the territories to which such Act extends shall, as from the commencement of the provisions of such Act in Puducherry, extend to, and come into force in, Puducherry.

Rules of construction.

6. (1) In any Act or in any of the rules, notifications, orders, regulations and bye-laws made or issued thereunder and extended to Puducherry by this Act, ---

(a) any reference to any provision of law not in force, or to any functionary not in existence, in Puducherry shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory:

Provided that ---

(i) if any question arises as to who such corresponding functionary is, or

(ii) if there is no such corresponding functionary, the Administrator shall decide as to who such functionary will be and his decision shall be final;

(b) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Administrator.

(2) For the purpose of facilitating the application in relation to Puducherry of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

Power to remove difficulties.

7. If any difficulty arises in giving effect in Puducherry to the provisions of any Act extended by this Act to Puducherry, the Central Government may, as occasion may require, by order, make such provisions or give such directions not inconsistent with the provisions of such Act as appear to it to be necessary for the purpose of removing the difficulty and any such order may provide for the transfer of any matter pending before any court, tribunal or other authority immediately before the commencement of such Act in Puducherry to any corresponding court, tribunal or authority for disposal :

Provided that no such order shall be made under this section in respect of any Act after the expiration of two years from the date on which such Act comes into force in Puducherry and in respect of an Act, the provisions of which are brought into force in Puducherry on different dates, the period of two years shall be reckoned with reference to the commencement of the relevant provision as specified in the proviso to sub-section (2) of section 3.

THE SCHEDULE

[See section 3 (1)]

PART - I

Year (1)	No. (2)	Short title (3)	Modifications (4)
1839	32	The Interest Act, 1839.	
1850	12	The Public Accountants' Default Act, 1850.	
1850	18	The Judicial Officers Protection Act, 1850.	
1850	21	The Caste Disabilities Removal Act, 1850.	
1851	8	The Indian Tolls Act, 1851.	
1855	12	The Legal Representatives Suits Act, 1855.	
1855	13	The Indian Fatal Accidents Act, 1855.	
1856	9	The Indian Bills of Lading Act, 1856.	
1856	12	The Civil Courts Amins Act, 1856.	
1859	9	The Forfeiture Act, 1859.	
1863	23	The Waste Lands (Claims) Act, 1863.	
1864	15	The Indian Tolls Act, 1864.	
1865	3	The Carriers Act, 1865.	
1866	2	The Converts, Marriage Dissolution Act, 1866.	After section 1, insert :- "2. Nothing contained in this Act shall apply to saving the Renoncants of the Union territory of Puducherry.".
1872	9	The Indian Contract Act, 1872.	
1872	15	The Indian Christian Marriage Act, 1872.	In section 1, at the end, insert: - "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Puducherry.".
1873	10	The Indian Oaths Act, 1873.	
1875	9	The Indian Majority Act, 1875.	In section 1, at the end, insert: - "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Puducherry.".
1880	1	The Religious Societies Act, 1880.	

Year (1)	No. (2)	Short title (3)	Modifications (4)
1880	12	The Kazis Act, 1880.	
1880	13	The Vaccination Act, 1880.	
1882	4	The Transfer of Property Act, 1882.	
1882	5	The Indian Easements Act, 1882.	
1882	7	The Powers-of-Attorney Act, 1882.	
1887	7	The Suits Valuation Act, 1887.	
1887	9	The Provincial Small Cause Courts Act, 1887.	
1890	1	The Revenue Recovery Act, 1890.	
1890	8	The Guardians and Wards Act, 1890.	In section 1, after sub-section (2), insert - "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Puducherry.".
1891	18	The Bankers' Books Evidence Act, 1891.	
1893	4	The Partition Act, 1893.	
1894	9	The Prisons Act, 1894.	
1897	3	The Epidemic Diseases Act, 1897.	
1899	4	The Government Buildings Act, 1899.	
1900	3	The Prisoners Act, 1900.	
1908	16	The Indian Registration Act, 1908.	
1914	9	The Local Authorities Loans Act, 1914.	
1916	15	The Hindu Disposition of Property Act, 1916.	In section 1, after sub-section (2), insert:- "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Puducherry.".
1917	5	The Destruction of Records Act, 1917.	
1918	10	The Usurious Loans Act, 1918.	
1919	12	The Poisons Act, 1919.	

Year (1)	No. (2)	Short title (3)	Modifications (4)
1920	5	The Provincial Insolvency Act, 1920.	
1920	10	The Indian Securities Act, 1920.	
1920	15	The Indian Red Cross Society Act, 1920.	
1920	33	The Identification of Prisoners Act, 1920.	
1921	18	The Maintenance Orders Enforcement Act, 1921.	
1922	7	The Emigration Act, 1922.	
1922	22	The Police (Incitement to Disaffection) Act, 1922.	
1923	5	The Indian Boilers Act, 1923.	
1928	12	The Hindu Inheritance (Removal of Disabilities) Act, 1928.	In section 1, in sub-section (3), add at the end : - "or to the Renoncants of the Union territory of Puducherry.".
1929	19	The Child Marriage Restraint Act, 1929.	In Section 1, after sub-section (2), insert:- "Provided that nothing contained in this Act, shall apply to the Renoncants of the Union territory of Puducherry.".
1930	3	The Sale of Goods Act, 1930.	
1930	30	The Hindu Gains of Learning Act, 1930.	
1936	3	The Parsi Marriage and Divorce Act, 1936.	In section 1, in sub-section (2), after the proviso, insert :--- "Provided further that nothing contained in this Act shall apply to the Renoncants of the Union territory of Puducherry.".
1937	26	The Muslim Personal Law (Shariat) Application Act, 1937.	In section 1, after sub-section (2), insert:- "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Puducherry.".

Year (1)	No. (2)	Short title (3)	Modifications (4)
1939	8	The Dissolution of Muslim Marriages Act, 1939.	In section 1, after sub-section (2), insert:- "Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Puducherry.".
1939	30	The Commercial Documents Evidence Act, 1939.	
1940	10	The Arbitration Act, 1940.	
1943	9	The Reciprocity Act, 1943.	
1944	38	The Criminal Law Amendment Ordinance, 1944.	
1945	..	The International Monetary Fund and Bank Act, 1945.	
1947	43	The United Nations (Security Council) Act, 1947.	
1947	46	The United Nations (Privileges and Immunities) Act, 1947.	
1948	41	The Diplomatic and consular Officers (Oaths and Fees) Act, 1948.	
1950	29	The Transfer of Prisoners Act, 1950.	
1950	64	The Road Transport Corporations Act, 1950.	
1950	74	The Telegraph Wires (Unlawful Possession) Act, 1950.	
1951	50	The Tariff Commission Act, 1951.	
1951	54	The Companies (Donations to National Funds) Act, 1951.	
1951	61	The All-India Services Act, 1951.	
1952	35	The Mines Act, 1952.	
1952	53	The Notaries Act, 1952.	
1954	29	The Wakf Act, 1954.	
1955	32	The Prisoners (Attendance in Courts) Act, 1955.	
1955	42	The Prize Competitions Act, 1955.	
1955	45	The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.	

Year (1)	No. (2)	Short title (3)	Modifications (4)
1956	3	The University Grants Commission Act, 1956.	
1956	31	The Life Insurance Corporation Act, 1956.	
1956	32	The Hindu Minority and Guardianship Act, 1956.	In section 3, after sub-section (2), insert:- "(2A) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the Renoncants of Union territory of Puducherry.".
1956	42	The Securities Contracts (Regulation) Act, 1956.	
1956	78	The Hindu Adoptions and Maintenance Act, 1956.	In section 2, after sub-section (2), insert:- "(2A) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the Renoncants of Union territory of Puducherry.".
1956	93	The Young Persons (Harmful Publications) Act, 1956.	
1956	96	The Slum Areas (Improvement and Clearance) Act, 1956.	
1956	104	The Suppression of Immoral Traffic in Women and Girls Act, 1956.	
1958	20	The Probation of Offenders Act, 1958.	
1958	21	The Rice-Milling Industry (Regulation) Act, 1958.	
1958	29	The Working Journalists (Fixation of Rates of Wages) Act, 1958.	
1958	42	The International Finance Corporation (Status, Immunities and Privileges) Act, 1958.	
1960	6	The Geneva Conventions Act, 1960.	

Year (1)	No. (2)	Short title (3)	Modifications (4)
1960	32	The International Development Association (Status, Immunities and Privileges) Act, 1960.	
1960	63	The Preference Shares (Regulation of Dividends) Act, 1960.	In section 1, after sub-section (2), insert:- "(3) Notwithstanding anything contained in sub-section (2), the provisions of this Act shall, in their application to the Union territory of Puducherry, have effect subject to the modifications specified in the Schedule". After section 7, add :- "**THE SCHEDULE** **[**See section 1 (3)**]** *Modifications of the Act in its application to the Union territory of Puducherry.* 1. Sections 3 and 4 shall be omitted. 2. In section 4A, for the words, brackets, letters and figures "twenty-seven and a half percent of the aggregate of (i) the stipulated dividend, and (ii) an amount equal to eleven per cent, of the stipulated dividend as specified in sub-section (3) of section 3", the following shall be substituted, namely: - "twenty-seven and a half per cent of the stipulated dividend :

Year (1)	No. (2)	Short title (3)	Modifications (4)
			Provided that in a case where the preference shares in respect of which the dividend is declared or paid form part of the preference share capital of a company which, in respect of the greater part of its total income, is entitled to a deduction from the tax chargeable from it under the Income-tax Act, 1961 (43 of 1961), under a notification issued by the Central Government under section 294A of that Act, the reference to twenty-seven and a half per cent, of the stipulated dividend shall be construed as a reference to --- (i) where the stimulated dividend in respect of such preference share is declared or paid in respect of the previous year relevant to the assessment year commencing on the 1st day of April, 1965, the said twenty-seven and a half per cent, as reduced by forty-five per cent thereof; (ii) Where such dividend is declared or paid in respect of the previous year relevant to the assessment year commencing on the 1st day of April, 1966, the said twenty-seven and a half per cent, as reduced by twenty-five per cent, thereof; (iii) Where such dividend is declared or paid in respect of the previous year relevant to the assessment year commencing on the 1st day of April, 1967, or the 1st day of April, 1968, or the 1st day of April, 1969, the said twenty-seven and a half per cent, as reduced by ten per cent, thereof.

Year (1)	No. (2)	Short title (3)	Modifications (4)
			Explanation. – For the removal of doubts it is hereby declared that any reference in this section to deduction made from a dividend on account of the income-tax payable by the company does not include any amount deducted by the company from that dividend under section 194 of the Income-tax Act, 1961 (43 of 1961).”. 3. In section 5, sub-section (2) shall be omitted. 4. Section 6 shall be omitted.”.
1961	25	The Advocates Act, 1961.	In section 3, in sub-section (1) --- (1) in clause (a), omit “Madras”; (2) re-letter clause (cc) (inserted by Regulation 8 of 1963) as clause (ccc) and before the clause as so re-lettered, insert: - “(cc) for the State of Madras and the Union territory of Puducherry to be known as the Bar Council of Madras:”. After section 58 A, insert: - “58AA. *Special provisions in relation to the Union territory of Puducherry.* – (1) Notwithstanding anything contained in this Act, all persons who, immediately before the date on which the provisions of Chapter III are brought into force in the Union territory of Puducherry, were entitled to practice the profession of law (whether by way of pleading or acting or both) under any law in force in the said Union territory or who would have been so entitled had they not been in public service on the said date, shall for the

purposes of clause (a) of sub-section (1) of section 17, be deemed to be persons who were entered as advocates on the roll of a High Court under the Indian Bar Councils Act, 1926, and every such person may, on an application made in this behalf within such time as may be specified by the Bar Council of Madras, be admitted as an advocate on the State roll maintained in respect of the said Union territory.

(2) Notwithstanding anything contained in this Act, every person who, immediately before the date on which the provisions of Chapter IV are brought into force in the Union territory of Puducherry, was practicing the profession of law (whether by way of pleading or acting or both or in any other way) by virtue of the provisions of any law in force in the said Union territory, who does not elect to be or is not qualified to be, enrolled as an advocate under sub-section (1), shall, notwithstanding the repeal of the relevant provisions of such law by the Puducherry (Extension of Laws) Act, 1968, continue to enjoy the same rights as respects practice in any court or revenue office or before any authority or person and be subject to the disciplinary jurisdiction of the same authority which he enjoyed, or, as the case may be, to which he was subject, immediately before the said date and accordingly the relevant provisions of the law aforesaid shall have effect in relation to such persons as if they had not been repealed.”.

1961	28	The Dowry Prohibition Act, 1961.
1961	45	The Foreign Awards (Recognition and Enforcement) Act, 1961.

PART II

Year	No.	Short title	In force in a State or a Union territory	Modifications
(1)	(2)	(3)	(4)	(5)
1870	7	The Court-fees Act, 1870.	As in force in the Union territory of Andaman and Nicobar Islands On the 1st day of August, 1966.	In section 2, for clause (b) substitute: -- '(b)"State Government" in relation to the Union territory of Puducherry means the Administrator thereof.'.
1899	2	The Indian Stamp Act, 1899.	As in force in the State of Madras on the 1st day of August, 1966.	In section 2, after clause (25), insert: - '(26) "State Government" in relation to the Union territory of Puducherry means the Administrator thereof.'. In section 3, omit the first and second provisos. In section 19A, --- (a) *for* "Presidency of Madras", *Substitute* "Union territory of Puducherry"; (b) *for* "Presidency", *substitute* "Union territory" In section 57, in sub-section (1), omit "and" at the end of clause (d) and after clause (e) insert: - "(ee) if it arises in the Union territory of Puducherry to the High Court of Madras.". In section 75 A, for sub-section (2), substitute:- "(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the

				rule or decides that any such rule should not be made, that 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.". In Schedule I – (i) in entry 9, omit the Exemption; (ii) in entry 15, *for* "Madras Court-fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955)", *substitute* "Court-fees Act, 1870 (7 of 1870)"; (iii) omit entry 20 A; (iv) in entry 62, in clause (d), *for* "Administrator-General's Act, 1913 (Central Act III of 1913), section 25", *substitute* "Administrator-Generals Act, 1963 (45 of 1963) section 22".
1908	5	The Code of Civil Procedure, 1908	As in force in the State of Madras on the 1st day of August, 1966.	After section 45, insert : - "45A. *Execution of decrees, etc., passed or made before the commencement of the Code, in Puducherry.* Any judgment, decree or order passed or made before the commencement of this Code by any civil court in the Union territory of Puducherry shall, for the purpose of execution, be deemed to have been passed or made under this Code: Provided that nothing contained in this section shall be construed as extending the period of limitation to which any proceeding in respect of such judgment, decree or order may be subject.".

V.N. BHATIA,

Secretary to the Government of India.

THE CITIZENSHIP (PUDUCHERRY) ORDER, 1962.

New Delhi, the 29th November, 1962.

G.S.R. 1640. --- Whereas by a Treaty of Cession which entered into force on the 16th day of August, 1962, France has ceded to India in full sovereignty the Territory of the Establishment of Puducherry, Karaikal, Mahe and Yanam;

And whereas, it is necessary to specify the persons who shall be citizens of India by reason of their connection with that Territory;

Now, therefore, in exercise of the powers conferred by section 7 of the Citizenship Act, 1955 (LVII of 1955), the Central Government hereby makes the following Order namely: -

1. This Order may be called the Citizenship (Puducherry) Order, 1962.

2. In this Order, unless the context otherwise requires, ---

(a) "appointed day" means the 16th day of August, 1962;

(b) "competent French Authority" means such French authority as the Central Government may specify for the purposes of this Order;

(c) "competent Indian authority" means such officer of Government as the Central Government may specify for the purposes of this Order;

(d) "minor" means an unmarried person who has not attained the age of eighteen years;

(e) "parent or guardian" in relation to a minor means the father, or if the father be deceased, the mother, or if both parents be deceased, the legal guardian of the minor;

(f) "Puducherry" means the territories of the former French Establishments in India known as Puducherry, Karaikal, Mahe and Yanam.

3. (1) Subject to the provisions of sub-paragraph (2), every French national born in Puducherry and domiciled therein or elsewhere in India on the appointed day shall, as from that day, be a citizen of India.

(2) Any such person may, by written declaration made within six months of the appointed day by himself, or if he be a minor, by his parent or guardian on his behalf choose to retain his French nationality; and if the choice is so made, that person shall be deemed never to have acquired Indian Citizenship under sub-paragraph (1):

Provided that where the choice is so made on behalf of a minor by his parent or guardian, he may, within six months of his attaining the age of eighteen years, sign a declaration in Form A in the presence of the competent Indian authority that he wishes to acquire Indian citizenship under the provisions of this Order; and thereupon he shall, as from the date of so signing the declaration, be a citizen of India.

4. A French national born in Puducherry and domiciled on the appointed day in a place outside Puducherry or any other part of India may, by written declaration in Form B made within six months of the appointed day by himself, or if he be a minor by his parent or guardian on his behalf, in the presence of the competent Indian authority, choose to acquire Indian citizenship, and if the choice is so made, that person shall be deemed to have become a citizen of India as from the appointed day:

Provided that where the choice is so made on behalf of a minor by his parent or guardian he may, within six months of his attaining the age of eighteen years, sign a declaration in the presence of the competent French authority that he wishes to recover his French nationality; and thereupon he shall, as from the date of so signing the declaration, cease to be a citizen of India.

5. Every French national not covered by any of the foregoing provisions who by virtue of the cession of Puducherry lost French nationality on the appointed day under the French Nationality Laws shall, as from that day, be a citizen of India.

***[**5-A. A French national not born in Puducherry but domiciled therein or elsewhere in India on the appointed day, if either of his parents or any of his grand-parents was born in Puducherry, may, by surrendering to the competent Indian authority the passport held by him and by a written declaration in Form "C" made within six months of the date of the commencement of the Citizenship (Puducherry) Amendment Order, 1964, by himself or if he be a minor, by his parents or guardian on his behalf, in the presence of the competent Indian authority, choose to acquire Indian citizenship, and if the choice is so made, the person shall be deemed to have become a citizen of India as from the appointed day**]**.

6. Every declaration in Form 'A' or Form 'B' shall be made both in English and in French and the competent Indian authority in whose presence it is made shall transmit the declaration in English to the appropriate record office in Puducherry and the declaration in French to the competent French authority.

***** Inserted by G.S.R. 141 dated 22nd September 1964.

FORM 'A'

Declaration under the proviso to sub-paragraph (2) of Paragraph 3 of the Citizenship (Puducherry) Order, 1962.

Whereas, I……..son / daughter / wife of ……..was a French national born in the territory of the French Establishments in India and domiciled, therein / in the Indian Union, on the date of the entry into force of the Treaty of Cession and whereas by a declaration dated……..made on my behalf by my father / mother / legal guardian, choice was made for the retention of my French nationality;

I hereby declare that under the proviso to sub-paragraph (2) of paragraph 3 of the Citizenship (Puducherry) Order, 1962, that with effect from this date I have chosen to acquire citizenship of India.

I attained the age of eighteen years on the ……..day of ……

Signed in the presence of……..

Place:

Date: Signature.

Address in full

FORM 'B'

Declaration under Paragraph 4 of the Citizenship (Puducherry) Order, 1962.

I……..son / daughter / husband / wife of ……..a French national born in the territory of the French Establishments in India and domiciled in a place not forming part of the territory of India or the territory of the said Establishments on the date of the entry into force of the Treaty of Cession, namely, the 16th day of August, 1962, hereby declare under paragraph 4 of the Citizenship (Puducherry) Order, 1962, on behalf of myself and my child / children named below that my said child / children and I choose to acquire Indian Citizenship with effect from the 16th day of August, 1962.

Description of the child/children

Name Relationship with the declarant Age

Signed in the presence of…….

Place:……

Date:……. Signature…….

Address in full ……...

[1] FORM 'C'

Declaration under Paragraph 5-A of the Citizenship (Puducherry) Order, 1962.

I,…….son / daughter / husband / wife of ……*****French national not born in the territories of the former French Establishments in India but domiciled therein or elsewhere in the Indian Union on the date of the entry into force of the Treaty of Cession, namely, the 16th day of August, 1962, hereby declare under paragraph 5-A of the Citizenship (Puducherry) Order, 1962 ***** on behalf of myself and my child / children / ward / wards, named below ***** who is / are French national (s) not born in the territory of the former French Establishments in India but domiciled therein or elsewhere in the Indian Union on the date of entry into fore of the Treaty of Cession, namely the 16th day of August, 1962, that I choose to acquire Indian citizenship for myself and my said child / children / ward / wards, with effect from the 16th day of August, 1962.

Description of child/children/ward/wards.

Name Relationship with the declarant Age

2. ***** My child / children / ward / wards and I ***** does not / do not / hold (s) any passport (s) / the under mentioned passport(s). ***** The same ***** is / are surrendered herewith.

Details of passport(s) surrendered: -

Signed in the presence of……..

Place:……
Date:…….. Signature.
Address in full

1. Inserted by G.S.R. 1461 dated 22nd September 1964.

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[1] THE CONSTITUTION (PUDUCHERRY) SCHEDULED CASTES ORDER, 1964.

In exercise of the powers conferred by clause (1) of article 341 of the Constitution of India, the President is pleased to make the following Order, namely :-

1. This Order may be called the Constitution (Puducherry) Scheduled Castes Order, 1964.

2. The castes, races or tribes or parts of or groups within castes, races or tribes specified in the Schedule to this Order shall for the purposes of the Constitution, be deemed to be Scheduled Castes in relation to the Union territory of Puducherry so far as regards members thereof resident in that Union territory:

Provided that no person, who professes a religion different from the Hindu [2][the Sikh or the Buddhist] religion, shall be deemed to be a member of a Scheduled Caste.

THE SCHEDULE

1. Adi Andhra
2. Adi Dravida
3. Chakkiliyan
4. Jambuvulu
5. Kuravan
6. Madiga
7. Mala, Mala Masti
8. Paky
9. Pallan
10. Parayan, Sambavar
11. Samban
12. Thoti
13. Valluvan
14. Vetan
15. Vettiyan

[3][16. Puthirai Vannan]

1 Published in the Ministry of Law Notification No. G.S.R. 419 dated the 5th March, 1964.
2 Subs. by Act 15 of 1990, w.e.f 03.06.90.
3 Subs. by Act 61 of 2002, w.e.f 17.12.02.

PART II -- ACTS

THE PUDUCHERRY WEIGHTS AND MEASURES (ENFORCEMENT) ORDER, 1961

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.

2. Application of Madras Act XX of 1958 and Madras (Enforcement) Rules 1958.

3. Repeal of existing laws.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 7th September, 1961.

THE PUDUCHERRY WEIGHTS AND MEASURES (ENFORCEMENT) ORDER, 1961.

G. S. R. 1147. --- In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947) and all other powers enabling it in that behalf, the Central Government hereby makes the following Order, namely : -

1. **Short title and commencement. –** (1) This Order may be called the Puducherry Weights and Measures (Enforcement) Order, 1961.

(2) It shall come into force at once.

2. **Application of Madras Act XX of 1958 and Madras (Enforcement) Rules, 1958. –** (1) The Madras Weights and Measures (Enforcement) Act, 1958 (XX of 1958) as in force in the State of Madras immediately before the commencement of this Order is hereby applied to and shall be in force in the State of Puducherry subject to the following modifications and adaptations, namely: -

(a) Any reference in the said Act to Madras shall be construed as a reference to the State of Puducherry;

(b) In section 2 of the said Act, for clause (c), the following clause shall be substituted, namely: -

"(c) 'Government' means the Chief Commissioner, Puducherry";

(c) In section 38 of the said Act, for sub-section (2) the following sub-section shall be substituted, namely: -

"(2) No Court other than a Court specially empowered in this behalf by the Chief Commissioner shall try any offence punishable under this Act."; and

(d) Sub-section (4) of section 43 and section 44 shall be omitted.

(2) The Madras Weights and Measures (Enforcement) Rules, 1958 similarly in force are also hereby applied to, and shall be in force in the State of Puducherry, until altered, repealed or amended by the Chief Commissioner, subject to the modification that references to Madras and the State Government shall be construed as references to the State of Puducherry and the Chief Commissioner, Puducherry respectively.

3. **Repeal of existing laws. --** All laws in force in Puducherry immediately before the commencement of this Order which correspond to the Act and the rules applied to Puducherry by this Order shall cease to have effect save as respects things done or omitted to be done before such commencement.

(No. 565-GP/61)
[F. No. 36 (24) GP/60**]**

R. BHANDARY,
Deputy Secretary.

THE MADRAS WEIGHTS AND MEASURES (ENFORCEMENT) ACT, 1958
(Madras Act No. XX of 1958)

ARRANGEMENT OF SECTIONS

CHAPTER I

Preliminary

SECTION

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

Standard weights and measures

3. Working standards.
4. Secondary standards.
5. Reference standards.
6. Standard weighing and measuring instruments.
7. Prohibition of use of weights and measures other than standard weights and measures.
8. Power to prescribe the use of weights only, or measures only, in certain cases.

CHAPTER III

Verification and stamping of weights and measures

9. Marking of denominations of commercial weights and measures.
10. Prohibition of sale of unstamped commercial weights and measures.
11. Prohibition of use of unstamped commercial weights and measures.
12. Power of Government to exempt.
13. Prohibition of manufacture, etc., of weights and measures, without licence.
14. Marking of weights or measures in sealed containers.

14-A. Prohibition of quoting price or expressing quantity of any article otherwise than in terms of standard weight or measure.

15. Appointment of Controller, Assistant Controllers and Inspectors.
16. Verification and stamping by Inspectors.
17. Power to inspect, etc.
18. Power of Inspector to adjust weights or measures.
19. Manufacturers etc., to maintain records and documents.
20. Appeals.
21. Levy of fees.
22. Validity of weights and measures duly stamped.

CHAPTER IV

Penalties

23. Penalty for sale or delivery by weight or measure other than standard weight or measure.
24. Penalty for sale of unstamped commercial weights and measures.
25. Penalty for use of unstamped commercial weights and measures.
26. Penalty for manufacture of weights, etc., without licence.
27. Penalty for use of weight or measure in contravention of section 8.
28. Penalty for failure to mark weight or measure on sealed containers.
28-A Penalty for quoting prices or expressing quantities otherwise than in terms of standard weight or measure in contravention of section 14-A.
29. Penalty for fraudulent use of weights, measures, etc.,
30. Penalty for being in possession of false weight or measure etc.,
31. Penalty for making or selling false weight or measure etc.
32. Penalty for delivering or receiving any quantity of article less than or in excess of the quantity fixed by the weight or measure in the contract.
33. Penalty for forging, etc., of weights, measures etc.,
34. Penalty for neglect or refusal to produce weight or measure, etc., for inspection.
35. Penalty for breach of duty by Inspector.

CHAPTER V

Miscellaneous

36. Protection of action taken in good faith.
37. Controller, Assistant Controller or Inspector to be public servant.
37-A. Composition of offences.
38. Cognizance of offences, etc.,
39. Stamped weights, etc., to be presumed to be correct.
40. Offences by companies.
41. Delegation of powers.
42. Limits of error to be tolerated in weights and measures.
43. Power to make rules.
43-A Saving.
44. Repeal.

THE MADRAS WEIGHTS AND MEASURES (ENFORCEMENT) ACT, 1958

(Madras Act No. XX of 1958)

(Received the assent of the Governor on the 30th September 1958)

An Act to provide for the enforcement of standard weights and measures and for matters connected therewith in the State of Madras;

WHEREAS, it is expedient to provide for the enforcement of standard weights and measures and for matters connected therewith in the State of Madras;

BE it enacted in the Ninth Year of the Republic of India as follows: -

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement. –** (1) This Act may be called the Madras Weights and Measures (Enforcement) Act, 1958.

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

(3) It shall come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

2. **Definitions. –** In this Act, unless the context otherwise requires, --

(a) "commercial weight or measure" means a weight or measure purporting to be a standard weight or measure used in any transaction for trade, business or commerce;

(b) "Controller" means the Controller of Weights and Measures appointed under section 15;

[1][(c) "Government" means the Chief Commissioner, Puducherry;];

(d) "Inspector" means an Inspector of Weights and Measures appointed under section 15 ;

1 Substituted by the Puducherry Weights and Measures (Enforcement) Order 1961 – G.S.R. 1147 dated 7-9-1961, w.e.f 7-9-1961.

(e) "measuring instrument" means any measuring instrument other than a weighing instrument and includes any instrument for measuring length, area, volume or capacity;

(f) "Mint" means the mint of the Central Government either in Bombay or in Calcutta;

(g) "reference standards" means the sets of standard weights and measures supplied to the Government by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956);

(h) "stamping" means marking in such manner as to be so far as practicable, indelible and includes casting, engraving, etching and branding;

[2][(hh) "sealed package or container" means a closed packet, bottle, casket, tin barrel, case, receptacle, bag, sack, wrapper or other things in which any articles is placed or packed and which is intended to be sold with its contents, without any weighment or measurement of such contents at the time of sale;];

(i) "standard weight or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), and includes any other weight or measure permitted to be used by the Central Government in pursuance of sub-section (1) of section 14 of the said Act;

(j) "verification" with its grammatical variations used with reference to a weight or measure or weighting or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification;

(k) "weighing instrument" means any instrument for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring balances, steel yards and other weighing machines;

[1][(l) "use in transaction for trade or commerce" means use for the purpose of determining or declaring the quantity of anything in terms of measurement of length, area, volume, capacity or weight in or in connection with –

(i) any contract, whether by way of sale, purchase, ex-change or otherwise; or

(ii) any assessment of royalty, toll, duty or other dues; or

(iii) the assessment of any work done or services rendered, otherwise than in relation to research or scientific studies or individual households for household purposes.].

1 Sub. by the Puducherry Weights and Measures (Enforcement) Order, 1961- G.S.R. 1147 dated 7-9-1961, w.e.f. 7-9-1961.

2 Ins. by Act 6 of 1965, section 3, w.e.f. 14-4-1965.

CHAPTER II

STANDARD WEIGHTS AND MEASURES

3. **Working standards. –** [2] **[**(1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade, business or commerce, the Government may cause to be prepared as many sets as they may deem necessary of authenticated standard weights and measures to be called the working standards.**]**

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept at such place, in such custody and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard prepared under sub-section (1) of section 4 and marked by such persons, at such places, at such intervals and in such manner as may be prescribed.

[3]**[******]**

(5) A working standard which is not so verified and marked at the prescribed intervals shall not be deemed legal or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purpose of this Act, until it has been verified and marked in the prescribed manner.

4. **Secondary standards. -** (1) For the purpose of verifying the correctness of the working standards, the Government may cause to be prepared at the Mint as many sets as they may deem necessary of authenticated standard weights and measures to be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such designs and specifications as may be prescribed and shall be stamped and authenticated by such persons or authority and in such manner as may be prescribed.

(3) The secondary standards shall be kept at such places, in such custody and in such manner as may be prescribed.

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1 Subs. by Act 2 of 1964, section 4, w.e.f. 25-2-1964.

2 Proviso omitted by Act 2 of 1964, section 4, w.e.f. 25-2-1964.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification by such person or authority and in such manner as may be prescribed.

(5) A secondary standard which is not so verified and marked at the prescribed intervals shall not be deemed legal or be used for the purposes of this Act.

5. **Reference standards. -** The reference standards shall be kept at such places, in such custody and in such manner as may be prescribed.

6. **Standard weighing and measuring instruments. –** (1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade, business or commerce, the Government may cause to be prepared as many sets of weighing and measuring instruments as they may deem necessary.

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. **Prohibition of use of weights and measures other than standard weights and measures. –** [1]**[** (1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure other than the standard weights or measures shall be used in any transaction for trade or commerce in any area or class of goods or undertakings in respect of which this Act has come into force or be kept in any premises where such transactions are usually conducted.**]**

(2) Any custom, usage, practice or method of whatever nature which permits any trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of any article in excess of, or less than the quantity fixed by the weight or measure with reference to which the dealing was had or contract made in respect of the said article, shall be void.

(3) Any transaction, dealing or contract in any area in which, and in relation to any class of undertakings or to any class of goods in respect of which, this section had come into force shall, if made or had after the expiry of three months from such commencement, be void in so far as it contravenes the provisions of sub-section (1).

8. **Power to prescribe the use of weights only, or measures only, in certain cases. –** (1) Notwithstanding anything contained in this Act, the Government may, by notification, direct that in any specified trade or class of trades, no transaction, dealing or contract shall be made or had except by weight only, or except by measure only.

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1 Substituted by Act 2 of 1964, section 5, w.e.f 25-2-1964.

(2) A notification issued under sub-section (1) shall take effect in such area, with effect on and from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES

9. **Marking of denominations on commercial weights and measures. –** Every weight or measure manufactured for use as a commercial weight or measure shall be made of such material and according to such designs and specifications as may be prescribed and shall bear the description of the weight or measure which it purports to be, marked legibly on it in such manner as may be prescribed.

10. **Prohibition of sale of unstamped commercial weights and measures. –** No commercial weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or re-verified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector, with the stamp of verification.

11. **Prohibition of use of unstamped commercial weights or measures. –** No weight or measure or weighing or measuring instrument shall be used in any transaction for trade, business or commerce unless it has been verified or re-verified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector, with a stamp of verification.

12. **Power of Government to exempt. –** Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the Government may, by notification, exempt such weight or measure from being so marked or so stamped.

13. **Prohibition of manufacture, etc., of weights and measures, without licence. –** No person shall, in the course of trade, business or commerce, manufacture, repair or sell any commercial weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a licence in this behalf from the Government or any officer authorised by them.

14. **Marking of weights or measures in sealed containers. –** No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon or on a label securely attached thereto, a description of the net weight or measure of the article contained therein:

[1][Provided that the provisions of this section shall not apply to ---

(i) any sealed package or container ---

(a) of net weight of less than one hundred and twenty grammes, if the sealed package or container contains biscuits, confectionery of sweets; and

(b) of net weight of less than sixty grammes, if the sealed package or container contains any other foodstuffs;

(ii) any other articles sold, offered for sale, exposed for sale, or in possession for sale which is not ordinarily sold in transaction for trade or commerce by weight or measure:

Provided further that the State Government may, if it is satisfied that the size of any class of such packages or container renders it impracticable to comply with the provisions of the section by notification in the Official Gazette, exempt such class from the operation of this section.]

[2][14-A. **Prohibition of quoting price, or expressing quantity of any article otherwise than in terms of standard weight or measure. –** No person shall, in any transaction for trade or commerce, quote the price or express the quantity of any article otherwise than in terms of the standard weight or measure.]

15. **Appointment of Controller, Assistant Controllers and Inspectors. –** (1) The Government may appoint a Controller of Weights and Measures for the State of Madras and as many Assistant Controllers and Inspectors of Weights and Measures as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under this Act.

(2) The Government may, by general or special order, define the local limits within which each Assistant Controller or Inspector shall exercise the powers and discharge the duties conferred or imposed on Assistant Controllers of Weights and Measures or on Inspectors by or under this Act.

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1 Subs. by Act 6 of 1965, section 4, w.e.f. 14-4-1965.

2 Inserted by Act 6 of 1965, section 5, w.e.f 14-4-1965.

(3) Subject to the provisions of this Act, all Assistant Controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller of Weights and Measures; and the Controller of Weights and Measures and the Assistant Controllers or Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

16. **Verification and stamping by Inspectors. –** (1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place within his jurisdiction and at such time as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or weighing or measuring instrument to be correct and in conformity with the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

17. Power to inspect, etc. - (1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures, and weighing and measuring instruments which are used in transactions for trade, business or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requisition.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reason to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, the Inspector may break open the sealed package or container and verify its contents; and if, on such verification, --

(a) the net weight or measure of the article is found to be correct, the Inspector shall reseal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, or

(b) the net weight or measure of the article is found to be incorrect, the Inspector may seize and detain the package or container and the article contained therein.

(6) For the purpose of such inspection, an Inspector may, at all reasonable times, enter into any place where weights, measures, or weighing or measuring instruments are used or kept for use in transactions for trade, business or commerce and inspect such weights and measures and weighing and measuring instruments.

18. **Power of Inspector to adjust weights or measures. –** Where it appears to the Government that it is desirable that an Inspector should be allowed in any area to adjust the weights or measures or weighing or measuring instruments, they may, if they think fit, authorise such Inspector to adjust such weights, measures or such instruments accordingly.

19. **Manufacturers etc., to maintain records and documents. –** (1) Every manufacturer, repairer or dealer in weights and measures of weighing or measuring instruments, and every person using them in transactions for trade, business or commerce shall maintain such books, records and accounts as may be prescribed and if required so to do by an Inspector shall produce such books, records and accounts before him.

(2) Notwithstanding anything contained in sub-section (1) if the Government are of opinion that having regard to the nature of business carried on by any such manufacturer, repairer or dealer, it is necessary so to do, they may, by order exempt such person or class of persons from the operation of that sub-section.

20. **Appeals. –** (1) Any person aggrieved by any decision under this Act may, within sixty days from the date on which such decision is communicated to him, appeal against the decision –

(i) where the decision has been made by an Inspector, to the Controller;

(ii) where the decision has been made by the Controller, not being a decision made in appeal under clause (i), to the Government or any officer specially authorised in this behalf by them.

(2) The Government or the appellate officer referred to in sub-section (1) may admit an appeal presented after the expiration of the said period of sixty days if they are, or he is, satisfied that the appellant had sufficient cause for not presenting it within the said period.

(3) On receipt of an appeal under sub-section (1), the Government or the appellate officer shall, after giving the appellant a reasonable opportunity of being heard and after making such enquiry as they deem or he deems fit, decide the appeal and the decision of the Government or the appellate officer shall be final.

21. **Levy of fees. –** The Government may charge such fees as may be prescribed --

(a) for the grant of licences under section 13, for the manufacture, repair or sale of commercial weights, measures or weighing or measuring instruments, and

(b) for the verification, marking, stamping and adjustment of commercial weights, measures, or weighing or measuring instruments.

22. **Validity of weights and measures duly stamped. –** A weight or measure or weighing or measuring instruments, duly stamped by an Inspector under sub-section (2) of section 16 shall, in the area in which that section and this section have come into force, be a legal weight, measure or weighing or measuring instrument in relation to any class of undertakings or to any class of goods in respect of which the said sections have come into force unless it is found to be false or defective and shall not be liable to be restamped by reasons merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER IV

PENALTIES

23. **Penalty for sale or delivery by weight or measure other than standard weight or measure. –** Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade, business or commerce any article by any denomination of weight or measure other than that of the standard weight or measure [1][or whoever after the commencement of the Weights and Measures Enforcement (Amendment) Act, 1963, keeps any unit of mass or measure other than the standard weights or measures in any premises where such transactions are usually conducted] shall be punishable, for a first offence with fine which may extend to five hundred rupees, and for a second or subsequent offence, with imprisonment for a term which may extend to three months, or with fine, or with both.

24. **Penalty for sale of unstamped commercial weights and measures. –** Whoever sells or delivers any commercial weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rule made thereunder shall be punishable with fine which may extend to five hundred rupees.

25. **Penalty for use of unstamped commercial weights and measures. –** Whoever uses in any transaction for trade, business or commerce, or has in his possession for such use any commercial weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punishable for a first offence, with fine which may extend to five hundred rupees, and, for a second or subsequent offence, with imprisonment for a term which may extend to three months or with fine or with both.

Explanation 1. – If any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade, business or commerce.

Explanation 2. – Where any offence under this section is committed by an employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence was committed by his employee or agent without his knowledge or consent, also be deemed to be guilty of the offence.

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1 Ins. by Act 2 of 1964, section 7, w.e.f. 25-2-1964.

26. **Penalty for manufacture of weights, etc., without licence. –** If any person manufactures, repairs, or sells any commercial weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 13, he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

27. **Penalty for use of weight or measure in contravention of section 8. –** Whoever contravenes any of the provisions of a notification issued under section 8 shall be punishable with fine which may extend to five hundred rupees.

28. **Penalty for failure to mark weight or measure on sealed containers. –** Whoever contravenes the provisions of section 14 shall be punishable with fine which may extend to five hundred rupees.

[1] **[**28-A. **Penalty for quoting prices or expressing quantities otherwise than in terms of standard weight or measure in contravention of section 14-A. –** Whoever contravenes the provisions of section 14-A, shall be punishable with fine which may extend to two thousand rupees.**]**

29. **Penalty for fraudulent use of weights, measures, etc., --** Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false shall be punishable with imprisonment for a term which may extend to one year or with fine, or with both.

30. **Penalty for being possession of false weight or measure, etc., --** Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false, intending that the same may be fraudulently used, shall be punishable with imprisonment for a term which may extend to one year, or with fine or with both.

31. **Penalty for making or selling false weight or measure, etc. –** Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instrument which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punishable with imprisonment for a term which may extend to one year, or with fine or with both.

[2] **[**32. **Penalty for delivering or receiving any quantity of article less than or in excess of the quantity fixed by the weight or measure in the contract. –** whoever

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1 Ins. by Act 6 of 1965, section 6, w.e.f. 14-4-1965.

2 Subs. by Act 6 of 1965, section 7, w.e.f. 14-4-1965.

(i) in selling any article by weight or measure delivers or causes to be delivered to the purchaser any quantity of that article less than, or

(ii) in buying any article by weight or measure demands or receives or causes to be demanded or received from the vendor any quantity of that article in excess of,

the quantity fixed by the weight or measure by which the contract or dealing in respect of that article has been made, shall be punishable with fine which may extend to five hundred rupees.**]**.

33. **Penalty for forging, etc., of weights, measures, etc., --** (1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such forged or counterfeit stamp, or removes a stamp from any standard weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished shall be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

34. **Penalty for neglect or refusal to produce weight or measure, etc., for inspection. –** whoever –

(a) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises, or

(b) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document or record, or

(c) obstructs the entry of an Inspector under section 17, or

(d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act,

shall be punishable with fine which may extend to five hundred rupees.

35. **Penalty for breach of duty by Inspector. –** If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules made thereunder, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

CHAPTER V

MISCELLANEOUS

36. **Protection of action taken in good faith. –** No suit, prosecution or other legal proceeding shall lie against the Controller of Weights and Measures or any Assistant Controller of Weights and Measures or any Inspector or any other person appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

37. **Controller, Assistant Controller, or Inspector to be public servant. --** The Controller, every Assistant Controller or Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

[1][37-**A. Composition of offences. –** (1) Any offence punishable under section 23, section 24, section 25, section 27, section 28, section 32 or section 34 other than a second or a subsequent offence under section 23 or section 25 may, either before or after the institution of prosecution, be compounded by the State Government on payment of such sum as the State Government thinks fit.

(2) On payment by the offender of such sum, the offender if in custody, shall be set at liberty and if any proceedings in any criminal court have been instituted against the offender in respect of the offence, the composition shall be deemed to amount to an acquittal and no further criminal proceedings shall be taken against him in respect of such offence.].

38. **Cognizance of offence, etc. –** (1) No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Controller of Weights and Measures or any officer authrorised in this behalf by the said Controller by general or special order.

[2][(2) No court other than a court specially empowered in this behalf by the Chief Commissioner shall try any offence punishable under this Act.].

1 Ins. by Act 2 of 1964, section 8, w.e.f. 25-2-1964.

2. Subs. by the Puducherry Weights and Measures (Enforcement) Order, 1961-G.S.R. 1147 dated 7-9-1961, para. 2, w.e.f. 7-9-1961.

39. **Stamped weights, etc., to be presumed to be correct. –** A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the Rules made thereunder shall, if it is produced in any court by an Inspector having charge thereof or by any person acting under the general or special authority of the Controller of Weights and Measures, be presumed to be correct, until its inaccuracy is proved.

40. **Offences by companies. –** (1) If the person committing an offence under this Act or any rule made thereunder is a company, every person who, at the time the offences 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:

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

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been 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, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. – For the purposes of this section ---

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

(b) "director", in relation to a firm, means a partner in the firm.

41. **Delegation of powers. –** The Government may, by notification, direct that any power exercisable by them under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in such notification, be exercisable also by such officer or authority subordinate to the Government as may be specified in the notification.

42. **Limits of error to be tolerated in weights and measures –** Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), in this behalf, the Government may prescribe the limits of error which may be tolerated –

(a) in working standards referred to in section 3;

(b) in secondary standards referred to in section 4;

(c) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and

(d) in weighing and measuring instruments.

43. **Power to make rules. –** (1) The Government may, by notification, make rules to carry 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 form and manner in which, and the conditions subject to which, licences may be granted under section 13;

(b) the qualifications, functions and duties generally of Inspectors under this Act;

(c) verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be re-verified;

(d) inspection of weights and measures and weighing and measuring instruments used in transactions for trade, business or commerce;

(e) the seizure, disposal and destruction of weights and measures which are not authorized by this Act;

(f) the form and manner in which appeals may be preferred against decisions of Inspectors and the procedure for hearing appeals;

(g) any other matter which as to be or may be, prescribed.

(3) In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

[1]**[******]**

[2]**[**43-A. **Saving. –** Nothing in this Act shall apply to weights or measures or weighing or measuring instruments used by or in any unit or establishment of the Armed Forces of the Union.**]**.

[3]**[**44 ******]**

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1. Omitted by the Puducherry Weights and Measures (Enforcement) Order, 1961-G.S.R. 1147 dated 7-9-1961, section 2, w.e.f. 7-9-1961.
2. Ins. by Act 2 of 1964, section 9, w.e.f. 25-2-1964.
3. Section 44 Omitted by the Puducherry Weights and Measures (Enforcement) Order, 1961-G.S.R. 1147 dated 7-9-1961, section 2, w.e.f. 7-9-1961.

THE PUDUCHERRY STAMP DUTY (AMENDMENT) ACT, 1964

(No. 3 of 1964)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Amendment of Article 15.

THE PUDUCHERRY STAMP DUTY (AMENDMENT) ACT, 1964

(No. 3 of 1964)

25th February, 1964.

AN ACT

to amend the Deliberation of "Conseil General" dated 24th December, 1920 approved by the Decret dated 21st June, 1921.

WHEREAS it is considered expedient to vest the Government with powers to exempt the levy of Stamp Duty in deserving cases.

BE it enacted by the Legislative Assembly in the Fourteenth Year of the Republic of India as follows: -

1. **Short title and commencement. –** (1) This Act may be called the Puducherry Stamp Duty (Amendment) Act, 1964.

+ (2) It shall come into force at once.

2. **Amendment of Article 15. –** After Article 15 of the Deliberation of "Conseil General" dated 24th December, 1920 approved by the Decret dated 21st June 1921, the following new article shall be inserted:

"**Article 15-A. –** The Government may, by rule or order published in the Official Gazette –

(a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territories under its administration the duties with which any instruments or any particular class of instruments, or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable and

(b) provide for the composition or consolidation of duties in the case of issues by an incorporated company or other body corporate of debentures, bonds or other marketable securities".

+ This Act came into force w.e.f 13.03.1964.

THE CONTINGENCY FUND OF PUDUCHERRY ACT, 1964

(No. 5 of 1964)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Establishment of a Contingency Fund.
3. Custody of the Contingency Fund and withdrawals therefrom.
4. Power to make rules.

THE CONTINGENCY FUND OF PUDUCHERRY ACT, 1964
(No. 5 of 1964)

10th April, 1964.

AN ACT

to provide for the establishment and maintenance of Contingency Fund.

BE it enacted in the Fourteenth Year of the Republic of India as follows:

1. **Short title, extent and commencement. –** (1) This Act may be called the Contingency Fund of Puducherry Act, 1964.

(2) It shall extend to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Establishment of a Contingency Fund. –** There shall be established a Contingency Fund in the nature of an imprest entitled the Contingency Fund of Puducherry, into which shall be paid from and out of "the Consolidated Fund of the Union territory of Puducherry" a sum of **[1]**[fifty lakhs**]** of rupees.

3. **Custody of the Contingency Fund and withdrawals therefrom. –** The Contingency Fund of Puducherry shall be held by the Administrator and no advances shall be made out of such fund except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by Legislative Assembly under appropriations made by law.

4. **Power to make rules. –** For the purpose of carrying out the objects of this Act, the Administrator may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into, and the withdrawal of moneys from, the Contingency Fund of Puducherry.

+ This Act came into force w.e.f 25.04.1964
1 Sub. by Act 3 of 1994.

THE PUDUCHERRY CATERING ESTABLISHMENTS ACT, 1964

(No. 6 of 1964)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Exemption
4. Registration of catering establishments.
5. Change to be communicated to Inspector.
6. Removal of catering establishments from the register.
7. Daily and weekly hours of work in catering establishments.
8. Extra wages for overtime work.
9. Interval for rest.
10. Spread-over.
11. Holidays.
12. Leave with wages.
13. Wages during leave period.
14. Payment in advance in certain cases.
15. Mode of recovery of unpaid wages.
16. Application of the Payment of Wages Act, 1936 to catering establishments.
17. Prohibition of employment of children.
18. Prohibition of employment of women or young persons during night.
19. Notice of discharge or dismissal.
20. Appointment of Inspectors.
21. Powers and duties of Inspectors.
22. Employer to produce registers, records etc., for inspection.
23. Penalties.
24. Procedure.
25. Limitation of prosecution.
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THE PUDUCHERRY CATERING ESTABLISHMENTS ACT, 1964
(No. 6 of 1964)

23rd April, 1964.

AN ACT

to provide for the regulation of conditions of work in catering establishments and for certain other purposes in the Union territory of Puducherry.

WHEREAS, it is expedient to provide for the regulation of conditions of work in catering establishments and for certain other purposes in the Union territory of Puducherry.

BE it enacted in the Fifteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Catering Establishments Act, 1964.

(2) It extends to the whole of the Union territory of Puducherry.

+(3) It shall come into force at once.

2. **Definitions. –** In this Act, unless the context otherwise requires –

(1) "Government" means Administrator of the Union territory of Puducherry appointed by the President of India under Article 239 of the Constitution.

(2) "Catering Establishments" means a restaurant or residential hotel'

(3) "Child" means a person who has not completed fourteen years of age;

(4) "Day" means the period to twenty-four hours beginning at mid-night:

Provided that in the case of an employee whose hours of work extend beyond mid-night, day means the period of twenty-four hours beginning from the time when such employment commences;

(5) "Employee" means a person employed in, and in connection with, any catering establishment, but does not include a member of the employer's family;

(6) "Employer" means a person owning or having charge of the business of catering establishment and includes the manager, agent or other persons acting in the general management or control of a catering establishment;

+ This Act came into force w.e.f 02.06.1964

(7) “Family” in relation to an employer means the husband or wife, son, daughter, father, mother, brother or sister of such employer who lives with him and is dependent on him;

(8) “Inspector” means an Inspector appointed under section 20 for the area;

(9) “leave” means leave provided for in section 12;

(10) “period of work” means the time during which an employee is at the disposal of the employer;

(11) “Registration Certificate” means a certificate showing the registration of catering establishment:

(12) “Residential Hotel” means any premises in which the business of providing dwelling accommodation and supply of meals to any member of the public or a class of the public is carried on;

(13) “Restaurant” means any premises in which is carried on the business of the supply of refreshments or meals to the public or a class of the public for consumption on the premises;

(14) “Spread-over” means the period between the commencement and the termination of the work of an employee on any day;

(15) “Week” means the period of seven days beginning at mid-nigh on Saturday or on such other day as may be specified for a particular area or for a particular class of catering establishments by the prescribed authority.

(16) “Young person” means a person who has completed fourteen years of age but has not completed eighteen years of age.

3. **Exemption. –** (1) The provisions of this Act except section 21 and section 22 shall not apply to any catering establishment in which only members of the employer’s family are employed.

(2) The provisions of sections 7 to 11 shall not apply to the persons occupying positions of management in catering establishments.

(3) The Government may, by notification, exempt either permanently or for any specified period, any catering establishment or class of catering establishments or any person or class of persons to which or to whom this Act applies, from all or any of its provisions subject to such conditions as the Government deems fit.

4. **Registration of catering establishments. –** (1) Within the period specified in sub-section (3), every employer shall send to the Inspector a statement in such form together with such fees, as may be prescribed.

(2) On receipt of the statement and the fees, the Inspector shall, on being satisfied about the correctness of the statement, register the catering establishment in such manner as may be prescribed in the register of catering establishment maintained for the purpose and shall issue, in the prescribed form, a registration certificate to the employer. The registration certificate shall be prominently displayed at the catering establishment.

(3) The statement under sub-section (1) shall be sent within thirty days from the date on which this Act comes into force in the case of catering establishment existing on such date, and within thirty days from the date of commencement of work in the case of any new catering establishment.

(4) A registration certificate shall be valid for a financial year and shall be renewed from financial year to financial year on payment of such fees as may be prescribed.

5. **Change to be communicated to Inspector. –** It shall be the duty of an employer to notify to the Inspector, in the prescribed form, any change in respect of any information contained in his statement under section 4 within seven days after the change has taken place. The Inspector shall, on receiving such notice and on being satisfied about its correctness, make the change in the register of catering establishments in accordance with such notice and shall amend the registration certificate or issue a fresh registration certificate, if necessary.

6. **Removal of catering establishments from the register. –** An employer closing a catering establishment shall, within ten days of his doing so, notify to the inspector in writing of such closure. The Inspector shall, on receiving such notice and on being satisfied about its correctness, remove such catering establishment from the register of catering establishment and cancel the registration certificate.

7. **Daily and weekly hours of work in catering establishments. –** (1) No young person shall be required or allowed to work in any catering establishment for more than five hours in any day.

(2) No other employee shall be required or allowed to work in any catering establishment for more than nine hours in any day or for more than forty-eight hours in any week:

Provided that, subject to the payment of overtime, wages, the total number of hours of work including overtime shall not exceed ten hours in any day and the total number of hours of overtime work shall not exceed fifty hours in any quarter.

8. **Extra wages for overtime work. –** Where an employee works in any catering establishment for more than nine hours in any day or for more than forty-eight hours in any week, he shall, in respect of such overtime work, be entitled to wages at twice the ordinary rate or wages.

Explanation. – For the purposes of this section, the expression "ordinary rate of wages" means the basic wages plus such allowances including the cash equivalent of the advantage accruing through concessional sale to employee of food grains and other articles, as the employee is for the time being entitled to, but does not include a bonus.

9. **Interval for rest. –** The period of work of an employee each day shall be so fixed that he shall not have to work continuously for more than five hours before he has had an interval for rest of at least half-an-hour.

10. **Spread-over. –** The periods of work of an employee shall be so arranged that along with his intervals for rest they shall not spread-over more than fourteen hours in any day:

Provided that the number of intervals for rest for an employee in any day shall not exceed two.

11. **Holidays. –** (1) Every employee shall be allowed in each week a holiday of one whole day.

(2) Every employee shall be allowed in each calendar year a holiday of one whole day on the 26th January, the 15th August, the 16th August and the 2nd October and four holidays each of one whole day for such festivals as the Inspector may, in consultation with the employer and the employees, specify in respect of any catering establishment.

(3) (a) Notwithstanding any contract to the contrary, no deduction shall be made from the wages of any employee on account of any holiday allowed to him under sub-section (1) or sub-section (2).

(b) Every employee shall be paid wages at the ordinary rates of wages as defined in the Explanation to section 8 for each of the holidays allowed to him under sub-section (2).

(4) Where an employee works on any holidays allowed under sub-section (2), he shall, at his option, be entitled --

(a) to wages at twice the ordinary rate of wages as defined in the Explanation to section 8 for such day, or

(b) to wages at the ordinary rate of wages defined as aforesaid for such day and to avail himself of a substituted holiday with wages on any other day.

12. **Leave with wages. –** (1) Every employee who has worked for a period of not less than 240 days in a catering establishment during a calendar year shall be allowed in the subsequent calendar year, leave with wages for a number of days calculated ---

(i) in the case of an adult, at the rate of one day for every 20 days of work performed by him during the previous calendar year;

(ii) in the case of a young person, at the rate of one day for every 15 days of work performed by him during the previous calendar year.

Explanation 1. - The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or at the beginning or at the end of the period of leave.

Explanation 2. - For the purpose of this sub-section --

(a) any days of lay off, by agreement or contract or as permitted under the Standing Orders of the catering establishment concerned;

(b) in the case of a female employee authorised absence for maternity purposes for any number of days not exceeding twelve weeks; and

(c) the leave earned in the year prior to that in which the leave is enjoyed;

shall be deemed to be days on which the employee has worked for the purpose of computation of the period of 240 days but not for earning leave.

(2) An employee whose service commences otherwise than on the first day of January shall be entitled to leave calculated in accordance with sub-section (1), if he has worked for two thirds of the total number of days in the remainder of the calendar year.

(3) If an employee is discharged or dismissed from service during the course of the year, he shall be entitled to leave with wages at the rate laid down in sub-section (1) even if he has not worked for the entire period specified in sub-section (1) or sub-section (2) entitling him to earn leave.

(4) In calculating leave under this section, any fraction of leave of half-a-day or more shall be treated as one full day's leave and any fraction of less than half-a-day shall be omitted.

(5) If an employee does not in any calendar year take the whole of the leave allowed to him under sub-section (1) or sub-section (2), as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year;

Provided that the total number of days of leave that may be carried forward to succeeding year shall not exceed thirty in the case of an adult or forty in the case of a young person.

(6) An application by an employee for the whole or any portion of the leave allowed under sub-section (1) or sub-section (2), shall be in writing and ordinarily be made reasonably in advance of the date on which he wishes his leave to begin.

(7) If the employment of an employee who is entitled to leave under sub-section (1) or sub-section (2), as the case may be, is terminated by the employer before he has taken the entire leave to which he is entitled or if having applied for leave he has not been granted such leave, or if the employee quits his employment before he has taken the leave, the employer shall pay him the amount payable under section 13 in respect of the leave not taken and such payment shall be made, where the employment of the employee is terminated by the employer, before the expiry of the second working day after such termination and where the employee quits his employment, on or before the next pay day.

(8) The leave not availed of by an employee shall not be taken into consideration in computing the period of any notice required to be given before discharge or dismissal.

13. **Wages during leave period. –** For the leave allowed to him under section 12, an employee shall be paid at a rate equal to the daily average of his total full time earnings for the days on which he worked during the month immediately preceding his leave, exclusive of any overtime wages and bonus but inclusive of dearness allowance and the cash equivalent of the meals and tiffin supplied to the employee free of charge.

14. **Payment in advance in certain cases. –** An employee who has been granted leave for a period exceeding four days shall, before his leave begins, be paid the wages due for the period of the leave allowed.

15. **Mode of recovery of unpaid wages. –** Any wages required to be paid by an employer but not paid by him, shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936 (Central Act IV of 1936).

16. **Application of the Payment of Wages act, 1936 to catering establishments. –** (1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (Central Act IV of 1936) (hereinafter in this section referred to as the said Act) the Government may, by notification, direct that, subject to the provisions of sub-section (2), the said Act or any of the provisions thereof or the rules made thereunder shall apply to all or any class of employees in catering establishments to which this Act applies.

(2) On the application of the provisions of the said act to any catering establishment under sub-section (1), the Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of the provisions of the said Act within the local limits of his jurisdiction.

(3) The Government may, by like notification, cancel or vary any notification issued under sub-section (1).

17. **Prohibition of employment of children. –** No child shall be required or allowed to work in any catering establishment.

18. **Prohibition of employment of women or young persons during night. –** No woman or young person shall be required or allowed to work whether as an employee or otherwise in any catering establishment between the hours of 9.00 p.m. and 5.00 a.m.

19. **Notice of discharge of dismissal. –** (1) No employer shall dispense with the services of an employee employed continuously for a period of not less than six months, except for a reasonable cause and without giving such employee at least one month's notice or wages in lieu of such notice, provided however that such notice shall not be necessary where the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held for the purpose.

(2) (a) Any employee discharged, dismissed or retrenched may appeal to such authority and within such time and in such manner as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer or on the ground that the employer did not retrench him in good faith.

(b) The appellate authority, may, after giving notice in the prescribed manner to the employer and the employee, dismiss the appeal or direct the reinstatement of the employee with or without wages for the period he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.

(3) The decision of the appellate authority shall be final and binding on both the parties, not be liable to be questioned in any Court of Law and be given effect to within such time as may be specified in the order of the appellate authority.

20. **Appointment of Inspectors. –** (1) The Government may, by notification, appoint such persons or such class of persons as they think fit to be Inspectors for the purposes of this Act within such local limits as the Government may specify.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

21. **Powers and duties of Inspectors. –** Subject to any rules made by the Government in this behalf, an Inspector, may within the local limits for which he is appointed ---

(a) enter, at all reasonable times and with such assistants, if any, who are persons in the service of the Government or of any local authority as he thinks fit to take with him, any place which is, or which he has reason to believe, is a catering establishment:

(b) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or elsewhere the evidence of such person as he may deem necessary for carrying out the purposes of this Act; and

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

22. **Employer to produce registers, records etc., for inspection –** Every employer shall, on demand, produce for inspection of an Inspector, all registers, records and notices required to be kept under and for the purposes of this Act.

23. **Penalties. –** (1) Any employer who contravenes any of the provisions of sections 4, 5, 6, 7, 9, 10, 11 and 12 or fails to pay wages or compensation in accordance with any order of the appellate authority passed under clause (b) of sub-section (2) of section 19 shall, on conviction, be punishable with fine which, for a first offence, may extend to one hundred rupees and, for a second or any subsequent offence shall not be less than one hundred rupees or more than two hundred and fifty rupees.

(2) (a) Any employer who fails to reinstate an employee in accordance with any order of the appellate authority passed under clause (b) of sub-section (2) of section 19 shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(b) Any employer, who after having been convicted under clause (a), continues to fail to reinstate an employee in accordance with the order mentioned in that clause shall, on conviction be punishable for each day after the previous date of conviction, during which he continues so to offend, with fine which may extend to twenty rupees.

(c) Any Court trying an offence punishable under this sub-section may direct that the whole or any part of the fine reliazed from the accused shall be paid by way of compensation to the person who, in its opinion, has been injured by such failure.

(3) Whoever contravenes any other provision of this Act or any of the rules made under this Act shall, on conviction, be punishable with fine which may extend to fifty rupees.

(4) Any compensation required to be paid by an employer under clause (b) of sub-section (2) of section 19 but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936 (Central Act IV of 1936).

24. **Procedure. –** (1) No court shall take cognizance of any offence under this Act or any rule made thereunder except on a complaint made by, or with the previous sanction in writing of an Inspector.

(2) No court inferior to that of a Court of Second Class Magistrate shall try any offence punishable under this Act or any rule made thereunder.

25. **Limitation of prosecution. –** No court shall take cognizance of an offence punishable under this Act or any rule made thereunder unless the complaint is made within six months from the date on which the offence is alleged to have been committed or within six months from the date of its coming to the knowledge of the Inspector, whichever is later.

26. **Onus as to age. –** (1) When any question arises under this Act whether any person is under a certain age or not the burden shall be on the employer concerned to prove that such person is not under such age.

(2) A declaration by a Government medical officer not below the rank of a Civil Assistant Surgeon that he has personally examined a person employed and believes him to be under the age stated in such declaration shall, for the purposes of this Act and the rules made thereunder, be admissible as evidence of the age of that person.

27. **Saving of certain rights and privileges. –** (1) Nothing contained in this Act shall affect any rights or privileges which an employee in any catering establishment is entitled to on the date this Act comes into force, under any other law, contract, custom or usage applicable to such catering establishment or any award, settlement or agreement binding on the employer and the employee in such catering establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

(2) If any question arises whether the rights or privileges aforesaid are more favourable to an employee than those to which he would be entitled under this Act or whether all or any of the provisions of this Act apply to a catering establishment or to a person employed therein, it shall be decided by the Commissioner of Labour and his decision thereon shall be final and not be liable to be questioned in any court of law.

28. **Indemnity. –** No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

29. **Power to make rules. –** (1) The Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

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

(a) all matters expressly required or allowed by this Act to be prescribed.

(b) the registers and records to be maintained in a catering establishment for the purposes of examination by Inspectors and of securing compliance with the provisions of this Act;

(c) the form of notices to be exhibited in the premises of catering establishment by the employer and the manner of exhibiting such notices;

(d) the manner in which the cash equivalent of the meals and tiffin supplied to employees free of charge is to be computed;

(e) matters relating to the health of employees in, and the sanitation of, a catering establishment.

(3) The power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication.

(4) All rules made under this Act shall, as soon as may be after it is made, be laid before the Legislative Assembly of Puducherry while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the sessions in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decide that the rule should not be made, that 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.

30. **Certain enactments not to apply to catering establishments. –** On and from the date of the commencement of this Act, the Weekly Holidays Act, 1942 (Central Act XVIII of 1942), the Factories Act, 1948 (Central Act LXIII of 1948), and the Puducherry Shops and Establishments Act, 1964 (Puducherry Act 9 of 1964) shall not apply to catering establishments:

Provided that anything done under the said enactments which could have been done under this act it had been in force at the relevant time shall be deemed to have been done under this Act.

THE PUDUCHERRY INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) ACT, 1964

(No. 8 of 1964)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Grant of National and Festival Holidays.
4. Employer to send statement to Inspector.
5. Wages.
6. Inspectors.
7. Powers of Inspectors.
8. Penalties.
9. Penalty for obstructing Inspector.
10. Exemptions.
11. Rights and privileges under other laws, etc., not affected.
12. Power to make rules.

THE PUDUCHERRY INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) ACT, 1964

(No. 8 of 1964)

30th April, 1964.

AN ACT

to provide for the grant of National and Festival Holidays to persons employed in industrial establishments in the Union territory of Puducherry.

WHEREAS it is expedient to provide for the grant of National and Festival Holidays to persons employed in industrial establishments in the Union territory of Puducherry.

BE it enacted in the Fifteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Industrial Establishments (National and Festival Holidays) Act, 1964.

(2) It extends to the whole of the Union territory of Puducherry.

+(3) It shall come into force at once.

2. **Definitions. –** In this Act, unless the context otherwise requires. –

(a) "Administrator" means Administrator of the Union territory of Puducherry appointed by the President of India under Article 239 of the Constitution;

(b) "Day" means a period of twenty-four hours beginning at midnight;

(c) "Employee" means ---

(i) any person (including an apprentice) employed in any industrial establishment to do any skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied;

(ii) any other person employed in any industrial establishment whom the administrator may, by notification, declare to be an employee for the purpose of this Act;

+ This Act came into force w.e.f 09.06.1964 .

(d) “Employer” when used in relation to an industrial establishment means a person who has the ultimate control over the affairs of the industrial establishment, and where the affairs of any industrial establishment are entrusted to any other person (whether called a managing agent, manager, superintendent or by any other name), such other person;

(e) “industrial establishment” means ---

(i) a shop, commercial establishment, restaurant, eating house, residential hotel, theatre or any place of public amusements or entertainment and includes such establishment as the Administrator may, by notification, declare to be an establishment for the purposes of this Act;

(ii) any factory as defined in clause (m) of section 2 of the Factories Act, 1948 (Central Act 63 of 1948) or any place which is deemed to be a factory under sub-section (2)of section 85 of that Act.

(iii) any other establishment which the Administrator may, by notification, declare to be an industrial establishment for the purposes of this Act;

(f) “Inspector” means an inspector appointed under sub-section (1) of section 6;

(g) “Wages” means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to an employee in respect of his employment or of the work done by him in such employment, and includes. --

(i) such allowances (including dearness allowance) as the employee is for the time being entitled to;

(ii) the value of any house accommodation; or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food grains or other articles; but does not include --

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund, or for the benefit of the employee under any law for the time being in force;

(c) any gratuity payable on the termination of his service;

(d) any sum paid to the employee to defray special expenses entailed on him by the nature of his employment;

(e) any travelling concession.

3. **Grant of National and Festival Holidays. –** Every employee shall be allowed in each calendar year a holiday of one whole day on the 26th January,*[1st May,] the 15th August, 16th August and the 2nd October and *[three] other holidays each of one whole day for such festival as the Inspector may, in consultation with the employer and the employees, specify in respect of any industrial establishment:

[1] **[**Provided that if in any calendar year the 26th January,*[1st May,] the 15th August, 16th August or the 2nd October falls on a weekly holiday, every employee shall, in addition to his normal wages, at his option and subject to the proviso to sub-section (3) of section 5, be entitled to ---

(i) an extra single days's wages, or

(ii) avail himself of an additional holiday with wages on any other day.**]**

4. **Employer to send statement to Inspector. –** Every employer shall send to the Inspector having jurisdiction over the area in which the industrial establishment is situated, and display in the premises of the industrial establishment, a statement showing the holidays allowed in each calendar year under section 3, in such form, within such time and in such manner as may be prescribed.

5. **Wages. –** (1) Notwithstanding any contract to the contrary, every employee shall be paid wages for each of the holidays allowed to him under section 3.

(2) (a) Notwithstanding anything contained in section 3, any employee may be required by the employer to work on any holiday allowed under that section if the employer has not less than twenty-four hours before such holiday --

(i) served in the prescribed manner on the employee a notice in writing requiring him to work as aforesaid; and

(ii) sent to the Inspector having jurisdiction over the area in which the industrial establishment is situated and displayed in the premises of the industrial establishment a copy of such notice.

(b) Where an employee works on any holiday allowed under section 3 he shall, at his option, be entitled to ---

(i) twice the wages; or

(ii) wages for such day and to avail himself of a substituted holiday with wages on any other day.

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1 Ins. by Act 10 of 1970, section 2, w.e.f. 5-5-1970.

* Amended vide Act No. 10 of 1971 w.e.f. 24-04-1971.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an employee who is paid wages by the day or at piece rates shall be entitled to be paid wages for any holiday allowed under section 3 --

(i) only at a rate equivalent to the daily average of his wages to be calculated in the prescribed manner.

(ii) where he works on any such holiday, only at twice the rate mentioned in clause (i), or in lieu thereof, at the rate mentioned in that clause and to avail himself of a substituted holiday with wages at that rate on any other day:

Provided that no such employee shall be entitled to be paid any wages for any of the holidays allowed under section 3 other than the 26th January,*[1st May,] the 15th August, the 16th August and the 2nd October, unless he has been in the service under the employer for a total period of thirty days within a continuous period of ninety days immediately preceding such holiday.

Explanation. – For the purpose of this proviso a weekly or any other holiday or authorized leave availed of by an employee shall be included in computing the period of thirty days mentioned therein.

6. **Inspectors. –** (1) The Administrator may, by notification, appoint such persons or such class of persons as he thinks fit to be Inspectors for the purposes of this Act for such local limits as the Administrator may specify.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

7. **Powers of Inspectors. -** Subject to any rules made by the Administrator in this behalf, an Inspector may, within the local limits for which he is appointed, -

(a) enter, at all reasonable times and with such assistants, if any, who are persons in the service of the Government or of any local authority as he thinks fit to take with him, any place which is, or which he has reason to believe is, an industrial establishment.

(b) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or otherwise, the evidence of such person as he may deem necessary for carrying out the purposes of this Act;

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

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* Amended vide Act No. 10 of 1971 w.e.f. 24-04-1971.

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8. **Penalties. –** Any employer who contravenes any of the provisions of section 3 or section 5 shall be punishable with fine which, for the first offence, may extend to twenty-five rupees and for a second and subsequent offences may extend to two hundred and fifty rupees.

9. **Penalty for obstructing Inspector. –** Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him, by or under this Act, or fails to produce on demand in writing by an Inspector any register, record or notice in his custody which may be required to be kept in pursuance of this Act, or of any rule made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

10. **Exemptions. –** (1) Nothing contained in this Act shall apply to –

(a) any employee in a position of management;
(b) any employee whose work involves travelling;
(c) any industrial establishment under the control of the Central or any State Government, local authority, Reserve Bank of India, a railway administration operating any railway as defined in clause (20) of Article 366 of the Constitution or a contonment authority; or
(d) any mine or oil field.

(2) The administrator may, by notification, exempt either permanently or for any specified period any establishment or class of establishments, or person, or class of persons from all or any of the provisions of this Act, subject to such conditions as the Administrator may deem fit.

11. **Rights and privileges under other laws, etc., not affected. –** Nothing contained in this Act shall affect any rights or privileges which any employee is entitled to, on the date on which this Act comes into force under any other law, contract, custom or usage, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act;

Provided that if in any industrial establishment the number of holidays for festivals which any employee is entitled to, on the date on which this Act comes into force, exceeds four, the employer may, subject to the provisions of section 3, curtail a holiday of one whole day for one such festival as the Inspector may, in consultation with the employer and the employees, specify in respect of the industrial establishment.

12. **Power to makes rules. –** (1) The Administrator may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In making a rule under this Act, the Administrator may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(3) All rules made under this Act shall be published in the Puducherry State Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible, after it is made, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly agrees in making any modification in any such rule or the Legislative Assembly 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.

THE PUDUCHERRY SHOPS AND ESTABLISHMENTS ACT, 1964

(No. 9 of 1964)

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THE PUDUCHERRY SHOPS AND ESTABLISHMENTS ACT, 1964

(No. 9 of 1964)

13th November, 1964.

AN ACT

to provide for regulation of conditions of work in shops, commercial establishments, theatres and other establishments and for certain other purposes.

WHEREAS it is expedient to provide for the regulation of conditions of work in shops, commercial establishments, theatres and other establishments and for certain other purposes; it is hereby enacted as follows:-

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Shops and Establishments Act, 1964.

(2) It extends to the whole of the Union territory of Puducherry.

+(3) It shall come into force at once.

CHAPTER - I

Preliminary

2. **Definitions. –** In this Act, unless there is anything repugnant in the subject or context –

(1) "Government" means Administrator of the Union territory of Puducherry appointed by the President of India under Article 239 of the Constitution ;

(2) "child" means a person who has not completed fourteen years ;

(3) "closed" means not open for the service of any customer or open to any business connected with the establishment;

+ This Act came into force w.e.f 04.12.1964.

(4) “commercial establishment” means an establishment which is not a shop but which carries on the business of advertising, commission, forwarding or commercial agency, or which is a clerical department of a factory or industrial undertaking or which is an insurance company, joint stock company, bank, brokers’ office or exchange and includes such other establishment as the Government may, by notification, declare to be a commercial establishment for the purposes of this Act;

(5) “day” means the period of twenty-four hours beginning at midnight:

Provided that in the case of a person employed whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning from the time when such employment commences;

(6) “employer” means a person owning, or having charge of the business of an establishment and includes the manager, agent or other person acting in the general management or control of an establishment;

(7) “establishment” means a shop, commercial establishment, theatre or any place of public amusement or entertainment and includes such establishment as the Government may, by notification, declare to be an establishment for the purposes of this Act;

(8) “factory” means any premises which is a factory within the meaning of the Factories Act, 1948;

(9) “Inspector” means an Inspector appointed under section 46;

(10) “Notification” means a notification in the Puducherry State Gazette;

(11) “opened” means opened for the service of any customer;

(12) “periods of work” means the time during which a person employed is at the disposal of the employer;

(13) “person employed” means. ---

(i) in the case of a shop, a person wholly or principally employed therein in connection with the business of the shop;

(ii) in the case of a factory or any industrial undertaking, a member of the clerical staff employed in such factory or undertaking;

(iii) in the case of a commercial establishment other than a clerical department of a factory or an industrial undertaking a person wholly or principally employed in connection with the business of the establishment, and includes a peon;

(iv) in the case of a theatre, a person employed as an operator, clerk, door-keeper, usher or in such capacity as may be specified by the Government by general or special orders;

(v) in the case of an establishment not falling under paragraphs (i) to (iv) above, a person wholly or principally employed in connection with the business of the establishment and includes a peon;

(vi) in the case of all establishments, a person wholly or principally employed in cleaning any part of the premises, but does not include the husband, wife, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer;

(14) "prescribed" means prescribed by rules made under this Act;

(15) "shop" means any premises where any trade or business is carried on or where services are rendered to customers and includes offices, store-rooms, godowns and warehouses, whether in the same premises or otherwise, used in connection with such business but does not include commercial establishment;

(16) "theatre" includes any place intended principally or wholly for the representation of moving pictures or for dramatic performances;

(17) "wages" means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable, whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise to a person employed in respect of his employment, or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable to such person by reason of the termination of his employment, but does not include –

(a) the value of any house-accommodation, supply of light, water, medical attendance or other amenity or of any service excluded by general or special order of the Government;

(b) any contribution paid by the employer to any pension fund or provident fund;

(c) any travelling allowance or the value of any travelling concession;

(d) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment ; or

(e) any gratuity payable on discharge;

(18) "week" means a period of seven days beginning at mid-night on Saturday;

(19) "young person" means a person who is not a child and has not completed seventeen years;

(20) "registration certificate" means a certificate showing the registration of shops and establishments covered under this Act.

3. **References to time of day. –** References to time of day in this Act are references to Indian Standard Time which is five and a half hours ahead of Greenwhich Mean Time.

4. **Exemptions. –** (1) Nothing contained in this Act shall apply to ---

(a) persons employed in any establishment in a position of management;

(b) persons whose work involves travelling and persons employed as canvassers and caretakers;

(c) establishments under the Central and State Governments, local authorities, the Reserve Bank of India, the Federal Railway Authority, a railway administration operating a federal railway, and cantonment authorities;

(d) establishments in mines and oil fields;

(e) establishments in bazaars in places where fairs or festivals are held temporarily for a period not exceeding fifteen days at a time;

(f) establishments which, not being factories within the meaning of the Factories Act, 1948, are in respect of matters dealt with in this Act, governed by a separate law for the time being in force in the State;

(2) Nothing contained in section 10 or section 16, as the case may be, shall apply to ---

(a) hospitals and other institutions for the treatment or care of the sick, the infirm, the destitute or the mentally unfit;

(b) such chemists' or druggists' shops as the Government may, by general or special order, specify;

(c) hostels attached to schools or colleges and establishments maintained in boarding schools in connection with the boarding and lodging of pupils and resident masters;

(d) stalls and refreshment rooms at railway stations, docks, wharves or ports.

5. **Power of Government to apply Act to exempted persons or establishments. –** Notwithstanding anything contained in section 4, the Government may, by notification, apply all or any of the provisions of this Act to any class of persons or establishments mentioned in that section, other than those mentioned in clauses (c) and (f) of sub-section (1), and modify or cancel any such notification.

6. **Exemptions. –** The Government may, by notification exempt either permanently or for any specified period, any establishment or class of establishments, or person or class of persons, from all or any of the provisions of this Act, subject to such conditions as the Government deems fit.

7. **Registration of shops and establishments under this Act. –** (1) Within the period specified in sub-section (3), every employer shall send to the Inspector a statement in such form together with such fees, as may be prescribed.

(2) On receipt of the statement and the fees, the Inspector shall, on being satisfied about the correctness of the statement, register such establishment in such manner as may be prescribed in the register of shops and establishments maintained for the purpose and shall issue, in the prescribed form, a registration certificate to the employer. A registration certificate shall be prominently displayed at such establishment.

(3) The statement under sub-section (1) shall be sent within thirty days from the date on which this Act comes into force in the case of shops and establishments existing on such date, and within thirty days from the date of commencement of work in the case of new shops and establishments.

(4) A registration certificate shall be valid for a financial year and shall be renewed from financial year to financial year on payment of such fees as may be prescribed.

***[**Provided that the employer of every shop and establishment may opt to remit the registration fee for obtaining initial registration or renewal of registration for a period of not more than three consecutive financial years instead of getting it renewed for every financial year. The employer shall make a specific request in the prescribed form indicating the number of years for which the registration certificate or its renewal is sought for. In such cases the fees payable for the grant of or renewal of licence to an establishment shall be proportionate to the annual fees prescribed multiplied by the number of years for which the registration certificate is sought for.**]**

***** Inserted vide Act No.4 of 2008. This Act has come into force w.e.f 11.04.2008

8. **Change to be communicated to Inspectors. --** It shall be the duty of an employer to notify the Inspector, in the prescribed form, any change in respect of any information contained in his statement under section 7 within seven days after the change has taken place. The Inspector shall, on receiving such notice and on being satisfied about its correctness, make the change in the register of shops and establishments in accordance with such notice and shall amend the registration certificate or issue a fresh registration certificate, if necessary.

9. **Removal of shops and establishments from the register. –** An employer closing a shop and establishment falling under provisions of this Act shall, within ten days of his doing so, notify to the Inspector in writing of such closure. The Inspector shall, on receiving such notice and on being satisfied about its correctness, remove such establishments or shops covered by this Act from the register of shops and establishments and cancel the registration certificate.

CHAPTER - II

SHOPS

10. **Opening and closing hours of shops. –** (1) Save as provided by or under any other enactment for the time being in force, no shop shall on any day be opened earlier or closed later than such hour as may be fixed by the Government by a general or special order in that behalf :

Provided that any customer who was being served or was waiting to be served in any shop at the hour fixed for its closing may be served during the quarter or an hour immediately following such hour.

(2) Before passing an order under sub-section (1), the Government shall hold an inquiry in the prescribed manner.

(3) The Government may, for the purposes of this section, fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

11. **Selling outside shops prohibited after closing hours. –** Save as provided by or under any other enactment for the time being in force, no person shall carry on, in or adjacent to a street, or public place, the sale of any goods after the hour fixed under section 10 for the closing of shops dealing in the same class of goods in the locality in which such street or public place is situated:

Provided that nothing in this section shall apply to the sale of newspapers.

12. **Daily and weekly hours of work in shops. –** (1) Subject to the provisions of this Act, no person employed in any shop shall be required or allowed to work therein for more than eight hours in any day and forty-eight hours in any week;

Provided that any such person may be allowed to work in such shop for any period in excess of limit fixed under this sub-section subject to payment of overtime wages, if the period of work including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any shop shall be required or allowed to work therein for more than four hours in any day unless he has had an interval for rest of at least one hour.

13. **Spread-over of periods of work. –** The periods of work of a person employed in a shop shall be so arranged that, along with his intervals for rest, they shall not spread-over more than twelve hours in any day.

14. **Closing of shops and grant of holidays. –** (1) Every shop shall remain entirely closed on one day of the week which day shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop, and the day so specified shall not be altered by the shop-keeper more often than once in three months.

(2) Every person employed in a shop shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorised leave, is less than six days, or entitle a person who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of sub-section (1), to an additional holiday.

(3) (a) The Government may, by notification, require in respect of shops or any specified class of shops, that they shall in addition to the day provided for by sub-section (1), be closed at such hour in the afternoon of one week day in every week at such hour as may be fixed by the Government.

(b) Every person employed in any shop to which a notification under clause (a) applies, shall be allowed in each week an additional holiday of one half day commencing at the hour in the afternoon fixed for the closing of the shop under clause (a).

(4) The Government may, for the purpose of sub-section (3), fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

(5) The weekly day on which a shop is closed in pursuance of a requirement under sub-section (3) shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop, and shall not be altered by the shop-keeper more often than once in three months.

(6) No deduction shall be made from the wages of any person employed in a shop on account of any day or part of a day on which it has remained closed or a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive wages for such day or part of a day, he shall nonetheless be paid for such day or part of a day the wages he would have drawn had the shop not remained closed, or had the holiday not been allowed, on that day or part of a day.

CHAPTER - III

ESTABLISHMENTS OTHER THAN SHOPS

15. **Application of this Chapter to establishments other than shops. –** The provisions of this Chapter shall apply only to establishments other than shops.

16. **Opening and closing hours. –** (1) Save as provided by or under any other enactment for the time being in force, no establishment shall on any day be opened earlier or closed later than such hour as may be fixed by the Government by general or special order in that behalf.

(2) Before passing an order under sub-section (1), the Government shall make an inquiry in the prescribed manner.

(3) The Government may, for the purposes of this section fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year.

17. **Daily and weekly hours of work. –** (1) Subject to the provisions of this Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week;

Provided that any such person may be allowed to work in such establishment for any period in excess of the limit fixed under this sub-section subject to payment of overtime wages, if the period of work, including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any establishment shall be required or allowed to work in such establishment for more than four hours in any day unless he has had an interval for rest of at least one hour.

***[**17-A. **Restriction on double employment.-** No person shall work about the business of an establishment or two or more establishments or an establishment and factory in excess of the period during which he may be lawfully employed under this Act.**]**

18. **Spread-over of periods of work. –** The periods of work of a person employed in an establishment shall be so arranged that along with his intervals for rest, they shall not spread-over more than twelve hours in any day.

***** Inserted vide Act No.4 of 2008. This Act came into force w.e.f 11.04.2008

19. **Holidays. –** (1) Every person employed in any establishment shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorized leave, is less than six days.

(2) The Government may, by notification, require in respect of any establishment or any specified class of establishments, that every person employed therein shall be allowed in each week an additional holiday of one half-day commencing at such hour in the afternoon as may be fixed by the Government.

(3) The Government may, for the purpose of sub-section (2), fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year.

(4) No deduction shall be made from the wages of any person employed in an establishment on account of any day or part of a day on which a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive wages for such day or part of a day, he shall nonetheless be paid for such day or part of a day the wages he would have drawn, had the holiday not been allowed on that day or part of a day.

CHAPTER - IV

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

20. **Children not to work in establishments. –** No child shall be required or allowed to work in any establishment.

21. **Young persons to work only between 6.00 a.m. and 7.00 p.m. –** No young person shall be required or allowed to work in any establishment before 6.00 a.m and after 7.00 p.m.

22. **Daily and weekly hours of work for young persons. –** Notwithstanding anything contained in this Act, no young person shall be required or allowed to work in any establishment for more than seven hours in any day and forty-two hours in any week nor shall such person be allowed to work overtime.

CHAPTER - V

Health and safety

23. **Cleanliness. --** The premises of very establishment shall be kept clean and free from effluvia arising from any drain or privy or other nuisance and shall be cleansed at such times and by such methods as may be prescribed and these methods may include lime washing, colour washing, painting, varnishing disinfecting and deodorising.

24. **Ventilation. –** The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed.

25. **Lighting.** (1) The premises of very establishment shall be sufficiently lighted during all working hours.

(2) If it appears to an Inspector that the premises of any establishment within his jurisdiction is not sufficiently lighted or ventilated, he may serve on the employer an order in writing specifying the measures which, in his opinion, should be adopted and requiring them to be carried out before a specified date.

26. **Precautions against fire. –** In every establishment, such precautions against fire shall be taken as may be prescribed.

27. **Appeals. –** Against any order of the Inspector under this Chapter, an appeal shall lie to such authority and within such time as may be prescribed; and the decision of the appellate authority shall be final.

CHAPTER - VI

HOLIDAYS WITH WAGES

28. **Holidays and sick leave. –** (1) Every person employed in any establishment shall be entitled, after twelve months' continuous service, to holidays with wages for a period of 12 days, in the subsequent period of twelve months, provided that such holidays with wages may be accumulated upto a maximum period of twenty-four days.

Explanation. – For the purposes of this sub-section any continuous period of service preceding the date on which this Act applies to any establishment shall also count subject to a maximum period of twelve months.

(2) Every person employed in any establishment shall also be entitled during his first twelve months of continuous service after the commencement of this Act, and during every subsequent twelve months of such service, (a) to leave with wages for a period not less than 12 days, on the ground of any sickness incurred or accident sustained by him and (b) to casual leave with wages for a period not less than 12 days on any reasonable ground.

(3) If a person entitled to any holidays under sub-section (1) is discharged by his employer before he has been allowed, the holidays, or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay him the amount payable under this Act in respect of the holidays.

(4) If a person entitled to any leave under sub-section (2) is discharged by his employer when he is sick or suffering from the result of an accident, the employer shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled at the time of his discharge in addition to the amount if any, payable to him under sub-section (3).

(5) A person employed shall be deemed to have completed a period of twelve months' continuous service within the meaning of this section, notwithstanding any interruption in service during those twelve months brought about (i) by sickness, accident or authorised leave (including authorised holidays), not less than ninety days in the aggregate for all three; or (ii) by a lockout; or (iii) by a strike which is not an illegal strike; or (iv) by intermittent periods of involuntary unemployment not less than thirty days in the aggregate; and authorised leave shall be deemed not to include any weekly holiday or half-holiday allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave.

(6) A person employed in a hostel attached to a school or college or an establishment maintained in a boarding school in connection with the boarding

and lodging of pupils and resident masters shall be allowed the privileges referred to in sub-sections (1) to (5) reduced however proportionately to the period for which he was employed continuously in the previous year or to the period for which he will be employed continuously in the current year, as the case may be; and all references to periods of holidays or of leave in sub-sections (1) and (2) shall be construed accordingly, fractions of less than one day being disregarded.

(7) The Government shall have power to issue directions as to the manner in which the provisions of sub-section (6) shall be carried into effect in all or any class of cases or in any particular case.

29. **Pay during annual holidays. –** Every person employed shall, for the holidays or the period of the leave allowed under sub-section (1) or (2) of section 28, be paid at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months exclusive of any earnings in respect of overtime.

30. **Power to increase the number of holidays. -** Notwithstanding anything contained in section 28, the Government may, by notification, increase the total number of annual holidays and the maximum number of days upto which such holidays may be accumulated in respect of any establishment or class of establishments.

31. **Power of Inspector to act for person employed. –** Any Inspector may institute proceedings on behalf of any person employed to recover any sum required to be paid under this Chapter by an employer which he has not paid.

CHAPTER - VII

WAGES

32. **Responsibility for payment of wages. –** Every employer shall be responsible for the payment to persons employed by him of all wages and sums required to be paid under this Act.

33. **Fixation of wage period. –** (1) Every employer shall fix periods (in this Act referred to as wage periods) in respect of which such wages shall be payable.

(2) No wage period shall exceed one month.

34. **Wages for overtime work. –** Where any person employed in any establishment is required to work overtime, he shall be entitled, in respect of such overtime work, to wages at twice the ordinary rate of wages.

Explanation. – For the purpose of this section, the expression 'ordinary rate of wages' shall mean such rate of wages as may be calculated in the manner prescribed.

35. **Time of payment of wages. –** (1) The wages of every person employed shall be paid before the expiry of the fifth day after the last day of the wage period in respect of which the wages are payable.

(2) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by such person shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(3) The Government may, by general or special order, exempt an employer from the operation of this section in respect of the wages of any person employed or class of persons employed, to such extent and subject to such conditions as may be specified in the order.

(4) All payments of wages shall be made on a working day.

36. **Wages to be paid in current coin or currency notes. –** All wages shall be paid in current coin or currency notes or in both.

37. **Deductions which may be made from wages. –** (1) The wages of a person employed shall be paid to him without deductions of any kind except those authorised by or under this Act.

Explanation. – Every payment made by a person employed to the employer shall, for the purposes of this Act, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely: -

(a) Fines;

(b) deductions for absence from duty;

(c) deductions for damage to, or loss of, goods expressly entrusted to the employed person for custody or for loss of money for which he is required to account where such damage or loss is directly attributable to his neglect or default;

(d) deductions for house accommodation supplied by the employer;

(e) deductions for such amenities and services supplied by the employer as the Government may, by general or special order, authorise;

(f) deductions for recovery of advances or for adjustment of over payment of wages;

(g) deductions of income-tax payable by the employed person;

(h) deductions required to be made by order of a Court or other authority competent to make such order;

(i) deductions for subscriptions to, and for repayment of advances from any provident fund to which Provident Funds Act, 1952 applies or any recognised provident fund under section 2 (38) of the Indian Income Tax Act, 1961;

(j) deductions for payments to cooperative societies approved in this behalf by the Government or to a scheme of insurance maintained by the Indian Post Office or by any insurance company approved in this behalf by Government;

(k) deductions made with the written authorisation of the employed person in furtherance of any savings scheme approved by the Government for the purchase of securities of the Central or State Government.

38. **Fines. –** (1) No fine shall be imposed on any person employed save in respect of such acts and omissions on his part as the employer, with the previous approval of the prescribed authority, may have specified by notice under sub-section (2).

(2) A notice specifying such acts and omissions shall be exhibited in the prescribed manner on the premises in which the employment is carried on.

(3) No fine shall be imposed on any person employed until he has been given an opportunity of showing cause against the fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of fine.

(4) The total amount of fine which may be imposed in any one wage period on any person employed shall not exceed an amount equal to 0-03 p. in the rupee of the wages payable to him in respect of that wage period.

(5) No fine shall be imposed on any person employed who has not completed his fifteenth year.

(6) No fine imposed on any person employed shall be recovered from him after the expiry of sixty days from the day on which it was imposed.

(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(8) All fines and all realisations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed; and all such realisations shall be applied only to such purposes beneficial to the person employed in the establishment as are approved by the prescribed authority.

Explanation. – When the persons employed are part only of a staff employed under the same management, all such realisations may be credited to a common fund maintained for the staff as a whole, provided that the fund shall be applied only to such purposes as are approved by the prescribed authority.

39. **Deductions for absence from duty. ---** (1) Deductions may be made under clause (b) of sub-section (2) of section 37 only on account of the absence of an employed person from the place or places where, by the terms of his employment, he is required to work such absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of such deduction shall, in no case, bear to the wages payable to the employed person in respect of the wage period for which the deduction is made, a larger proportion than the period for which he was absent bears to the total period, within such wage period during which by the terms of his employment, he was required to work:

Provided that, subject to any rules made in this behalf by the Government if ten or more employed persons acting in concert absent themselves without due notice (that is to say without giving the notice which is required under the terms of their contract of employment) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for eight days as may by such terms be due to the employer in lieu of due notice.

Explanation. – For the purposes of this section, an employed person shall be deemed to be absent from the place where he is required to work, if, although present in such place, he refuses, in pursuance of a stay-in-strike or for other cause which is not reasonable in the circumstances to carry out his work.

40. **Deductions for damage or loss. –** (1) A deduction under clause (c) of sub-section (2) of section 37 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the person employed and shall not be made until the person employed has been given an opportunity of showing cause against the deduction, or otherwise than in accordance with such procedure as may be prescribed for the making of such deductions.

(2) All such deductions and all realisations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed.

41. **Deductions for services rendered. –** A deduction under clause (d) or clause (e) of sub-section (2) of section 37 shall not be made from the wages of a person employed unless the house accommodation, amenity or service has been accepted by him, as a term of employment or otherwise, and such deduction shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplied and in the case of a deduction under the said clause (e) shall be subject to such conditions as the Government may impose.

42. **Deductions for recovery of advances. –** Deductions under clause (f) of sub-section (2) of section 37 shall be subject to the following conditions, namely: -

(a) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage period, but no recovery shall be made of such advances given for travelling expenses;

(b) recovery of advances of wages not already earned shall be subject to any rules made by the Government regulating the extent to which such advances may be given and the instalments by which they may be recovered.

43. **Deductions for payments to cooperative societies and insurance schemes. –** Deductions under clauses (j) and (k) of sub-section (2) of section 37 shall be subject to such conditions as the Government may impose.

44. **Notice of dismissal. –** (1) No employer shall dispense with the services of a person employed continuously for a period of not less than six months, except for a reasonable cause and without giving such person at least one month's notice or wages in lieu of such notice, provided however, that such notice shall not be necessary where the services of such person are dispensed with on a charge of

misconduct supported by satisfactory evidence recorded at an inquiry held for the purpose.

(2) The person employed shall have a right to appeal to such authority and within such time as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employed.

(3) The decision of the appellate authority shall be final and binding on both the employer and the person employed.

***[44-A. Employer to furnish letter of appointment and identity card to employees.-** (1) The employer of every shop and establishment shall furnish every employee with a letter of appointment. Such letter of appointment shall contain the following particulars and such other particulars as may be prescribed, namely:-

(a) the name of the employer;

(b) the name and the postal address of the establishment;

(c) the name, father's name and age of the employee

(d) the hours of work;

(e) date of appointment

(2) The employer shall also issue an identity card to the employee containing the photograph of the employee along with the following details:-

(a) the name of the employer;

(b) name of the establishment with postal address;

(c) name, father's name and age of the employee;

(d) employee's residential address;

(e) signature of the employer.**]**

***** Inserted vide Act No.4 of 2008. This Act has come into force w.e.f. 11.04.2008.

CHAPTER - VIII

45. **Application of the Maternity Benefit Act, 1961. –** Notwithstanding anything contained in the Maternity Benefit Act, 1961 (hereinafter in this section referred to as the said Act), the Government may, by notification, direct that, the said Act or any of the provisions thereof or the rules made thereunder shall apply to women employed in shops and establishments covered under the provisions of this Act.

***[45A. Application of the Workmen's Compensation Act, 1923.-** The provisions of the Workmen's Compensation Act, 1923 and the rules made thereunder shall apply mutatis mutandis to every employee of the establishment in the event of accident."**]**

CHAPTER - IX

APPOINTMENT, POWERS AND DUTIES OF INSPECTORS

46. **Appointment of Inspectors. –** The Government may, by notification, appoint such officers of the Union territory of Puducherry to be Inspectors for the purposes of this Act within such limits as the Government may assign to them.

47. **Powers and duties of inspectors. –** Any Inspector may, at all reasonable hours, enter into any premises which is or which he has reason to believe is an establishment, with such assistants and make such examination of the premises and of the prescribed registers, records or notices as may be prescribed.

48. **Inspectors to be public servants. –** Every inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

***[**48A. **Protection of action taken in good faith:-** No suit, prosecution or other legal proceeding shall lie against any authority or officer for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rule or order made thereunder.**]**

***** Inserted vide Act No.4 of 2008. This Act has come into force w.e.f. 11.04.2008.

CHAPTER - X

PENALTIES FOR OFFENCES

49. **Penalties. – *[**(1) Any employer who contravenes any of provisions of sections 7, 8, 9, 10, 12, 13, 14, 16 to 26, 28, 29, 32 to 45 and 51 shall be punishable, for a first offence with fine which may extend to two hundred rupees and for a second or subsequent offence, with fine which may extend to one thousand rupees**]**.

(2) Whoever contravenes the provisions of section 11 shall be punishable, for a first offence, with fine which may extend to ten rupees, and for a second or subsequent offence, with fine which may extend to one hundred rupees.

50. **Penalty for obstructing inspector etc., --** Any person who wilfully obstructs an Inspector in the exercise of any power conferred on him under this Act or any person lawfully assisting an Inspector in the exercise of such power, or who fails to comply with any lawful direction made by an Inspector, shall be punishable with fine which may extend to ***[**two thousand and five hundred rupees**]**.

***[**50-A.**Compounding of offences.-** Any offence punishable under section 49 or any rule made under section 53 may, either before or after the institution of the prosecution be compounded by the Commissioner of Labour or such other officer as may be authorized in this behalf by the Government on payment for credit to the Government, of such sum as the Commissioner of Labour or such other officer may specify:

Provided that such sum shall not, in any case exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded.

(2) Nothing contained in sub-section (1) shall apply to a person who commits the same or similar offence within a period of three years from the date on which the first offence, committed by him, was compounded.

Explanation.- For the purpose of this sub-section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded shall be deemed to a first offence.

***** Amended vide Act No.4 of 2008. This Act has come into force w.e.f. 11.04.2008.

(3) Where an offence has been compounded under sub-section (1), no proceedings or further proceedings, as the case may be shall be taken against the offender, in respect of the offence so compounded and the offender, if in custody, shall be discharged forthwith.

(4) No offence punishable under this Act shall be compounded except as provided by this Section.

Offences by companies

50-B. (1) Where an offence under this Act has been committed by a 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.

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

(2) Notwithstanding anything contained in sub-section (1), when any 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 be liable to be proceeded against and punished accordingly:

Provided that a company may give notice to the Inspector that it has nominated a director, who is resident in the Union Territory of Puducherry to be the employer in the establishment for the purposes of this Act and such director, shall so long as he is so resident, be deemed to be the occupier in the establishment for the purposes of this Act, until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director.

Explanation .- For the purposes of this section, -

(a) “Company” means any body corporate and includes a firm or other association of individuals; and
(b) “director”, in relation to a firm, means a partner in the firm.**]**

CHAPTER - XI

Miscellaneous

51. **Maintenance of registers and records and display of notices. –** Subject to the general or special orders of the Government, an employer shall maintain such registers and records and display such notices as may be prescribed.

52. **Delegation of powers. –** (1) The Government may, by notification authorise any officer or authority subordinate to them, to exercise anyone or more of the powers vested in them by or under this Act, except the power mentioned in section 53, subject to such restrictions and conditions, if any, as may be specified in the notification.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision by the Government or by such persons as may be empowered by them in that behalf. The Government shall also have power to control and revise the acts or proceedings of any person so empowered.

53. **Power to make rules. –** (1) The Government may make rules to carry out the purposes of this Act.

(2) In making a rule under sub-section (1), the Government may provide that a contravention thereof shall be punishable with fine which may extend to ***[**five hundred rupees**]**.

(3) All rules made under this Act shall, as soon as may be after it is made, be laid before the Legislative Assembly of Puducherry while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decide that the rule should not be made, that 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.

54. **Right and privileges under other law, etc., not affected. --** Nothing contained in this Act shall affect any right or privileges which any person employed in any establishment is entitled to on the date on which this Act comes into operation in respect of such establishment, under any other law, contract, custom or usage applicable to such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

***** Amended vide Act No.49 of 2008. This Act has come info force w.e.f. 11.04.2008

55. **Commissioner of Labour to decide certain questions. –** If any question arises whether all or any of the provisions of this Act apply to an establishment or to a person employed therein or whether section 54 applies to any case or not, it shall be decided by the Commissioner of Labour and his decision thereon shall be final and shall not be liable to be questioned in any Court of law.

56. **Power of Government to suspend provisions of the Act during fairs and festivals. –** On any special occasion in connection with a fair or festival or a succession of public holidays, the Government may, by notification, suspend for a specified period the operation of all or any of the provisions of this Act.

57. **Central Act XVIII of 1942 not to apply to establishments governed by this Act. –** On and from the date on which this Act comes into operation in respect of an establishment, the Weekly Holidays Act, 1942, shall cease to apply to such establishment.

THE PREVENTION OF INSULTS TO NATIONAL HONOUR ACT, 1964

(No. 10 of 1964)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Burning, etc., of effigy, picture, portrait of Mahatma Gandhi an offence.
3. Destruction of the statue of Mahatma Gandhi an offence.
4. Burning, etc., of Indian National Flag an offence.
5. Burning, etc., of the Constitution to be act of offence.
6. Attempts to be offences.
7. Savings.

THE PREVENTION OF INSULTS TO NATIONAL HONOUR ACT, 1964

(No. 10 of 1964)

AN ACT

to prevent insults to National Honour

WHEREAS it is expedient and necessary to prevent certain offences against the Indian National Flag, pictures, effigies and statues of the Father of the Nation, or the Constitution of India.

BE it enacted by the Legislative Assembly in the Fifteenth Year of the Republic of India as follows: -

1. **Short title. –** This Act may be called the Prevention of Insults to National Honour Act, 1964.

2. **Burning, etc., of effigy, picture, portrait of Mahatma Gandhi an offence. –** Whoever wilfully burns or desecrates or insults, any effigy, picture or portrait of Mahatma Gandhi shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.

Explanation. – In this section, "picture" includes any print, drawing, painting, or other representation, of the figure of Mahatma Gandhi.

3. **Destruction of the statue of Mahatma Gandhi an offence. –** Whoever wilfully causes damage to, or destruction of, any statue or bust of Mahatma Gandhi or any such change in such statue or bust in the situation thereof, as destroy or diminish its value or appearance or otherwise affects it injuriously, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.

4. **Burning, etc., of Indian National Flag an offence. –** Whoever wilfully burns or desecrates or insults the Indian National Flag shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.

Explanation. – In this section, "Indian National Flag" includes any pictorial representation thereof.

5. **Burning, etc., of the Constitution to be act of offence. –** Whoever wilfully burns or desecrates or insults any copy or a copy of a part of the Constitution of India, shall be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both.

6. **Attempts to be offences. –** Whoever attempts to commit any offence punishable under this Act, shall be deemed to have committed that offence.

7. **Savings. –** Nothing in this Act shall exempt any person from any proceeding which might, apart from this Act be brought against him.

This Act came into force w.e.f 08.12.1964.

THE MAHE STAY OF EVICTION PROCEEDINGS (AMENDMENT) ACT, 1964

(No. 12 of 1964)

Repealed by the Mahe Land Reforms Act, 1968 (Act No. 1 of 1968).

THE PUDUCHERRY CINEMAS (REGULATION) ACT, 1964

(No. 13 of 1964)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Cinematograph exhibitions to be licensed.
4. Licensing Authority.
5. Restrictions on powers of licensing authority.
6. Licensing authority to permit construction and reconstruction of buildings, installation of machinery etc., for cinematograph exhibitions.
7. Power of Government to issue directions.
8. Power of licensing authority to issue direction.
9. Power to suspend exhibition of films in certain cases.
10. Penalties.
11. Power to revoke licence.
12. Power to make rules.
13. Power to exempt.
14. Repeal.

THE PUDUCHERRY CINEMAS (REGULATION) ACT, 1964

(No. 13 of 1964)

15th January, 1965.

AN ACT

to provide for the regulation of exhibitions by means of cinematographs in the Union territory of Puducherry.

WHEREAS it is expedient to provide for the regulation of exhibitions by means of cinematographs in the Union territory of Puducherry;

BE it enacted in the Fifteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Cinemas (Regulation) Act, 1964.

(2) It extends to the whole of the Union territory of Puducherry.

+(3) It shall come into force on such date as the Government may, by a notification, appoint.

2. **Definitions. –** In this Act, unless the context otherwise requires. –

(a) "Cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

(b) "Government" means the Administrator appointed under Article 239 of the Constitution;

(c) "Notification" means a notification published in the Official Gazette of the Union territory of Puducherry;

(d) "Place" includes a house, building, tent and any description of transport, whether by water, land or air;

(e) "Prescribed" means prescribed by the rules made under this Act;

+ This Act came into force w.e.f 22.03.1966

(f) "Competent authority" means

(i) in relation to the entire Union territory of Puducherry, the District Magistrate (Independent); and

(ii) in relation to Karaikal, Mahe and Yanam, the Administrator of the respective region.

3. **Cinematograph exhibitions to be licensed. –** Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act, or otherwise than in compliance with any conditions and restrictions imposed by such licence.

4. **Licensing authority. –** The authority having power to grant licences under this Act (hereinafter referred to as the Licensing Authority) shall be the District Magistrate (Independent):

Provided that the Government may, by a notification in the Official Gazette, constitute, for the whole or any part of the Territory, such other authority as it may specify in the notification to be the licensing authority for the purpose of this Act.

5. **Restrictions on powers of licensing authority, --** (1) The licensing authority shall not grant a licence unless it is satisfied that ---

(a) the rules made under this Act have been substantially complied with, and

(b) adequate precautions have been taken in the place in respect of which the licence is to be granted, to provide for the safety, convenience and comfort of the persons attending exhibitions therein.

(2) The Government may issue such orders and directions of a general character as they may consider necessary, in respect of any matter relating to licences for the exhibition of cinematograph films, to licensing authorities; and every licensing authority shall give effect to such orders and directions.

(3) Subject to the foregoing provisions of this section, the licensing authority may grant licences under this Act to such persons and on such terms and conditions and subject to such restrictions as it may determine. When the licensing authority refuses to grant any licence, it shall do so by an order communicated to the applicant giving the reasons in writing for such refusal.

(4) Every licence under this Act shall be personal to the person to whom it is granted and no transfer or assignment thereof whether absolute or by way of security or otherwise shall be valid unless approved in writing by the licensing authority.

(5) Any person aggrieved by the decision of the licensing authority refusing to grant a licence under this Act or refusing to approve any transfer or assignment thereof, may, within such time as may be prescribed, appeal to the Government or such authority as the Government may specify in this behalf and the Government or the authority, as the case may be, may make such order in the case as they or it may think fit.

6. **Licensing authority to permit construction and reconstruction of buildings, installation of machinery etc., for cinematograph exhibitions. –** (1) Any person who intends ---

(a) to use any place for the exhibition of cinematograph films; or

(b) to use any site for constructing a building thereon for the exhibition of cinematograph films; or

(c) to construct or reconstruct any building for such exhibition; or

(d) to install any machinery in any place where cinematograph exhibitions are proposed to be given, shall make an application in writing to the licensing authority for permission therefor, together with such particulars as may be prescribed.

(2) The licensing authority shall thereupon, after consulting such authority or officer as may be prescribed, grant or refuse permission and the provisions of sections 5, 10 and 11 relating to licences shall so far as may be, apply to permission under this section.

7. **Power of Government to issue directions. –** The Government may, from time to time, issue directions to any licensee or to licensees generally, requiring the licensee or licensees to exhibit such film or class of films having a scientific or educative value, such films dealing with news and current events, such documentary films, indigenous films, or such other films having special value to the public, as may have been approved by the Central Government in that behalf from time to time; and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted;

Provided that no direction issued under this section shall require the licensee to exhibit any such film or films exceeding two thousand feet at, or for more than one-fifth of the entire time taken for, any one show.

8. **Power of licensing authority to issue direction. –** The licensing authority may, from time to time, issue directions to any licensee or licensees generally, requiring the licensee or licensees to exhibit in each show such slides of public interest as may be supplied by that authority;

Provided that no direction issued under this section shall require the licensee to exhibit more than three such slides at, or for more than four minutes in any one show.

9. **Power to suspend exhibition of films in certain cases. --** (1) The Competent Authority may, if he is of opinion that any film which is being or is about to be publicly exhibited is likely to cause breach of the peace, by order in writing suspend the exhibition of the said film; and during such suspension, no person shall exhibit such film or permit it to be exhibited in any place in the State or any part thereof, as the case may be.

(2) No order shall be issued under sub-section (1) until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him:

Provided that this sub-section shall not apply where the Competent Authority is satisfied that owing to any emergency or for some other reason, to be recorded by him in writing, it is not reasonably practicable to give to that person an opportunity of showing cause:

Provided further that a copy of the reasons recorded by the Competent Authority for issuing the order shall be communicated to the person concerned as soon as it becomes reasonably practicable to do so.

(3) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (2), the decision thereon of the Competent Authority shall be final,

(4) Where an order under sub-section (1) has been issued by the Competent Authority, a copy thereof, together with a statement of the reasons therefor, shall forthwith be forwarded by him to the Government, and the Government may, on a consideration of all the facts of the case, either confirm or vary or discharge the order.

(5) An order issued under sub-section (1) shall remain in force for a period of two weeks from the date thereof, but the Government may, if they are of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as they think fit;

Provided that the Government or the Competent Authority may review their own order.

10. **Penalties. –** If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner of occupier of any place permits that

place to be used, in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

*[10 A. **Composition of offences**. Any offence punishable under section 10, or any breach of the conditions of the licence or any contravention of the provision of this Act and rules made thereunder may, either before or after the institution of prosecution, or cancellation or suspension of the licence issued under the provisions of this Act, be compounded by the District Magistrate on payment of such sum, as the District Magistrate thinks fit.]

11. **Power to revoke licence. –** Where the holder of a licence has been convicted of an offence under section 7 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952), or section 10 of this Act, the licence may be revoked by the licensing authority by an order in writing.

12. **Power to make rules. –** (1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for ---

(a) the terms, conditions, and restrictions, subject to which a licence may be granted under this Act and the fees to be paid in respect of such licence;

(b) the regulation of cinematograph exhibitions for securing the public safety;

(c) the time within which and the conditions subject to which an appeal under sub-section (5) of section 5 may be preferred, and the fees to be paid in respect of such appeals;

(d) the procedure to be followed by persons submitting applications for permission under section 6;

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*Amended vide Act No. 7 of 1981 w.e.f 07-07-1981.

(e) the documents and plans to be submitted together with such applications, and the fees to be paid on such applications;

(f) the matters to be taken into consideration by the licensing authority before approving the site for the construction of the building, or the plans for the construction or reconstruction of the building or the installation of machinery;

(g) the terms, conditions and restrictions subject to which the licensing authority may accord approval in respect of the matters referred to in clause (f);

(h) the action to be taken in cases of contravention of the terms, conditions and restrictions subject to which such approval was accorded;

(i) the procedure to be followed by the licensing authority before granting or refusing permission under section 6 and any other matter incidental thereto.

(3) All rules made under this Act shall, as soon as may be after it is made, be laid before the Legislative Assembly of Puducherry while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and , if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decide that the rule should not be made, that 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.

13. **Power to exempt. –** The Government may, by order in writing, exempt, subject to such conditions and restrictions as they may impose, any cinematograph exhibition or class of cinematograph exhibitions or any place where a cinematograph exhibition is given from any of the provisions of this Act or of any rules made thereunder.

14. **Repeal. –** Any law or any regulation in force in the Union territory of Puducherry corresponding to the provisions of this Act shall stand repealed as from the coming into force of this Act:

Provided that anything done or any action taken, including any notification, instruction or direction issued, permit or licence granted under the law or regulation so repealed, shall be deemed to have been done or taken under the provisions of this Act, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

THE SALARIES AND ALLOWANCES OF MINISTERS (PUDUCHERRY) ACT, 1964

(No. 14 of 1964)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Definitions.
3. Salary, daily allowances etc., of Ministers.
4. Residence of Ministers.
5. Conveyance allowance and use of motor-cars.
6. Motor-car advance.
7. Travelling and daily allowances to Ministers.
8. Medical treatment etc., to Ministers.
9. Ministers not to draw salary or allowances as members of Legislative Assembly.
10. Notification respecting appointment, etc., of Minister to be conclusive evidence thereof.
11. Power to make rules.

THE SALARIES AND ALLOWANCES OF MINISTERS (PUDUCHERRY) ACT, 1964

(No. 14 of 1964)

AN ACT

to provide for the salaries and allowances of Ministers of the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Fifteenth Year of the Republic of India as follows:-

1. **Short title and commencement. -** (1) This Act may be called the Salaries and Allowances of Ministers (Puducherry) Act, 1964,

+(2) It shall come into force at once.

2. **Definitions. –** In this Act, unless the context otherwise requires –

(a) "Act" means the Government of Union territories Act, 1963 (20 of 1963);

(b) "advance" means a repayable advance made to a Minister for the purchase of motor-car, or on account of travelling or daily allowance;

(c) "family" means a Minister's wife residing with him and legitimate children and step-children residing with and wholly dependent on him. Not more than one wife is included in a family for the purposes of this Act. If the Minister is a married woman, "family" will include her husband residing with her;

(d) "Minister" means a Minister appointed under sub-section (1) of section 45 of the Act and includes the Chief Minister and a Deputy Minister;

(e) "travelling allowance" means allowance granted to Minister to cover the expenses which he incurs in travelling in the interest of public service as against travelling in personal interest or for private purpose, such as journeys for rest or recoupment of health or for attending party meetings or for election campaign;

(f) "Government" means the Administrator of the Union territory of Puducherry appointed under article 239 of the Constitution.

+ This Act came into force w.e.f 22.03.1965

[3. **Salary, daily allowances, etc., of Ministers . (1) There shall be paid to each Minister a salary of eight thousand rupees per mensem;

(2) There shall be paid to each Minister,-

(a) compensatory allowance of ten thousand rupees per mensem;

(b) contingency allowance of four thousand rupees per mensem; and

(c) constituency allowance of five thousand rupees per mensem.

(3) Every Minister shall also be entitled to receive allowance for each day during the whole of his term of office at the rate of rupees five hundred.**]**

4. **Residence of Ministers. –** Each Minister shall be entitled without any payment to the use and maintenance of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and so long as such residence is not provided, there shall be paid a compensatory allowance or *[rupees five hundred] per month in the case of a Minister other than a Deputy Minister and *[rupees four hundred per month] in the case of a Deputy Minister.

Explanation. – For the purposes of this section, "residence" includes the staff quarters and other buildings appurtenant thereto, and the garden thereof, and 'maintenance' in relation to a residence includes provisions of electricity and water to the extent of rupees **[two thousand five hundred rupees per mensem] to each Minister and also payment of local rates and taxes.

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* Substituted by Act 9 of 1994 w.e.f 20.09.1993

** Amended vide Act No.4 of 2010. This Act has come into force w.e.f 09.02.2007

5. **Conveyance allowance and use of motor-cars. –** Each Minister shall be entitled to : -

(a) (i) the free use of a motor-car, the cost of maintenance of which shall be borne by the Minister;

(ii) the services of a chauffeur; and

(iii) Petrol for the car up to a maximum of sixty litres per mensem, the cost of which shall be borne by the Government; or;

(b) a conveyance allowance of rupees ***[**seven hundred**]** per month, if he uses his own vehicle; or

(c) the free use of a motor-car, the entire cost of maintenance and propulsion of which shall be borne by the Government subject to the following conditions, namely:-

(i) no conveyance allowance shall be admissible;

(ii) for journeys on tour, only daily allowance shall be admissible according to normal rules and no mileage allowance shall be admissible;

(iii) in respect of journeys which do not qualify for travelling allowance within 8 kilometres from the headquarters, a limit of 600 kilometres per month of 1,800 kilometres per quarter will apply and beyond these limits, charges at the rates prescribed under the Staff Car Rules shall be payable to the Government;

(iv) charges at the rates mentioned above shall also be payable in respect of private journeys performed by the vehicle beyond 8 kilometres from headquarters; and

(v) a long book shall be maintained for journeys referred to in sub-clauses (iii) and (iv) to facilitate payments to Government.

Explanation. – For the purposes of clause (a) "maintenance" shall include the cost of petrol and oil, servicing, repairs below Rs. 25 and other incidental charges, but shall not include expenditure on insurance and fees for registration and Municipal taxes.

***** Substituted by Act 9 of 1994 w.e.f 20.09.1993

6. **Motor-car advance. –** There may be paid to a Minister by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the purchase of a motor-car, in order that he may be able to discharge conveniently and efficiently the duties of his office.

7. **Travelling and daily allowances to Ministers. –** (1) Subject to the provisions of the Schedule to the Act, a Minister shall be entitled to ---

(a) travelling allowances for himself and the members of his family and for the transport of his and his family's effects : -

(i) in respect of the journey to Puducherry from his usual place of residence outside Puducherry for assuming office; and

(ii) in respect of the journey from Puducherry to his usual place of residence outside Puducherry on relinquishing office; and

(b) travelling and daily allowances in respect of tours undertaken by him in the discharge of his official duties, whether by land, sea or air.

(2) Any travelling allowance under this section may be paid in cash or free official transport provided in lieu thereof.

8. **Medical treatment, etc., to Ministers. –** A Minister and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment in accordance with the Medical Attendance Rules, as amended from time to time, applicable to Class I Officers serving in connection with the administration of the Union territory of Puducherry.

9. **Ministers not to draw salary or allowances as Members of Legislative Assembly. –** No person in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by the Legislative Assembly of the Union territory of Puducherry by way of salary or allowance in respect of his membership of such Assembly except to the extent specifically provided by and under this Act.

10. **Notification respecting appointment, etc., of Minister to be conclusive evidence thereof. –** The date on which any person became or ceased to be a Minister shall be published in the Official Gazette of the Union territory of Puducherry, and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, a Minister on that date for all the purposes of this Act.

11. **Power to make rules. –** (1) The Government may, by notification in the Official Gazette of the Union territory of Puducherry, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before the Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modifications in the rule, 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.

SCHEDULE

(See section 7)

1. **Travelling on duty. –** When travelling on duty by railway or by road or by steamer, a Minister shall be entitled to draw travelling allowance and daily allowance at the maximum rates applicable to ***[**a Group 'A' Officer of the highest grade**]** serving in connection with the administration of the Union territory.

Provided that a Minister shall be entitled to draw only half of such travelling allowance if he travels on duty by road in a motor-car provided to him under clause (a) of section 5.

2. **Travelling allowance on journey for assuming and demitting of office. –** In respect of the journey to headquarters from his usual place of residence for assuming office or between headquarters and his usual place of residence on demitting office, a Minister is entitled to travelling allowance on the scale for the time being admissible to ***[**a Group 'A' Officer of the highest grade**]** serving in connection with the Administration of the Union territory on transfer subject to the modification that for journeys by rail, a Minister and the Members of his family may travel by air-conditioned class of accommodation.

2A. **Travel by railway. –** A Minister when travelling by railway on duty shall have the right to travel by first class compartment or by an air-conditioned coupe.

3. **Travel by air. –** (1) A Minister may, in the public interest, perform journeys on tour by air i.e., in an aircraft of public Air Transport Undertaking plying for hire.

***** Amended vide Act No.4 of 2010. This Act has come into force w.e.f. 09.02.2007

(2) On the cancellation of a journey due to official reasons, a Minister shall be entitled to be reimbursed by Government any deduction made by the Air Transport Undertaking when refunding the fare on account of cancellation of the air passage.

(3) A Minister who does not utilise the free transport provided by the Air Transport Undertaking between the Air booking Centre and the Airport may also recover in respect of journey to and from the Airport actual travelling expenses or road mileage as for journey on duty by road.

4. **Advances. –** A Minister shall be entitled to ---

(a) an advance of travelling allowance towards the cost of transporting himself and the members of his family and his family effects : -

(i) in respect of the journey to headquarters from headquarters to his usual place of residence outside the headquarters on relinquishing office.

(b) an advance of travelling and daily allowance in respect of the tours undertaken by him in the discharge of his official duties whether by sea, land or air.

THE SALARIES AND ALLOWANCES OF THE SPEAKER AND THE DEPUTY SPEAKER OF THE LEGISLATIVE ASSEMBLY (PUDUCHERRY) ACT, 1964

(No. 15 of 1964)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Definitions.
3. Salary and allowances etc., of the Speaker.
4. Speaker not to practice any profession.
5. Salary and allowances, etc., of the Deputy Speaker.
6. Medical facilities to Speaker and Deputy Speaker.
7. Speaker and Deputy Speaker not to draw any salary as members of the Assembly.
8. Notification respecting appointment of Speaker, etc., to be conclusive evidence thereof.

THE SALARIES AND ALLOWANCES OF THE SPEAKER AND THE DEPUTY SPEAKER OF THE LEGISLATIVE ASSEMBLY (PUDUCHERRY) ACT, 1964

(Act No. 15 of 1964)

[6-02-1965**]**

AN ACT

to provide for the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the fifteenth year of the Republic of India as follows:-

1. **Short title and commencement. –** (1) This Act may be called the Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Puducherry) Act, 1964.

+ (2) It shall come into force at once.

2. **Definitions. –** In this Act, unless the context otherwise requires,–

(a) "Assembly" means the Legislative Assembly of Puducherry;

(b) "member" means a member of the Assembly not being a Minister;

(c) "Speaker" means the Speaker of the Assembly; and

(d) "Deputy Speaker" means the Deputy Speaker of the Assembly.

***[**3. **Salary and allowances, etc., of the Speaker. –** (1) The Speaker shall be paid such salary, compensatory allowance, contingency allowance, constituency allowance, daily allowance, conveyance and travelling allowance as are provided for a Minister under the Salaries and Allowances of Ministers (Puducherry) Act, 1964.

(2) The Speaker shall also be entitled to all amenities including those regarding residence and motor car and repayable advance for purchase of motor car as are provided for a Minister. **]**

+ This Act has come into force w.e.f 22.03.1965

***** Substituted vide Act No.5 of 2010. This Act has come into force w.e.f 09.02.2007

4. **Speaker not to practice any profession. –** The Speaker shall not practice any profession or engage in any trade or receive any money for employment other than his duties as Speaker.

***[**5. **Salary and allowances, etc., of the Deputy Speaker . – (1)** The Deputy Speaker shall be paid a salary of eight thousand rupees per mensem.

(2) The Deputy Speaker shall also be paid, **–**

(a) compensatory allowance of ten thousand rupees per mensem;
(b) contingency allowance of three thousand and five hundred rupees per mensem; and
(c) constituency allowance of five thousand rupees per mensem.

(3) The Deputy Speaker shall also be entitled to receive allowance for each day during the whole of his term of office at the rate of rupees five hundred.**]**

6. **Medical facilities to Speaker and Deputy Speaker . --** The Speaker and the Deputy Speaker and the members of their families shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment in accordance with the Medical Attendance Rules, as amended from time to time, applicable to ***[**Group 'A' Officers of the highest grade**]** serving in connection with the administration of the Union Territory of Puducherry.

7. **Speaker and Deputy Speaker not to draw any salary as members of the Assembly. –** The Speaker and the Deputy Speaker shall not be entitled to receive any sum out of funds provided by the Assembly by way of salary or allowances in respect of their membership of such Assembly.

8. **Notification respecting appointment of Speaker, etc., to be conclusive evidence thereof. --** The date on which any person became or ceased to be a Speaker or Deputy Speaker shall be published in the Official Gazette of the Union Territory of Puducherry and any such notification shall be conclusive evidence of the fact that he became or ceased to be the Speaker or the Deputy Speaker on that date for all the purposes of this Act.

***** Amended vide Act No.5 of 2010. This Act has come into force w.e.f. 09.02.2007.

THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY (PUDUCHERRY) ACT, 1964
(No. 16 of 1964)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Definitions.
3. Salary, daily and conveyance allowance.
4. Travelling allowances.
5. Travelling allowances for intermediate journeys.
5A. Travelling facilities
6. Allowances during short intervals between the termination of one session and the commencement of another session, etc.
6A. Telephone allowance.
7. Special provisions.
8. Procedures.
9. Medical treatment etc., to members.
10. Pension.
10A. Advance for purchase of conveyance.
11. Power to make rules.

THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY (PUDUCHERRY) ACT, 1964

(Act No. 16 of 1964)

[6-2-1965]

AN ACT

to provide for the salary, allowances and pension of Members of the Legislative Assembly of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Fifteenth year of the Republic of India as follows: -

1. **Short title. –** This Act may be called the Salary, Allowances and Pension of Members of the Legislative Assembly (Puducherry) Act, 1964.

2. **Definitions. –** In this Act, unless the context otherwise requires: -

(a) "Act' means the Government of Union Territories Act, 1963 (20 of 1963);

(b) "Assembly" means the Legislative Assembly of Puducherry;

(c) "Committee" means a Committee of the Assembly;

(d) "Controlling Officer" means the Secretary to the Assembly;

(e) "Day" means a period of 24 hours beginning at mid-night;

(ee) "family" in relation to a Member, means the wife or husband, as the case may be of such Member, if such wife or husband is residing with such Member, and includes the legitimate children or step-children residing with, and wholly dependent on, such Member but does not include, in the case of a male Member, more than one wife;

(f) "Form" means a form appended to the Second Schedule;

This Act came into force w.e.f 22.03.1965

(g) "Member" means a Member of the Assembly but save as otherwise expressly provided in this Act does not include:–

(i) A Minister as defined in the Salaries and Allowances of Ministers (Puducherry) Act, 1964 and

(ii) The Speaker and Deputy Speaker as defined in the Salaries and Allowances of Speaker and Deputy Speaker (Puducherry) Act, 1964;

(h) "New Member" means a Member who takes his seat in the Assembly after the commencement of this Act and includes a Member who is re-elected or renominated;

(i) "Period of residence on duty" means the period during which a Member resides at a place where a session of the Assembly or a sitting of a Committee is held or where any other business connected with his duties as such Member is transacted, for the purpose of attending to such other business, and includes, except in the case of a Member who ordinarily resides at the place where a session of the Assembly or a sitting of the Committee is held or where any other business connected with his duties as such Member is transacted: -

(i) in the case of a session of the Assembly, a period of such residence not exceeding three days immediately preceding the commencement of the session and a period of such residence not exceeding three days immediately succeeding the date on which the Assembly is adjourned sine die or for a period exceeding seven days; and

(ii) in the case of a sitting of a committee or any other business, a period of such residence not exceeding two days immediately preceding the commencement of the business of the Committee or other business and a period of such residence not exceeding two days immediately succeeding the conclusion of the business of the Committee or other business.

Explanation: In this clause, the term 'place' mean the Assembly Constituency;

(j) "Schedule" means a Schedule appended to the Act; and

(k) "Term of office" means –

(i) Where such a Member is a member elected in a general election held for the purpose of constituting a new Assembly, the period beginning with the date of publication of the notification of the Election Commission under Section 73 of the Representation of the People Act, 1951 (Central Act 43 of 1951); or

(ii) Where such a Member is a Member elected in a bye-election to the Assembly or a Member nominated to the said Assembly, the period beginning with the date of this election referred to in Section 67-A of the Representation of the People Act, 1951 (Central Act 43 of 1951), or as the case may be the date of his nomination, and ending with, in each case may be the date of his nomination, and ending with, in each case may be the date of his nomination, and ending with, in each such case, the date on which his seat becomes vacant.

*** [**3. **Salary and other allowances of members. –** (1) A Member shall be entitled to receive a salary of rupees eight thousand per mensem.

(2) A member shall be paid, **–**

(a) a compensatory allowance of rupees seven thousand per mensem;
(b) a constituency allowance of rupees five thousand per mensem;
(c) a consolidated allowance of rupees two thousand and five hundred per mensem;
(d) a postal allowance of rupees two thousand and five hundred per mensem;
(e) a vehicle allowance of rupees twenty thousand per mensem; and
(f) a daily allowance of rupees five hundred for each day, during any period of residence on duty.**]**

4. **Travelling allowances. –** (1) There shall be paid travelling allowance to each member in respect of every journey performed by him for the purpose of attending a session of the Assembly or a meeting of a committee or for the purpose of attending to any other business connected with his duties as a Member, from his usual place of residence to the place where the session or the meeting is to be held or the other business is to be transacted and for the return journey from such place to his usual place of residence such amount as would be admissible in respect of journeys on tour to a ***[**Group 'A' Officer of the highest grade**]** serving in connection with administration of the Union Territory of Puducherry.

***** Amended vide Act No.6 of 2010. This Act has come into force w.e.f 09.02.2010

(2) Notwithstanding anything contained in sub-section (1), a Member who performs journey by road between places connected by rail or steamer either wholly or in part, may draw the road mileage at the rates referred to in sub-section (1) in place of the travelling allowance which would have been admissible to him if he had travelled by rail or steamer as the case may be:

Provided that the total amount of travelling allowance drawn by such member of the entire journey shall not exceed the amount which would have been admissible to him, had he performed such journey by rail or steamer, as the case may be.

(3) A Member shall be entitled to an advance of travelling allowance in respect of any journey to be performed by him, in connection with his duties as a Member, to a place outside the Puducherry region of the Union Territory of Puducherry and the return journey therefrom, on the same terms and conditions as are applicable to the grant of an advance to a ***[**Group 'A' Officer of the highest grade**]**, referred to in sub-section (1), in respect of journeys on tour:

Provided that where, during the journey aforesaid, such Member performs a journey to a place within the Puducherry region of the Union Territory of Puducherry for attending to any other business connected with his duties as a Member, no advance of travelling allowance shall be admissible to such Member in respect of the journey to a place within the Puducherry regions and the return journey therefrom.

5. **Travelling allowance for intermediate journeys. –** Where a Member absents himself for less than seven days during a session of the Assembly or a sitting of a Committee for visiting any place in the Union Territory of Puducherry he shall be entitled to receive travelling allowance in respect of such journey to such place and for the return journey under Section 4:

Provided that such travelling allowance shall not exceed the total amount of daily allowance which would have been admissible to such Member under section 3 for the days of absence if he had not remained so absent.

5A. Travelling facilities. – A member shall be entitled to rail travel coupon books, in the form as may be prescribed, for self or with a person accompanying the member, to travel any number of times to any place in India, during a financial year:

Provided that the money value of the coupon books used shall not exceed four times the fare of single air-conditioned two-tier journey between Delhi and Kanyakumari in a financial year.

***** Amended vide Act No.6 of 2010. This Act has come into force w.e.f 09.02.2010

6. **Allowances during short intervals between the termination of one session and the commencement of another session. etc., --** Where the interval between the adjournment of the Assembly or, as the case may be, one sitting of a Committee and the re-assembly of the Assembly or the next sitting of the Committee at the same place does not exceed three days and the Member concerned elects to remain at such place during the interval, he shall be entitled to draw for each day of residence at such place a daily allowance at the rate specified in section 3:

Provided that if the Member leaves such place during the interval, his absence from the place shall be treated as absence during a session of the Assembly or a sitting of the Committee, as the case may be, and the provisions of section 5 shall apply accordingly.

***[6A. Telephone allowance.-** A member shall be paid telephone allowance at the rate of rupees five thousand per mensem.**]**

7. **Special provisions. –** In the special circumstances specified in the First Schedule, this Act shall apply subject to the provisions of that Schedule.

8. **Procedures. –** The provisions of the Second Schedule shall apply in respect of claims for salary and allowances.

9. **Medical treatment etc., to members. –** A Member [1] **[**and every member of his family**]** shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment in accordance with the Medical Attendance Rules, as amended from time to time, applicable to Class I Officers serving in connection with the administration of the Union Territory of Puducherry.

***[10. Pension.-** (1) There shall be paid a pension of rupees ten thousand per mensem for a person who had been a Member of the Legislative Assembly.

Explanation.- For the purpose of this sub-section "Member of the Legislative Assembly" shall include a member of the "Representative Assembly" and "Representative Assembly" shall include the body which functioned as the Representative Assembly of the State of Puducherry in pursuance of the State of Puducherry (Representation of the People) Order, 1955 immediately before the commencement of the Government of Union Territories Act, 1963.

(2) Where any Member of the Legislative Assembly dies before the expiry of his term of office, his family shall be paid,-

(a) an allowance of rupees one thousand per mensem for the unexpired term of office for the said deceased member; and
(b) a lump sum amount of rupees one lakh.

***Amended** vide Act No.6 of 2010. This Act has come into force w.e.f 09.02.2010

(3) Where any person entitled to pension under this section dies, the family of such person shall be entitled to receive 50 per cent. of such pension subject to such conditions as may be prescribed. If there is any increase in pension by virtue of this section, the family shall be entitled to receive 50 per cent. of such increase in pension with effect from the date on which such increase in pension under this section is given effect to.

Explanation.- For the purposes of this sub-section, family means,-

(i) wife in the case of a male person or husband in the case of a female person;
(ii) son who has not attained the age of 21 years and unmarried daughter who has not attained the age of 24 years; and
(iii) father and mother in the case of an unmarried person."**]**

10A. **Advance for purchase of conveyance.-** There may be paid to a member by way of repayable advance such sum of money not exceeding fifty thousand rupees for motor-car and ten thousand rupees for motor-cycle, as may be determined by rules made in this behalf under section 11 for the purchase of a conveyance.

11. Power to make rules.- (1) The Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act, shall, as soon as possible after they are made, be placed on the table of the Assembly and shall be subject to such modification by way of amendments of repeal, as the Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session

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FIRST SCHEDULE

(See section 7)

1. **Admissibility of travelling allowance where a Member is provided with free transit for the whole or any part of the journey. –** No travelling allowance under section 4 shall be claimed by a Member in respect of any journey or part thereof performed by him in a conveyance provided at the expense of the Government, or a Local Fund, but he shall be entitled to draw an allowance at the rate of Rs. 3 only per diem where the duration of such journey lasts for not less than six hours on any day:

Provided that the provisions of this paragraph shall not apply to a journey performed on any railway.

Note: The amount of Rs. 3 is granted to the Members to cover his incidental expenses during such journey or part thereof and is in lieu of the extra road mileage when he performs the journey by a conveyance supplied without charge. This allowance is not an alternative to the daily allowance admissible under section 3 per diem which is allowed to him where admissible for each day of residence on duty.

2. **Admissibility of travelling allowances where the place from which a Member performs his journey or to which he returns is not his usual place of residence. –** (1) Where a member performs a journey for the purposes of attending a session of the Assembly or a meeting of a Committee or for the purpose of attending to any other business connected with his duties as a member from a place other than his usual place of residence or returns to such a place, he may draw travelling allowance for the actual journey performed or the journey from or to his usual place of residence, whichever is less.

(2) Where during a session of the Assembly or a sitting of a Committee, a Member performs a journey from the place where such session or sitting is held to any other place for the purpose of attending to any business connected with his duties as a Member he shall be entitled to receive --

(a) travelling allowance, in respect of such journey to such other place and return journey, at the rate specified in section 4 and

(b) daily allowance for each day during any period of residence on duty at the other place at the rate specified in section 3.

3. **Regulation of the payment of daily and travelling allowance under the Act. –** (1) Notwithstanding that a Member has not taken his seat in the Assembly to which he is elected or nominated, he shall be entitled to receive travelling allowance for the journey performed by him for the purpose of taking his seat in the Assembly.

(2) For absence for a period of seven days or more during a session of the Assembly or a meeting of a Committee for visiting any place in the Union Territory of Puducherry, no travelling or daily allowance will be admissible. The period of absence of a Member shall be reckoned in terms of days beginning and ending at midnight.

Explanation: If a Member comes back on the seventh day whether in the forenoon or in the afternoon, his absence shall be treated as being less than 7 days.

(3) The term "during a session" or "a sitting of a Committee" occurring in section 5 and in sub-paragraph (2) of this paragraph does not include the period of three days immediately preceding the commencement of and three days immediately succeeding the end of the session or two days immediately preceding the commencement of the business, and two days immediately succeeding the conclusion of the business of the committee.

(4) If a Member leaves the place where the session of the Assembly or a sitting of a Committee is held before the commencement of the interval between the adjournment the session or the sitting of the Committee **sine die** and the commencement of another session or sitting, such interval not exceeding a period of three days, his absence from that place shall be treated as intermediate absence during a session of the Assembly or a sitting of a Committee as the case may be, and the provisions of section 5 shall apply accordingly.

(5) Travelling allowance for a return journey to the usual place of residence shall be admissible to a Member who leaves the place of a session of the Assembly or a sitting of a Committee during the continuance of such session or sitting and returns to the place of the session or sitting after the conclusion of the business of the session or the sitting, as the case may be, before finally returning to his usual place of residence.

(6) All cases regarding the admissibility of travelling allowance to a Member who arrives at the place where a session of the Assembly or a sitting of a Committee is held, without knowledge of the postponement of the session or the sitting including cases of such Members who arrive after the session or a sitting is adjourned suddenly shall be determined by the Speaker of the Assembly having regard to the circumstances of each case.

(7) Where a Member is provided with free board and lodging at the expenses of the Government or a Local Fund, he shall be entitled to receive only one-half of the daily allowance admissible to him under section 3. If only boarding or lodging is allowed free to the Member, he shall be entitled to receive three-fourths of the daily allowance admissible to him under that section.

SECOND SCHEDULE

(See section 8)

Procedural provisions: -- (1) Every Member shall, as soon as possible after he is elected or nominated, declare his usual place of residence to the Controlling Officer, and any subsequent change in the usual place of residence so declared shall be notified to the Controlling Officer in Form A as early as possible.

(2) A Member who claims any travelling or other allowances under this Act, shall support his claim by a Certificate in the following form:

> "Certified that no travelling allowance in respect of the journey or daily allowance for the period mentioned in this bill has been or will be claimed from any other official source."

(3) Where no part of the journey is performed by a conveyance provided at the expense of the Government or a Local Fund, the following certificate shall be furnished, namely: -

> "Certified that I have not performed any part of the journey by a conveyance provided at the expense of the Government or a Local Fund.".

(4) After completing each final return journey on the termination of a session of the Assembly or a sitting of a committee or any other business connected with his duties as a Member shall furnish a Certificate in Form B.

(5) Ordinarily, any non-governmental dues outstanding against a member shall not be recovered from his salaries and allowances but where such dues are on account of certain services rendered to him in the course of his duties as a Member such as when he is on tour with a committee, and the arrangements for such services have been made by or at the instance of semi-Government institutions or private parties at the request of officers of the Assembly, and where such Member in spite of repeated requests had failed to make payment of such dues, recovery thereof may be effected from the salary or travelling or daily allowance bills of such Member.

FORM A

I have changed my usual place of residence from ……..……..to…….. with effect from ……..due to ……(here state the reasons)……..

I may henceforward be allowed travelling allowance from……..

Signature:
Constituency No:
Date:

FORM B

Departure and return journey certificate

(The Certificate may kindly be filled in, signed and returned to the Secretary, Legislative Assembly, as soon as possible, after completion of the return journey.)

1. Certified that I performed the return journey under section 4 of the Salaries and Allowances of Members of the Legislative Assembly (Puducherry) Act, 1964 leaving …….. (place)……..on the…….(date)……I arrived at…….. (place)…….on the ……..(date).

2. Certified that I have not performed any part of journey (other than the railway journey) by a conveyance provided at the expense of the Government or a Local Fund.

*****3. Certified that I actually travelled by air from…….. (place)…….. to …….. (place) …….. ……..by day / night service.

Payment of the supplementary bill is required at …….. (station) ……..

Station:
Date: **Member of the Legislative Assembly**

***** Strike out if not applicable.

THE PUDUCHERRY GIFT GOODS (UNLAWFUL POSSESSION) ACT, 1964.

(No. 17 of 1964)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Unlawful possession of Gift Goods.
4. Offence under the Act to be cognizable.
5. Power to amend Schedule.
6. Notifications to be placed before the Legislature.

THE PUDUCHERRY GIFT GOODS (UNLAWFUL POSSESSION) ACT, 1964

(Act No. 17 of 1964)

9th March, 1965.

AN ACT

to provide for the punishment of the offence of unlawful possession of gift goods supplied by certain relief organisations.

WHEREAS it is expedient to provide for the punishment of the offence of unlawful possession of gift goods supplied by certain relief organisations;

BE it enacted in the Fifteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Gift Goods (Unlawful Possession) Act, 1964.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Definitions. --** In this Act, unless the context otherwise requires –

(i) "Administrator" means the Administrator appointed by the President under article 239 of the Constitution;

(ii) "gift goods" means any of the following goods namely: -

(a) cornmeal;

(b) milk powder;

(c) vegetable oil (soya bean oil or sunflower seed oil) supplied, by way of gift, by any relief organisation to any State Government or to the Central Government or to any other person on behalf of such Government;

(iii) "relief organisation" means any organisation specified in the Schedule appended to this Act.

+ This Act came into force w.e.f 18.03.1965

3. **Unlawful possession of gift goods. –** If any person is found, or is proved to have been, in possession of any gift goods reasonably suspected of being stolen or unlawfully obtained, and cannot account satisfactorily how he came by the same, he shall be punished with imprisonment for a term which may extend to two ears, or with fine, or with both.

4. **Offence under the Act to be cognizable. –** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act V of 1898), any offence under this Act shall be deemed to be a cognizable offence within the meaning of that Code.

(2) No Court below that of a Magistrate of the First Class shall try any offence under this Act.

5. **Power to amend Schedule. –** The Administrator may, by notification, add any organisation to, or omit any organisation from the schedule and on the publication of such notification, such organisation shall be deemed to be included in, or as the case may be, omitted from, the Schedule.

6. **Notifications to be placed before the Legislature. –** (1) Every notification issued under this Act shall come into force on the day on which it is published.

(2) Every notification issued under this Act shall, as soon as possible, after it is issued, be placed on the table of the Legislative Assembly of Puducherry, and if, before the expiry of the session in which it is so placed, or the next session, the Legislative Assembly may make such modification in any notification or decide that the notification should not be issued, the notification shall thereafter have effect 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 notification.

THE SCHEDULE

[See section 2 (2)**]**

1. United Nations Children's Fund (UNICEF).
2. Cooperative for American Relief Everywhere (CARE).
3. Church World Service.
4. Lutheran World Relief.
5. Catholic Relief Service.

THE PUDUCHERRY OFFICIAL LANGUAGES ACT, 1965
(No. 3 of 1965)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Official language of the Union territory.
4. Use of English language for official purposes.

THE PUDUCHERRY OFFICIAL LANGUAGES ACT, 1965

(Act No. 3 of 1965)

3rd April, 1965

AN ACT

to provide for the languages to be used for the official purposes of the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Sixteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –**(1) This Act may be called the Puducherry Official Languages Act, 1965.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Definitions. –** (a) "Administrator" means the Administrator of the Union territory of Puducherry appointed by the President under Article 239 of the Constitution;

(b) "Union territory" means the Union territory of Puducherry.

3. **Official Language of the Union territory. --** With effect from such date as the Administrator may, by notification in the Official Gazette, appoint in this behalf, the Tamil language shall, subject to the provisions of section 34 of the Government of Union Territories Act, 1963 (Central Act 20 of 1963), be the language to be used for all or any of the official purposes of the Union territory, and different dates may be appointed for different official purposes or for different areas in the Union territory:

Provided that the Administrator may, by like notification direct that in the case of Mahe area, the Malayalam language, and in the case of Yanam area, the Telugu language may be used for such official purposes and subject to such conditions as may be specified in such notification.

4. **Use of the English language for official purposes. –** Notwithstanding anything contained in section 3, as from the commencement of this Act, the English language may be used for all or any of the official purposes of the Union territory.

+ This Act came into force w.e.f 05.04.1965

THE CODE OF CRIMINAL PROCEDURE (PUDUCHERRY AMENDMENT) ACT, 1965.

(No. 4 of 1965)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Application of the Act.
3. Amendment of section 198-B.

THE CODE OF CRIMINAL PROCEDURE (PUDUCHERRY AMENDMENT) ACT, 1965.

(Act No. 4 of 1965)

8th April, 1965

AN ACT

to amend the Code of Criminal Procedure, 1898 in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly in the Sixteenth Year of the Republic of India as follows: -

1. **Short title and commencement. –** (1) This Act may be called the Code of Criminal Procedure (Puducherry Amendment) Act, 1965.

+ (2) It shall come into force at once.

2. **Application of the Act. –** The Code of Criminal Procedure, 1898 (5 of 1898) (hereinafter referred to as the said Act), shall, in its application to the Union territory of Puducherry, be amended for the purpose and in the manner hereinafter provided.

3. **Amendment of section 198-B. –** In section 198-B of the said Act, in clause (b) of sub-section (3), after the words "or of a State Government", the words "or of the Government of the Union territory of Puducherry" shall be inserted.

+ This Act came into force w.e.f 23.04.1965

THE PUDUCHERRY HOMOEOPATHIC PRACTITIONERS' ACT, 1965.

(No. 5 of 1965)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Persons entitled to be a practitioner and rights of such practitioners.
4. Right of registered practitioner.
5. Exemption from serving on inquests.
6. False assumption of certificate of diploma to be an offence.
7. Court competent to try offences under this Act and take cognizance of offences.
8. Bar to suit and other legal proceedings.
9. Power to make rules.

THE PUDUCHERRY HOMOEOPATHIC PRACTITIONERS' ACT, 1965.

(Act No. 5 of 1965)

11th April, 1965.

AN ACT

to provide for the practice of the Homoeopathic system of medicine in the Union territory of Puducherry.

Preamble

WHEREAS it is expedient to provide for the practice of the Homoeopathic system of medicine in the Union territory of Puducherry with a view to regulate the practice of such system:

BE it enacted by the Legislative Assembly in the Sixteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Homoeopathic Practitioners' Act, 1965.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Definitions. –** In this Act, unless there is anything repugnant in the subject or context ---

(1) "Homoeopathy" means the system of medicine founded by Dr. Hahnemann and the expression "Homoeopathic" shall be construed accordingly;

(2) "Practitioner" means a person who practices the Homoeopathic system of medicine in accordance with the provisions of this Act;

(3) "Government" means the Administrator of the Union territory of Puducherry appointed under Article 239 of the Constitution.

+ This Act came into force w.e.f 19.05.1965

3. **Persons entitled to be a practitioner and rights of such practitioners. –** (1) Notwithstanding anything contained in any law for the time being in force, no person shall practise the Homoeopathic system of medicine in the Union territory of Puducherry without a Certificate of Registration issued by the Director of Medical Services, Puducherry.

(2) Every person who possesses any of the qualifications recognised by any law for the time being in force in India or in any part thereof for practicing the Homoeopathic system of medicine may be registered as a Practitioner of Homoeopathic system of medicine in the Union territory of Puducherry, on payment of such registration fee as may be prescribed by Government by notification in the Gazette.

(3) Such registered practitioner shall be entitled to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances or any fees to which he may be entitled.

(4) Whenever the Director of Medical Services refuses to register a person as a practitioner in the Homoeopathic system of medicine, an appeal shall be made to Government in the Health Department.

4. **Right of registered practitioner. --** A practitioner shall be eligible to hold any appointment as a physician or other medical officer in any Homoeopathic dispensary, hospital or infirmary supported by or receiving a grant from the Government or local authority and treating patients according to the Homoeopathic system of medicine or any public establishment, body or institution dealing with such system of medicine.

5. **Exemption from serving on inquests. –** Every practitioner shall be exempt, if he so desires from serving on any inquest or as a juror or assessor under the Code of Criminal Procedure, 1898.

6. **False assumption of certificate of diploma to be an offence. –** Whoever practices the Homoeopathic system of medicine in the Union territory of Puducherry without Certificate of Registration issued under section 3 or whoever falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by an association or institution recognised or authorised under any law for the time being in force in India or in any part thereof or that he is qualified to practice the Homoeopathic system of medicine under the provisions of this Act shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or both for the first offence under this section and to imprisonment which may extend to one year or a fine which may extend to one thousand rupees or both for every subsequent offence.

7. **Court competent to try offences under this Act and take cognizance of offences. –** (1) No Court other than the Court of a Magistrate of the first class shall take cognizance of, or try an offence under this Act.

(2) No court shall take cognizance of an offence under this Act, except upon complaint made by order of the Government.

8. **Bar to suit and other legal proceedings. –** No suit or other legal proceedings shall lie against the Government in respect of an act done in the exercise of the powers conferred by this Act.

9. **Power to make rules. –** (1) The Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) The rules made under this section shall be subject to the conditions of previous publication, and the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897 (10 of 1897), shall not be less than one month from the date on which the draft of the proposed rules was published.

(3) All rules made under this Act shall, as soon as may be after it is made, be laid before the Legislative Assembly of Puducherry while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides 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.

THE PUDUCHERRY ANIMALS AND BIRDS SACRIFICES PROHIBITION ACT, 1965.

(No. 8 of 1965)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Sacrifice in temple or its precincts prohibited.
4. Officiating at sacrifice, etc., prohibited.
5. Temple or its precincts not to be allowed to be used for sacrifice.
6. Penalties.
7. Enquiry and trial.

THE PUDUCHERRY ANIMALS AND BIRDS SACRIFICES PROHIBITION ACT, 1965.

(Act No. 8 of 1965)

23rd April, 1965.

AN ACT

to prohibit the sacrifice of animals and birds in or in the precincts of Hindu temples in the Union territory of Puducherry.

WHEREAS it is expedient to prohibit the sacrifice of animals and birds in or in the precincts of Hindu temples in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly in the Sixteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Animals and Birds Sacrifices Prohibition Act, 1965.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Definitions. –** In this Act, unless there is anything repugnant in the subject or context ---

(i) "precincts" in relation to a temple, includes all lands and buildings near a temple, whether belonging to the temples or not, which are ordinarily used for purposes connected with the worship whether conducted inside the temple or outside and in particular the mandapams, prakarams, back-yards of the temple by whatever name called, and also the ground on which the temple car ordinarily stands;

(ii) "sacrifice" means the killing or maiming of any animal or bird for the purpose or with the intention, of propitiating any deity;

(iii) "temple" means a place by whatever designation known, used as a place of public religious worship, and dedicated to, or for the benefit of or used as of right by, the Hindu Community or any section thereof, as a place of public religious worship.

+ This Act came into force w.e.f 19.05.1965

3. **Sacrifice in temple or its precincts prohibited. –** No person shall sacrifice any animal or bird in any temple or its precincts.

4. **Officiating at sacrifice, etc., prohibited. –** No person shall ---

(a) officiate or offer to officiate at, or

(b) perform or offer to perform, or

(c) serve, assist or participate, or offer to serve, assist or participate in,

any sacrifice in any temple or its precincts.

5. **Temple or its precincts not to be allowed to be used for sacrifice. –** No person shall knowingly allow any sacrifice to be performed at any place which --

(a) is situated within any temple or its precincts; and

(b) is in his possession or under his control.

6. **Penalties. –** (1) Whoever contravenes the provisions of section 3 shall be punished with fine which may extend to three hundred rupees.

(2) Whoever contravenes the provisions of section 4 shall be punished with fine which may extend to three hundred rupees:

Provided that if the offender is an officer, servant, authority, trustee or priest of the temple or the holder of an office in receipt of emoluments or perquisites for the performance of any service in the temple, he shall be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to three hundred rupees or with both.

(3) Whoever contravenes the provisions of section 5 shall be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to three hundred rupees or with both.

7. **Enquiry and trial. –** No offence punishable under this Act shall be enquired into or tried by any court inferior to that of a Magistrate of the first or second class.

THE PUDUCHERRY DRAMATIC PERFORMANCES ACT, 1965.

(No. 9 of 1965)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Power to prohibit objectionable performances.
4. Power to prohibit objectionable performances temporarily.
5. Service of order of prohibition.
6. Penalty for disobeying order.
7. Penalty for disobeying prohibition.
8. Power to call information.
9. Power to call for copy of purport of drama, etc.
10. Appeal to High Court.
11. Saving of prosecutions under other laws.
12. Protection for acts done in good faith.
13. Power to make rules.

THE PUDUCHERRY DRAMATIC PERFORMANCES ACT, 1965.

(Act No. 9 of 1965)

24th April, 1965.

AN ACT

to provide for the better control of public dramatic performances in the Union territory of Puducherry.

WHEREAS it is expedient to provide for the better control of public dramatic performances in the Union territory of Puducherry;

BE it enacted by the Legislative Assembly in the Sixteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Dramatic Performances Act, 1965.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Definitions. –** In this Act, unless the context otherwise requires –

(1) "Competent Authority" means -

(a) in relation to the entire Union territory of Puducherry the District Magistrate, and

(b) in relation to Karaikal, Mahe and Yanam the Administrator of the respective region.

(2) "Objectionable performance" means any play, pantomime or other drama which is likely to --

(i) incite any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or

+ This Act came into force w.e.f 19.05.1965.

(ii) incite any person to commit murder, sabotage or any offence involving violence; or

(iii) seduce any member of any of the armed forces of the Union or of the Police Forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or

(iv) incite any section of the citizens of India to acts of violence against any other section of the citizens of India; or which --

(v) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or

(vi) is grossly indecent, or is scurrilous or obscene or intended for blackmail;

Explanation I. --- A performance shall not be deemed to be objectionable merely because in the course thereof words are signs uttered or visible representations are made, expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

Explanation II. --- In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole.

(3) "public place" means any building or enclosure, or any place in the open air and any pandal where the sides are not enclosed to which the public are admitted to witness a performance;

(4) "State Government" means the Administrator appointed under Article 239 of the Constitution.

3. **Power to prohibit objectionable performances. ---** (1) Whenever the State Government are satisfied that any play, pantomime or other drama performed or about to be performed in a public place is an objectionable performance, they may, by order stating the grounds on which they consider the performance objectionable, prohibit the performance.

(2) No order under sub-section (1) shall be passed without giving a reasonable opportunity to the organizer or other principal persons responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place to show cause why the performance should not be prohibited.

(3) Every order made under sub-section (1) shall be published in the State Gazette.

(4) Any order made under sub-section (1) may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

4. **Power to prohibit objectionable performances temporarily. –** (1) The competent authority may, if he is of opinion that any place, pantomime or other drama performed on about to be performed, being of the nature specified in section 2, is likely to lead to a breach of the peace, by order stating the grounds for such opinion, prohibit its performance.

Provided that the authority who passed such order may review it on an application made by the person or party affected by such order.

(2) Subject to any order made by the Court on appeal under section 10, an order under this section shall remain in force for two months form the making thereof:

Provided that the competent authority may, if he is of opinion that the order should continue in force, by such further order or orders as he may deem fit, extend the period aforesaid by such further period or periods not exceeding two months at a time as may be specified in such order or orders.

5. **Service of order of prohibition. –** A copy of the order made under sub-section (1) of section 3, or under sub-section (1) or (2) of section 4, may be served personally or in such other manner as may be prescribed by rules made under section 13, on the organizers or other principal persons responsible for the conduct of, or any person about to take part, in the performance so prohibited or on the owner or occupier of the public place, in which such performance in intended to take place.

6. **Penalty for disobeying order. –** Any person on whom a copy of the order referred to in section 3 or section 4 is served and who does, or willingly permits, any act in disobedience of such order, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

7. **Penalty for disobeying prohibition. --** (1) Any person who, after the publication of an order under sub-section (3) of section 3, or during the period when an order made under sub-section (1) or (2) of section 4, is in force organises or is responsible for the conduct of or who with the knowledge that such an order under section 3 or section 4 is in force takes part in, the performance prohibited thereby or any performance substantially the same as the performance so prohibited, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person who being the owner or occupier, or having the use of any public place, opens, keeps or uses the same for any performance prohibited under section 3 or section 4, or permits the same to be opened, kept or used for any such performance, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

8. **Power to call information. –** (1) For the purpose of ascertaining the character of any intended play, pantomime or other drama, the State Government, or such officer as they may empower in this behalf, may, by order, require the organisers or other principal persons responsible for the conduct of, or other persons about to take part in such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed to furnish such information as the State Government or such officer may think necessary.

(2) Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under section 176 of the Indian Penal Code (Central Act XLV of 1860).

9. **Power to call for copy of purport of drama, etc. –** (1) If the State Government or the competent authority have or has reason to believe that an objectionable dramatic performance is about to take place, they or he, as the case may be, may, by order, direct that no such dramatic performance shall take place in any public place within any area, unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than seven days before the performance, to the State Government or the competent authority aforesaid.

(2) A copy of any order made under sub-section (1) may be served on the owner or occupier of the public place, in which such performance is intended to take place and if thereafter he does or willingly permits, any act in disobedience of such order, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

10. **Appeal to High Court. –** Any person aggrieved by an order under sub-section (1) of section 3, or under sub-section (1) or (2) of section 4, may, within sixty days of the publication of such order under sub-section (3) of section 3, or, as the case may be, within sixty days of the date on which an order under sub-section (1) or (2) of section 4, is made, prefer an appeal to the High Court; and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary.

(2) Every such appeal shall be heard by a Bench of not less than two Judges.

11. **Saving of prosecutions under other laws. –** Where no order under section 3 or section 4 has been made in respect of any performance, nothing in this Act shall bar a prosecution under the Indian Penal Code (Central Act XLV of 1860) or any other law.

12. **Protection for acts done in good faith. –** No suit, prosecution or other legal proceeding shall be instituted against any authority or officer for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

13. **Power to make rules. –** (1) The State Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) All rules made under this section shall be subject to the condition of previous publication, and the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897 (10 of 1897), shall not be less than one month from the date on which the draft of the proposed rules was published.

(3) All rules made under this Act shall, as soon as may be after it is made, be laid before the Legislative Assembly of Puducherry while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the sessions in which it is so laid or the session immediately following the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, that 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.

THE PUDUCHERRY GENERAL SALES TAX ACT, 1965

(No. 10 of 1965)

Repealed by the Puducherry General Sales Tax Act, 1967 (Act No. 6 of 1967)

Repealed by the Puducherry Value Added Tax Act, 2007 (Act No. 9 of 2007)

THE PUDUCHERRY COOPERATIVE SOCIETIES ACT, 1965.

(No. 11 of 1965)

Repealed by the Puducherry Cooperative Societies Act, 1972 (Act No. 7 of 1973.

THE PUDUCHERRY GENERAL CLAUSES ACT, 1965. (No. 13 of 1965)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. General Clauses Act, 1897 to apply to Acts of the Legislative Assembly of Puducherry.

THE PUDUCHERRY GENERAL CLAUSES ACT, 1965.

(Act No. 13 of 1965)

26th October, 1965.

AN ACT

to provide for the application of the General Clauses Act, 1897 for the interpretation of the Acts of the Legislature of the Union territory of Puducherry.

BE it enacted by the Legislative Assembly in the Sixteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry General Clauses Act, 1965.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **General Clauses Act, 1897 to apply to Acts of the Legislative Assembly of Puducherry. –** Unless the context otherwise requires, the General Clauses Act, 1897 (Central Act 10 of 1897), shall apply for the interpretation of the Acts of the Legislature of the Union territory of Puducherry (whether enacted before or after the commencement of this Act), as it applies for the interpretation of a Central Act.

+ This Act came into force w.e.f 30.10.965

THE PUDUCHERRY HOME GUARDS ACT, 1965.

(No. 14 of 1965)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Constitution of Home Guards and appointment of Commandant General and Commandant.
4. Appointment of Home Guards and forms of declaration and certificate of appointment as such.
5. Reserve force of Home Guards.
6. Training, functions and duties.
7. Powers, protection and control.
8. Control by officers of police force.
9. Certificate, arms, etc., to be delivered up by persons ceasing to be Home Guards.
10. Punishment for neglect of duty, etc.
11. Penalties for breach of duties, etc.
12. Power to make rules.
13. Home Guards to be public servants.
14. Home Guards not disqualified from election to State Legislature or local bodies.
15. The First Schedule.
16. The Second Schedule.

THE PUDUCHERRY HOME GUARDS ACT, 1965.

(Act No. 14 of 1965)

26th October, 1965.

AN ACT

to provide for the Constitution of a volunteer organisation known as the Home Guards for service in emergencies and for certain other purposes so as to inculcate habits of self-reliance and discipline among the people and to develop in them a sense of civic responsibility.

BE it enacted by the Legislative Assembly in the Sixteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Home Guards Act, 1965.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Definitions. –** In this Act, unless the context otherwise requires –

(a) "District Magistrate" means District Magistrate for the Union territory and includes Sub-Divisional Magistrates of Karaikal, Mahe and Yanam in their respective regions;

(b) "Government" means the Administrator appointed under Article 239 of the Constitution;

(c) "Home Guard" means a person who is appointed as such under this Act;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "region" means the four regions, Puducherry, Karaikal, Mahe and Yanam constituting the Union territory;

(f) "Union territory" means Union territory of Puducherry.

+ This Act came into force w.e.f 03.11.1965

3. **Constitution of Home Guards and appointment of Commandant General and Commandant. –** (1) The Government shall, by notification in the Official Gazette, constitute for each region in which this Act has been brought into force, a volunteer body called the Home Guards, the members of which shall discharge such functions and duties in relation to the protection of persons, the security of property, the public safety and the maintenance of essential services as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

(2) The administration of Home Guards constituted under sub-section (1) for any region shall, under the general superintendence, control and direction of the District Magistrate, be vested in the Commandant, who shall be appointed by the Government and in any such additional, Deputy or Assistant Commandants as the Government may deem fit to appoint.

(3) The general supervision and control of Home Guards throughout the Union territory shall, under the general superintendence, control and direction of the District Magistrate, be vested in the Commandant General who shall be appointed by the Government and in any such additional Commandants General, Divisional Commandants General or Assistant Commandants General as the Government may deem fit to appoint.

(4) The Home Guards constituted for different regions in the Union territory, shall, for the purpose of this Act, be a single force and the members thereof shall be formally enrolled, and such force shall consist of such number of officers and men, and their qualifications and conditions of training and service shall be such as may be prescribed.

4. **Appointment of Home Guards and forms of declaration and certificate of appointment as such. –** (1) Subject to the approval of the Commandant General, the Commandant may appoint as Home Guards such number of persons who are fit and willing to serve as may, from time to time, be determined by the Government and may appoint any such person to any office of command in the Home Guards.

(2) Notwithstanding anything contained in sub-section (1) the Commandant General may appoint any such person to any post under his immediate control.

(3) A Home Guard shall, on appointment, make a declaration in the form specified in the First Schedule and receive a certificate of appointment in the form specified in the Second Schedule, under the seal and a signature of such officer as may be prescribed.

(4) Subject to any rules made in this behalf, a Home Guard shall be required to serve the Home Guards Organisation for a period of three years (including the period spent in training) which period may be extended by the Government to such further period as it may consider necessary, and a Home Guard shall thereafter serve in the reserve force of Home Guards constituted as hereinafter provided for a period of three years and shall, while serving in such reserve force, be liable to be called out for duty at any time.

(5) Notwithstanding anything contained in sub-section (4) the Commandant General or the Commandant shall have authority to discharge any Home Guard at any time subject to such conditions as may be prescribed, if in his opinion the services of such Home Guard are no longer required.

5. **Reserve force of Home Guards. –** The Government may constitute a reserve force of Home Guards consisting of persons appointed to it by the Government from among the Home Guards discharged from the regular service of Home Guards under sub-section (4) of section 4.

6. **Training, functions and duties. –** (1) The Commandant General may, at any time, call out a Home Guard for training or to discharge within the Union territory any of the functions or duties as may be assigned in accordance with the provisions of this Act and the rules made thereunder.

(2) The District Magistrate or the Commandant, may, at any time, call out a Home Guard for training or to discharge any such functions or duties within the region for which the Home Guards have been set up.

7. **Powers, protection and control. –** (1) A Home Guard when called out under section 6 shall have the same powers, privileges and protection as an officer of police appointed under any enactment for the time being in force.

(2) No prosecution shall be instituted against a Home Guard in respect of anything done or purporting to be done by him in the discharge of his functions or duties as such Home Guard, except with the previous sanction of the Commandant General.

8. **Control of officers of police force. --** The Home Guards may be called out in aid of the Police Force and when they are so called out, they shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed.

9. **Certificate, arms, etc., to be delivered up by persons ceasing to be Home Guards. –** (1) Every person who for any reason ceases to be a Home Guard shall forthwith deliver up to the Commandant or to such person and at such place as the Commandant may direct, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him as such Home Guard.

(2) Any Magistrate or, for special reasons which shall be recorded in writing at the time, any police officer not below the rank of an Assistant or Deputy Superintendent of Police may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up; and every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), by a police officer or if the Magistrate or the police officer issuing the warrant so directs, by an other person.

(3) Nothing in this section shall be deemed to apply to any article which under the orders of the Commandant General has become the property of the person to whom the same was furnished.

10. **Punishment for neglect of duty, etc. ---** (1) The Commandant or the Commandant General shall have authority to suspend, to reduce or to dismiss or to fine not exceeding fifty rupees, any Home Guard under his control, if such Home Guard on being called out under section 6, without reasonable cause neglects or refuses to obey such order or refuses to discharge his functions and duties as a Home Guard or refuses to obey any other lawful order or direction given to him for the performance of his functions and duties or is found guilty of any misconduct or breach of discipline.

(2) The Commandant General shall also have authority to dismiss any Home Guard on the ground of conduct which has led to his conviction on a criminal charge.

(3) When the Commandant or the Commandant General passes after inquiry an order suspending, reducing, dismissing or fining any Home Guard under sub-section (1), he shall record such order or cause the same to be recorded together with the reasons therefor and a note of the inquiry made, in writing, and no such order shall be passed unless the person concerned has been given an opportunity to be heard in his defence.

(4) Any Home Guard aggrieved by such order of the Commandant may appeal against that order to the Commandant General and any Home Guard aggrieved by such order of the Commandant General may appeal against that order to the Government, within thirty days of the date on which he was served with notice of the concerned order; and thereupon the Commandant General or the Government, as the case may be, may pass such orders as he or it thinks fit.

(5) The Commandant General or the Government may, at any time, call for and examine the record of any order passed by the Commandant or Commandant General, as the case may be, under sub-section (1) for the purpose of satisfying himself or itself as to the legality or propriety of such order and may pass such order in revision with reference thereto as he or it thinks fit.

(6) Notwithstanding anything contained in any other law ---

(a) any order passed in revision under sub-section (5),

(b) subject to such order in revision, any order passed in appeal under sub-section (4), and

(c) subject to the orders in revision and appeal aforesaid, any order passed by the Commandant or Commandant General under, sub-section (3), shall be final.

(7) Any fine imposed under this section may be recovered in the manner provided by the Code of Criminal Procedure, 1898 (5 of 1898), for the recovery of fines imposed by a Court as if such fine were imposed by a Court.

(8) Any punishment inflicted on a Home Guard under this section shall be in addition to the penalty to which he is liable under section 11 or any other law for the time being in force.

11. **Penalties for breach of duties, etc. –** (1) If any Home Guard on being called out under section 6, without reasonable excuse neglects or refuses to turn up for training, or refuses to discharge his functions and duties as a Home Guard or refuses to obey any other lawful order or direction given to him for the performance of his duties and functions, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

(2) If any Home Guard wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provisions of sub-section (1) of section 9, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

(3) No proceedings shall be instituted in any court under sub-section (1) or sub-section (2) without the previous sanction of the Commandant General concerned.

(4) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (1) or sub-section (2).

*[11 **A. Obligation of an employer to permit Home Guards to join duty.** (1) Except as may be prescribed, every employer shall permit a Home Guard who is for the time being employed by or under him to join duty as such Home Guard, and, notwithstanding anything in any law or agreement between him and such Home Guard for the time being in force, the period of his duty as Home Guard shall, subject to such conditions and restrictions as may be prescribed, be deemed to be the period spent in such employment.

(2) No employer shall dismiss, remove or suspend any employee, or take any other action which may prejudice such employee, by reason of his being a member of the Home Guard.

(3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punished with fine which may extend to two hundred and fifty rupees and the court by which an employer is convicted shall further order him to reinstate the employee, if he has dismissed, removed or suspended the employee in contravention of sub-section (2).

(4) Nothing in this section shall apply to an employer unless he had forwarded the application of the employee concerned for enrolment as Home Guard or been informed by the employee of his being a Home Guard at the time of applying for employment.

11 **B. Pay and allowances**. (1) Every member of the Home Guard shall, during the period of training or service in the Home Guard, receive from the Government such allowances as may be prescribed.

(2) Where any such member was in any employment immediately before he is called out for training or service by an order under section 6, the employer shall be liable to pay to him for the period of training or service, the pay and allowances as if such member had not been so called out.

(3) If an employer refuses or fails to pay any such member the pay and allowances as provided in sub-section (2), such pay and allowances may, on application by the member to the authority specified in this behalf, be recovered from the employer in such manner as may be prescribed.]

12. **Power to make rules**.- (1) The Government may make rules consistent with this Act-

(a) regulating the powers exercisable by the District Magistrate, the commandant General and the Commandant under section 6 and providing for the exercise, by any officer of the Home Guards, of the said powers;

(b) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force;

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* Amended vide Act No. 8 of 1981 w.e.f 07.07.1981.

(c) regulating the organisation, appointment, conditions of service, qualifications, functions, duties, discipline, arms, accoutrements and clothing and uniform of the Home Guards and the manner in which they may be called out for service or be required to undergo any training;

(d) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 7;

(e) generally for giving effect to the provisions of this Act.

(2) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly of Puducherry while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, the Ligislative Assembly makes any modification in the rule or decides that any such rule should not be made, that 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.

13. **Home Guards to be public servants**.- Home Guards acting under this act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

14. **Home Guards not disqualified from election to State Legislature or local bodies**.- (1) A Home Guard shall not be disqualified for being chosen as, and for being, a member of the State Legislature merely by reason of the fact that he is a Home Guard.

(2) Notwithstanding anything to the contrary contained in any other law for the time being in force, a Home Guard shall not be disqualified for being chosen as, and for being, a member of any local authority merely by reason of the fact that he is a Home Guard.

THE FIRST SCHEDULE

[See section 4 (3)]

Declaration Form

I, …….. Son of ……. resident of ……. do hereby solemnly declare and affirm that I will truly serve as a Home Guard without favour of affection, malice or ill-will, communal or political bias, for a period of three years from the date of appointment including the period spent over training and that I further undertake to serve as a Home Guard at any time or any place in India during a further period of three years if I am called out for training or duty during such period. I will to the best of my skill and Knowledge discharge the duties of a Home Guard.

Place :

Date : Signature

THE SECOND SCHEDULE

[See section 4 (3)]

Form of certificate of appointment

Shri,……Son of shri……..resident of ……..has been appointed a Home Guard under section 4 (3) of the Puducherry Home Guards Act, 1965. When lawfully on duty, he shall have the same powers, privileges and protection as an officer of police appointed under any enactment for the time being in force.

Date of appointment …….

Place :

Dated : Signature and Seal of the prescribed authority.

THE PUDUCHERRY GAMING ACT, 1965.

(No. 15 of 1965)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Penalty for opening etc., of any house etc., for certain forms of gaming.
4. Power to grant warrant to enter a common gaming house.
5. Cards, dice, etc., found in search under last section to be evidence that place is a common gaming house.
6. Proof of playing for stakes unnecessary.
7. Penalty for opening etc., a common gaming-house.
8. Penalty for being found gaming in a common gaming-house.
9. Instruments of gaming may be ordered to be destroyed on conviction.
10. Saving of games of skill.
11. Payment of portion of fine to informants and Police officers.
12. Penalty for gaming in public street etc.
13. Assembling in streets for gaming.
14. Printing, publishing or distributing any news or information.
15. Police may arrest without warrant in view of offence.
16. Repeal.

THE PUDUCHERRY GAMING ACT, 1965

(Act No. 15 of 1965)

27th October, 1965.

AN ACT

to provide for the punishment of gaming and the keeping of common gaming-houses in the Union territory of Puducherry.

WHEREAS it is expedient to make provision for the punishment of gaming and the keeping of common gaming-houses in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly in the Sixteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Gaming Act, 1965.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Definitions. –** In this Act, unless the context otherwise requires ---

(a) "common gaming-house" means any house, room, tent, enclosure, vehicle, vessel or any place whatsoever in which cards, dies, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room, tent, enclosure, vehicle, vessel or place whether by way of charge for the use of instruments of gaming or of the house, room, tent, enclosure, vehicle, vessel or place or otherwise howsoever; and includes any house, room, tent, enclosure, vehicle, vessel or place opened, kept or used or permitted to be opened, kept or used for the purpose of gaming;

(b) "gaming" does not include a lottery but includes wagering or betting;

Explanation. – For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wage or bet or any act which is intended to aid or facilitate wagering or betting or such collection soliciting, receipt or distribution.

+ This Act came into force w.e.f 12.11.1965

(c) "instruments of gaming" includes any article used or intended to be used as a subject or means of gaming, any document used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise, distributed or intended to be distributed in respect of any gaming;

(d) "State Government" means the Administrator appointed under Article 239 of the Constitution.

3. **Penalty for opening etc., of any house etc., for certain forms of gaming. –** (1) Whoever --

(a) being the owner or occupier or having the use of any house, room, tent, enclosure, vehicle, vessel or place, opens, keeps or uses the same for purpose of gaming ---

(i) on a horse-race, or

(ii) on the market price of cotton, bullion or other commodity or on the digits of the number used in stating such price, or

(iii) on the amount or variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or

(iv) on the market price of any stock or share or on the digits of the number used in stating such price, or

(v) on the number of registration or on the digits of the number of registration of any motor vehicle using a public place, or

(vi) on any transaction or scheme of wagering or betting in which the receipts or distribution of winnings or prizes in money or otherwise is made to depend on chance; or

(b) being the owner or occupier of any such house, room, tent, enclosure, vehicle, vessel or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose of gaming on any of the objects aforesaid, or

(c) has the care or management of, or in any manner assists in conducting the business of, any such house, room, tent, enclosure, vehicle, vessel or place opened, occupied, kept or used for the purpose of gaming on any of the objects aforesaid, or

(d) advances or furnishes money for the purpose of gaming on any of the objects aforesaid with persons frequenting any such house, room, tent, enclosure, vehicle, vessel or place

shall be punishable for a first offence with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both and for a second or subsequent offence with imprisonment for a term which may extend to two years and with fine:

Provided that in the absence of special reasons to be recorded in writing, the punishment to be imposed on an offender on conviction for a first offence under this sub-section shall be imprisonment for not less than one month or fine of not less than five hundred rupees or both and for a second or subsequent offence with imprisonment for not less than two months and fine of not less than one thousand rupees.

(2) (a) Whoever is found in any house, room, tent, enclosure, vehicle, vessel or place referred to in sub-section (1), gaming on any of the objects specified in that sub-section , or present, for the purpose of gaming on any such object shall be punishable for a first offence with imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both and for a second or subsequent offence with imprisonment for a term which may extend to two months and with fine.

(b) Any person found in any such house, room, tent, enclosure, vehicle, vessel or place during any gaming therein on any of the objects specified in sub-section (1) shall be presumed, until the contrary is proved, to have been there for the purpose of gaming on such object.

(3) Whoever is found gaming on any of the objects specified in sub-section (1) in any public street or thoroughfare or in any place to which the public have or are permitted to have access shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to three hundred rupees or with both.

4. **Power to grant warrant to enter a common gaming-house. –** (1) If any Magistrate not inferior to a Magistrate of the second class or any Police Officer not below the rank of Inspector of Police has reason to believe that any place is used as a common gaming-house, he may by his warrant give authority to any Police Officer, not below the rank of a Sub-Inspector to enter with such assistance as may be found necessary, by night or by day, any such place, and to arrest all persons found therein and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein and to search all parts of such place and also persons found therein.

(2) Any Police Officer having power to issue a warrant under sub-section (1) may, instead of doing so, himself exercise all or any of the powers exercisable under such warrant.

5. **Cards, dice, etc., found in search under last section to be evidence that place is a common gaming-house. –** Any cards, dice, gaming table or cloth, board or other instruments of gaming found in any place entered or searched under the provisions of the last preceding section, or on any person found therein shall be evidence that such place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police Officer or any of his assistants.

6. **Proof of playing for stakes unnecessary. –** It shall not be necessary, in order to convict any person of keeping a common gaming-house or of being concerned in the management of any common gaming house, to prove that any person found playing at any game was playing for any money, wager, bet or stake.

7. **Penalty for opening etc., a common gaming –house. –** Whoever opens, keeps or uses or permits to be used any common gaming-house, or conducts or assists in conducting the business of any common gaming-house or advances or furnishes money for gaming therein, shall be punishable with fine which may extend to five hundred rupees or with imprisonment for a term which may extend to three months or with both.

8. **Penalty for being found gaming in a common gaming-house. –** Whoever is found gaming or present for the purpose of gaming in a common gaming-house shall be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to one month; and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

9. **Instruments of gaming may be ordered to be destroyed on conviction. –** On conviction of any person for keeping a common gaming-house or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by the order of the Magistrate, and such Magistrate may order all or any of the other articles seized, or the proceeds thereof, to be forfeited.

10. **Saving of games of skill. –** Nothing in sections 4 to 9 of this Act shall be held to apply to games of mere skill wherever played.

11. **Payment of portion of fine to informants and Police Officers. –** (1) (a) The Magistrate may direct any portion not exceeding one-half, of any fine which shall be levied under section 3,7 or 8, and of the moneys or proceeds of articles seized and ordered to be forfeited under section 9 to be paid to such informants and Police Officers as may have assisted in the detection of the offender.

(b) A direction under this sub-section may also be made by any Court of appeal, reference or revision.

(2) Where direction is made under sub-section (1), the Magistrate concerned shall send the amount to be paid under that sub-section, to the Inspector-General of Police who shall distribute it among such of the informants and Police Officers aforesaid as may be chosen by him and in such proportions as be thinks fit.

(3) The amount aforesaid shall not be sent to the Inspector General of Police until the expiry of three months from the date of the direction under sub-section (1), or if an appeal or revision is presented within that period, until the appeal or revision has been disposed of.

12. **Penalty for gaming in public street etc., --** Whoever is found gaming with cards, dice, counters, money or other instruments of gaming in any public street, place, or thorough fare or publicly fighting cocks shall be punishable with fine which may extend to fifty rupees or with imprisonment for a term which may extend to one month; and such instruments of gaming and moneys shall be forfeited.

13. **Assembling in streets for gaming. –** Whoever ---

(a) assembles with others in a street, gathered for the purpose of gaming; or

(b) joins any such assembly for the purpose of gaming, shall be punishable with fine which may extend to fifty rupees.

14. **Printing, publishing or distributing any news or information. –** (1) No person shall print, publish, sell, distribute or in any manner circulate any newspaper, news-sheet or other document or any news or information, with the intention of aiding or facilitating gaming.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both.

(3) Any Police Officer not below the rank of a Sub-Inspector may enter and search any place for the purpose of seizing and may seize all things reasonably suspected to be used or to be intended to be used for the purpose of committing an offence under this section.

15. **Police may arrest without warrant in view of offence. –** Any Police Officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

16. **Repeal. –** (1) Any law in force in Puducherry or any area thereof corresponding to the provisions of this Act shall stand repealed as from the coming into force of this Act.

(2) Nothing in sub-section (1) shall affect ---

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigations, legal proceeding or remedy may be instituted, continued or enforced and nay such penalty, forfeiture, or punishment may be imposed as if this Act has not been enacted;

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

THE PUDUCHERRY SUGARCANE DEVELOPMENT AND LEVY OF CESS ACT, 1965.

(No. 17 of 1965)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Constitution of Advisory Committee.
4. Levy of cess.
5. Power to make rules.

THE PUDUCHERRY SUGARCANE DEVELOPMENT AND LEVY OF CESS ACT, 1965.

(Act No. 17 of 1965)

5th November, 1965.

AN ACT

to provide for the development of sugarcane farming and to levy a cess on the sugarcane consumed by the Sugar Factories in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly in the Sixteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Sugarcane Development and Levy of Cess Act, 1965.

(2) It shall extend to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Definitions. –** In this Act, unless the context otherwise requires ---

(a) "Advisory Committee" means a committee constituted under section 3;

(b) "Government" means the Administrator appointed by the President under Article 239 of the Constitution;

(c) "Prescribed" means prescribed by the rules made under this Act.

3. **Constitution of Advisory Committee. –** (1) The Government shall constitute an Advisory Committee of not more than ten members.

(2) The Constitution and functions of the committee shall be as may be prescribed.

4. **Levy of cess. --** (1) The Government may, after consulting the Advisory Committee, by notification, levy a cess not exceeding 70 paise per quintal on sugarcane brought into any area specified in such notification, for consumption, use or sale therein.

+ This Act came into force w.e.f 12.11.965

(2) Subject to the maximum aforesaid, the Government may, from time to time, after consulting the Advisory Committee, by notification, alter the rate of levy of such cess.

(3) The Government may by order, remit in whole or in part any cess paid or payable under this section in respect of any sugarcane specified in such order.

(4) Any sum payable under this section may be recovered as if it were an arrear of land revenue.

5. **Power to make rules. –** (1) The Government may make rules to carry out the purposes of this Act.

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

(a) the constitution of the Advisory Committee, the term of office of its members, the manner in which casual vacancies among them shall be filled, and the procedure for the conduct of its business;

(b) the authorities by which, the persons from whom and the manner in which the cess levied under this Act shall be collected;

(c) the form of the records to be kept and of the returns to be made, and the information to be furnished by persons liable to pay the cess under section 4;

(d) the inspection or search of any place or vehicle used or suspected to be used for the storage or carriage of sugarcane; and

(e) any other matter expressly required or allowed by this Act to be prescribed.

(3) In making any rule under sub-section (1) or (2), the Government may provide that a breach thereof shall be punishable with fine which may extend to two thousand rupees.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modifications in the rule or decides that the rules 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.

THE INDIAN FISHERIES (PUDUCHERRY AMENDMENT) ACT, 1965.

(No. 18 of 1965)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Amendment of section 6, Central Act, IV of 1897.
3. Amendment of section 6, Central Act, IV of 1897.
4. Insertion of new sub-section (7) to section 6, Central Act, IV of 1897.
5. Insertion of new section 8 to Central Act IV of 1897.

THE INDIAN FISHERIES (PUDUCHERRY AMENDMENT) ACT, 1965.

(Act No. 18 of 1965)

5th November, 1965.

AN ACT

to amend the Indian Fisheries Act, 1897 in its application to the Union territory of Puducherry.

Preamble

WHEREAS it is expedient to amend the Indian Fisheries Act, 1897 (Central Act IV of 1897) in its application to the Union territory of Puducherry;

BE it enacted by the Legislative Assembly in the Sixteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Indian Fisheries (Puducherry Amendment) Act, 1965.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Amendment of section 6, Central Act IV of 1897. --** In sub-section (3) of section 6 of the Indian Fisheries Act, 1897 (Central Act IV of 1897) (hereinafter referred to as the said Act) ---

(i) after the words "prohibit or regulate", the words "either permanently or for a time or for specified seasons only" shall be inserted, and

(ii) for clause (c), the following clause shall be substituted, namely: -

> "(c) the dimension and kind of the contrivances to be used for taking fish, generally or any specified kind of fish and the modes of using such contrivances".

+ This Act came into force w.e.f 12.11.1965

3. **Amendment of section 6, Central Act IV of 1897. –** For sub-section (4) of section 6 of the said Act, the following sub-section shall be substituted, namely: -

"(4) Such rules may also prohibit all fishing in any specified water except under a lease or licence granted by Government and in accordance with such conditions as may be specified in such lease or licence".

4. **Insertion of new sub-section (7) to section 6, Central Act IV of 1897. –**After sub-section (6) of section 6 of the said Act, the following sub-section shall be inserted, namely: -

"(7) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly of Puducherry while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that any such rule should not be made, that 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".

5. **Insertion of new section 8 to Central Act IV of 1897. –** After section 7 of the said Act, the following section shall be inserted, namely: -

"8. **Recovery of rents, fees and other moneys payable to Government. –** All rents, fees and other moneys payable to Government on account of Fishery leases and licences granted by them may be recovered in like manner as if they were arrears of land revenue".

THE MAHE STAY OF EVICTION PROCEEDINGS (AMENDMENT) ACT, 1965.

(No. 19 of 1965)

Repealed by Mahe Land Reforms Act, 1968 (Act No. 1 of 1968).

THE PUDUCHERRY MUNICIPAL COUNCILS (ELECTION) ACT, 1966.

(No. 1 of 1966)

Repealed by the Puducherry Municipalities Act, 1973 (Act No. 9 of 1973).

THE PUDUCHERRY MUNICIPAL DECREE (AMENDMENT) ACT, 1966.

(No. 2 of 1966)

Repealed by the Puducherry Municipalities Act, 1973 (Act No. 9 of 1973).

THE KARAIKAL PANNAIYAL PROTECTION ACT, 1966

(No. 3 of 1966)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Act to override contract and other laws etc.
4. Appointment of Conciliation Officers.
5. Constitution of Revenue Court.
6. Revision by the High Court.
7. Wages payable to pannaiyals.
8. Dismissal of pannaiyal.
8.A. Special privileges for member of Armed Forces.
9. Adjudication of disputes.
10. Bar of jurisdiction of Civil and Administrative Court.
11. Power to make rules.

THE KARAIKAL PANNAIYAL PROTECTION ACT, 1966

(Act No. 3 of 1966)

17th February, 1966.

AN ACT

to provide for the improvement of agrarian conditions in the area known as Karaikal in the Union territory of Puducherry.

WHEREAS it is necessary to regulate the relationship between farm labourers and landowners and provide a machinery for settlement of disputes;

BE it enacted by the Legislative Assembly in the Sixteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Karaikal Pannaiyal Protection Act, 1966.

(2) It shall extend to the area known as Karaikal in the he Union territory of Puducherry.

(3) It shall come into force on [1]such date as the Government may, by notification in the Official Gazette, appoint.

2. **Definitions. --** In this Act, unless there is anything repugnant in the subject or context –

(a) "agricultural year" means the year commencing from 1st day of May;

(b) "Conciliation Officer" means, in relation to any area, the Conciliation Officer appointed under this Act for such area and where no such officer has been appointed, the Revenue Officer / Tahsildar having jurisdiction over the area;

(c) "Government" means the Administrator appointed by the President under article 239 of the Constitution of India;

(d) "gross produce" includes the yield obtained at the poradi;

1. The Act comes into force in Karaikal on the first day of May 1966 Vide Notification No. 7-36/65/F3, dated 1st May 1966 of the Finance Department, Puducherry.

(e) “landowner” in relation to a pannaiyal means the owner of a land or other person deriving any right from him in respect thereof, who has engaged the pannaiyal for cultivating the said land;

(f) “Pannaiyal” means any person engaged by the landowner to look after a farm and do all cultivation work on the land whenever necessary in the course of an entire agricultural year, but does not include one who is engaged either causally or only for a specific item of work;

(g) “Revenue Court” means, the Revenue Court constituted under this Act and where no Revenue Court has been so constituted, the Court of the Administrator, Karaikal;

3. **Act to override contract and other laws, etc. –** The provisions of this Act -

(a) shall have effect, notwithstanding anything to the contrary contained in any pre-existing law, custom, usage, agreement or decree or order of Court, but,

(b) shall not apply in respect of the land held by a land-owner if the total extent of land held by him does not exceed one veli (6-2/3 acres) which is either wet land or dry land irrigated from any Government source or three velis (20 acres) of dry land not irrigated from Government source.

4. **Appointment of Conciliation Officers. --** The Government or any authority empowered by him in this behalf may, by order, appoint any person for any area specified therein, to be a Conciliation Officer for the purpose of performing the functions entrusted to a Conciliation Officer by this Act.

5. **Constitution of Revenue Court. –** The Government may, by notification in the Official Gazette, constitute for any area specified therein a Revenue Court for the purpose of performing the functions entrusted to a Revenue Court by this Act.

6. **Revision by the High Court. –** The Revenue Court shall be deemed to be a Court subordinate to the High Court and its orders shall be liable to revision by the High Court on all or any of the following grounds, namely: -

(a) it has exercised a jurisdiction not vested in it by law, or

(b) it has failed to exercise a jurisdiction so vested, or

(c) it has acted in the exercise of its jurisdiction illegally or with material irregularity.

7. **Wages payable to pannaiyals. –** (1) Wages shall be payable to pannaiyals and members of their families, for each day of work done at the following rates in kind: -

(a) two marakkals of paddy for every adult male worker;

(b) one marakkal of paddy for every adult woman worker;

(c) three-fourths marakkal of paddy for every worker not being an adult.

(2) No pannaiyal shall be entitled to claim in addition any kind of customary privilege or remuneration, provided that an adult male pannaiyal shall, in addition, be entitled at each harvest to his share in the aruvadaipangu (crop share) of half-a-marakkal for every kalam of gross produce (or in the case of produce other than paddy, of one twenty-fourth of the gross produce) and be given manaikollais according to custom.

8. **Dismissal of pannaiyal. –** (1) Whenever a landowner dismisses a pannaiyal he shall, within fifteen days from the date of such dismissal, make a report thereof in writing to the Conciliation Officer having jurisdiction over the area.

(2) The Conciliation Officer may, on receipt of such report from the landowner, or of any complaint from the pannaiyal who has been dismissed, call upon the landowner and the pannaiyal concerned to appear before him in person or by agent and to represent their respective cases.

(3) After considering the representation, if any so made, and after making such further inquiry into the case as he may deem fit, the Conciliation Officer may, if he finds that the dismissal of the pannaiyal was not just and proper, by an award in writing, require the landowner to take back the pannaiyal and reinstate him in all the rights which would have accrued to him but for his dismissal.

(4) If the landowner fails to comply with the award of the Conciliation Officer under sub-section (3), the Revenue Court may, on receipt of intimation of such failure, after such enquiry as it considers necessary, direct the landowner to pay the pannaiyal such compensation as may be fixed by it without detriment to the rights accruing to pannaiyal under sub-section (3).

(5) If the landowner fails to pay the compensation so fixed to the pannaiyal, the Revenue Court may, on application by pannaiyal, direct that it be recovered as if it were an arrear of land revenue and paid over to the pannaiyal.

(6) Any landowner or pannaiyal may terminate the engagement by giving notice of not less than 12 months ending with the expiry of the next agricultural year, or by mutual agreement, provided that where the landowner terminates the engagement under this sub-section, he shall be liable to pay to the pannaiyal, grain or money equivalent to six months wages or such amounts as may be mutually agreed upon.

[1] **[**8-A. **Special privileges for member of Armed Forces. –** (1) Any pannaiyal enrolled as a member of the Armed Forces, on discharge or retirement from service, or on being sent to Reserve may make an application to the Conciliation Officer within such period as may be prescribed by rules made in this behalf for reinstating him as a pannaiyal with all the rights enjoyed by him immediately before his enrolment as a member of the Armed Forces.

(2) The Conciliation Officer shall, on receipt of an application under sub-section (1), call upon the landowner and the pannaiyal concerned to appear before him in person or by agent to represent their respective cases.

(3) After considering the representations, if any, so made and after making such further inquiry into the case as he may deem fit, the Conciliation Officer may, ---

(a) if he is satisfied having regard to ----

(i) the reduction, if any, in the extent of the farm after the date of the enrolment;

(ii) the nature of the agricultural operations carried on in respect of that farm after the date of the application; and

(iii) such other matters as may be prescribed by rules made in this behalf;

that it will not be just and proper to require the landowner to reinstate the pannaiyal, he may pass an order in this behalf; or

(b) by an award in writing, require the landowner to take back the pannaiyal and reinstate him with all the rights enjoyed by him immediately before his enrolement as a member of the Armed Forces:

Provided that any award for reinstating any pannaiyal under this section shall, in respect of any farm where there are standing crops on the date of such award, take effect immediately after the harvest of such crops.

1. Ins. by Act 6 of 1971, section 2, w.e.f. 27-2-1971.

(4) The provisions of sub-sections (4) and (5) of section 8 shall, as far as may be, apply in relation to an award under clause (b) of sub-section (3) as they apply in relation to an award under sub-section (3) of section 8.

(5) Where a member of the Armed Forces dies while in service, the special privileges conferred by this section on such member shall be available to the widow of such member, or any person dependent upon such member immediately before his death.

(6) If a question arises whether any person is a member of the Armed Forces or not, such question shall be decided by the Government and the decision of the Government thereon shall be final.

Explanation. -- In this section "member of the Armed Forces" means a person in the service of the Air Force, Army or Navy of the Union of India and includes a seaman**]**.

9. **Adjudication of disputes. –** (1) Save as otherwise expressly provided in this act, any dispute between a landowner and a pannaiyal including any matter which affects their mutual harmonious relationship in the cultivation of land, or any question which may arise as to the payment or non-payment of any wages shall, on application by any party, be decided by Conciliation Officer.

(2) [1] **[**Against any award passed by a Conciliation Officer under sub-section (3) of section 8 or under clause (b) of sub-section (3) of section 8-A or any final order passed by a Conciliation Officer under clause (a) of sub-section (3) of section 8-A or under sub-section (1) of this section, an appeal shall lie to the Revenue Court within thirty days of the passing of the award or order, as the case may be**]**, unless the Court in the special circumstances of any case, condones the delay in preferring the appeal within that time; and the decision of the Revenue Court in that matter shall be final.

(3) Every application under sub-section (1) and every memorandum of appeal under sub-section (2) shall bear a court-fee stamp of one rupee.

10. **Bar of jurisdiction of Civil and Administrative Court. -** No Civil Court or Administrative Court shall entertain any suit or other proceeding to set aside or modify any order, decision or award passed by any Revenue Court, Conciliation Officer, or other authority under this Act or in respect of any other matter falling within its or his scope.

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1. Subs. by Act 6 of 1971, section 3, w.e.f. 27-2-1971.

11. **Power to make rules. –** (1) The Government may, by notification, make rules to carry out the purposes of this Act, and in particular for the execution or enforcement of any orders, decisions or awards passed thereunder or for the removal of any doubts or difficulties which may arise in giving effect to the provisions thereof.

(2) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly of Puducherry while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that any such rule should not be made, that 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.

THE PUDUCHERRY MOTOR VEHICLES TAXATION ACT, 1966
(No. 4 of 1966)

Repealed by the Puducherry Motor Vehicles Taxation Act, 1967 (Act No. 5 of 1967).

THE PUDUCHERRY ALCOHOLIC LIQUORS (CONSUMPTION DUTY) AMENDMENT ACT, 1966 (No. 5 of 1966)

Repealed by the Puducherry Excise Act, 1970 (Act No. 12 of 1970).

THE POLICE (PUDUCHERRY AMENDMENT) ACT, 1966

(No. 6 of 1966)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Amendment of section 1.
3. Insertion of new sections 8-A and 8-B.
4. Insertion of new sections 29-A to 29-C.
5. Insertion of new sections 34-A to 34-F.
6. Insertion of new sections 35-A to 35-C.

THE POLICE (PUDUCHERRY AMENDMENT) ACT, 1966

(Act No. 6 of 1966)

18th February, 1966.

AN ACT

to further amend the Police Act, 1861 in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Sixteenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Police (Puducherry Amendment) Act, 1966.

(2) It shall extend to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Amendment of section 1. –** Section 1 of the Police Act, 1861 (5 of 1861) (hereinafter referred to as the principal Act) shall be renumbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely: -

"(2) Unless the context otherwise requires, ---

(a) 'public place' means a place (including a road, street or way, whether a thoroughfare or not, and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass;

(b) 'State Government' means the Central Government and includes the Administrator of the Union territory of Puducherry appointed by the President under article 239 of the Constitution;".

+ This Act came into force w.e.f 10.03.1966

3. **Insertion of new sections 8-A and 8-B. –** After section 8 of the principal Act, the following sections shall be inserted, namely: -

"**8-A. Unlawful assumption of Police functions, personation etc. –** Any person who –

(a) unlawfully assumes any function assigned to, or power conferred on, a police officer, or

(b) has in his possession, without any lawful excuse, any distinctive article of any dress required to be worn exclusively by a police officer, or

(c) puts on any dress with the intention of being taken as a police officer, or

(d) personates a police officer,

shall, in addition to any other punishment to which he may be liable for any offence committed by him under such assumed character, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

8-B. Penalty for offences against police officers. - If any person maliciously or without reasonable and probable cause prefers any false or frivolous charge against any police officer in any court of law, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.".

4. **Insertion of new sections 29-A to 29-C. –** After section 29 of the principal Act, the following sections shall be inserted, namely: -

"**29-A. Prohibition of smoking in places of entertainments. –** (1) If any entertainment (including cinematograph exhibition, dance or drama) to which members of the public are admitted, whether on payment or not, is held in an enclosed place or building, then, no person shall during the prohibited period, as defined in sub-section (2), smoke either ---

(a) on the stage except in so far as smoking may be any part of the entertainment, or

(b) in the auditorium, that is to say, in that portion of the enclosed place or building in which accommodation is provided for members of the public:

Provided that the State Government may, by notification in the Official Gazette, exempt any class of entertainments from the provisions of this sub-section.

(2) For the purposes of sub-section (1), 'prohibited period' means so much of the period commencing thirty minutes before the beginning of the entertainment and ending with the termination thereof, as may fall within the hours which the State Government may, by notification in the Official Gazette, specify in this behalf for entertainments generally or any class of entertainments.

(3) Any person who contravenes the provisions of this section shall be liable to be ejected summarily from the enclosed place or building by any police officer and shall also be punishable with fine which may extend to fifty rupees.

(4) A person ejected under sub-section (3) shall not be entitled to the refund of any payment made by him for admission to the entertainment or to any other compensation.

29-B. Powers of Police on the occurrence of fire. – (1) On the occurrence of a fire, any police officer above the rank of a constable, or any member of the Fire Services above the rank of a fireman, may –

(a) remove or order the removal of any persons who by their presence, interfere with or impede the operations for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which any fire is burning;

(c) by himself or those acting under his orders, break into or through, or pull down, or use for the passage of hoses, or other appliances, any premises for the purpose of extinguishing the fire, doing as little damage as possible;

(d) cause the mains and pipes in any area to be shut off so as to give greater pressure of water in the place where the fire has occurred;

(e) call on the persons in charge of any fire-engine to render such assistance as may be possible; and

(f) generally, take such measures as may appear necessary for the preservation of life and property.

(2) Any damage done on the occurrence of fire by members of Fire Services or any fire-brigade or by police officers or their assistants in the due execution of their duties shall be deemed to be damaged by fire within the meaning of any policy of insurance against fire.

Explanation. – Nothing in this section shall exempt any police officer or any member of Fire Services or fire-brigade from liability to damages on account of any acts done by him without reasonable cause.

29-C. Penalty for false alarm of fire. - Whoever gives or causes to be given to any fire-brigade or to any member thereof or to any member of the Fire Services, whether by means of a street fire alarm, statement, message or otherwise, any alarm of fire which he knows to be false, shall be punishable for the first offence with fine which may extend to fifty rupees and for a second or subsequent offence with imprisonment which may extend to six months and with fine.".

5. **Insertion of new sections. 34-A to 34-F. -** After section 34 of the principal Act the following sections shall be inserted, namely: -

"34-A. Penalty for being found armed between sunset and sunrise intending to commit an offence. – Whoever is found between sunset and sunrise-

(i) armed with any dangerous instrument with intent to commit an offence, or

(ii) having his face covered or otherwise disguised with intent to commit an offence, or

(iii) lying or loitering or squatting in any bazaar yard or public place and without being able to give a satisfactory account of himself, or

(iv) in any dwelling house, or other building, or on board any vessel or boat, without being able to account satisfactorily for his presence there, or

(v) having in his possession, without lawful excuse any implement of house breaking,

shall be punishable with imprisonment for a term which may extend to three months.

34-B. Penalty for certain offences in public place. – whoever in any public place, --

(i) **Driving without lights. –** Drives, drags or pushes any vehicle at any time between half-an-hour after sunset and half-an-hour before sunrise without a sufficient light;

(ii) **Driving etc., otherwise than in accordance with rules of the road. –** Without reasonable cause, drives, drags or pushes any vehicle otherwise than in accordance with the rules of the road notified from time to time by the State Government, or fails to obey the directions of a police officer for the time being in charge of the regulation of traffic;

(iii) **Driving etc., animal or vehicle on a foot-way. –** Leads or rides any animal or drives, drags or pushes any vehicle upon any foot-way, or fastens any animal so that it can stand across or upon any foot-way;

(iv) **Permitting cattle or vehicle to be under control of child. –** Permits any cattle or vehicle to be under the control of a child under the age of twelve years;

(v) **Conveying article which projects more than five feet. --** Conveys through the streets any article which projects more than five feet in front or behind the vehicle or vehicles on which it is placed;

(vi) **Playing music, beating tom-tom., etc., ---** Beats a drum or tom-tom, or blows a horn or trumpet or beats or sounds any brass or other instrument or utensil or plays any music or uses any sound amplifier except at such time and place and subject to such conditions as may be specified in a licence issued in this behalf by the Inspector-General of Police or by any authority authorised in this behalf by him;

(vii) **Affixing bills or defacing walls. –** Without the consent of the owner or occupier, in any manner affixes or causes to be affixed any bill, notice, document, paper or other thing upon any public place or upon any building, monument, statue, effigy, post, wall, fence, tree or other erection therein or in any manner disfigures, writes upon or otherwise marks, or causes to be defaced, disfigured, written upon or otherwise marked any such public place or any such building, monument, statue, effigy, wall, fence, post, tree or erection;

(viii) **Begging. –** Begs or applies for alms, or exposes or exhibits any sore, wound, bodily ailment or deformity with the object of exciting charity or extorting alms;

(ix) **Using indecent or threatening languages. –** Uses any indecent, threatening, abusive or insulting words or behaves in a threatening or insulting manner or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of peace or whereby a breach of the peace may be occasioned;

shall be punishable with fine which may extend to fifty rupees or with imprisonment for a term which may extend to one month.

[1] **[34-BB. Penalty for annoying females in public place or office. -** Whoever, with a view to annoying any female, wilfully and indecently, exposes his person or any portion thereof, makes any gesture, utters any word, or makes any sound, intending that such person or portion thereof or gesture shall be seen or that such word or sound shall be heard by such female in any public place or office, whether heard by such female in any public place or office, whether such exposure, gesture, word or sound is made or uttered from within any house or building or not, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.**]**

34.C. Penalty for committing nuisance in public place. – Whoever in or by the side of or near to any public place, commits a nuisance by easing himself or passing urine, and whoever having the care of custody of any child under seven years of age omits to prevent such child committing a nuisance by easing himself or passing urine, shall be punishable with fine which may extend to fifty rupees.

34-D. Penalty for lighting bonfire, burning straw, discharging fire-arm etc., in or near any public place. – (1) Who-ever except at such times and places as the Inspector-General of Police or any person authorised in this behalf by him may allow, in or near any public place lights any bonfire, sets fire to or burns any straw or other matter, discharges any fire-arm or air-gun, lets off or discharges any fire-work, or sends up any fire-balloon or permits such act to be done in premises over which he has control, shall be punishable with fine which may extend to fifty rupees.

(2) In the event of any such act as is referred to in sub-section (1), being done within any private premises, the person having the immediate control of such premises shall be deemed to have permitted the act, unless he can prove that the act was committed without his knowledge.

34-E. Penalty for drunkenness or riotous or indecent behaviour in public place. – (1) Whoever is found drunk and incapable of taking care of himself or is guilty of any riotous, disorderly or indecent behaviour in any public place, in any place of public amusement, or on board any passenger boat or vessel, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both.

(2) Whoever is guilty of any violent, disorderly or indecent behaviour in any police office or station shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both.

1. Inserted by Act 7 of 1968, section 2, w.e.f. 6-5-1968.

34-F. Pawnbrokers etc., to report stolen property if tendered for pawn or sale. – (1) Any officer of police may deliver to any pawnbroker, dealer n section had property or worker in metals, a list of any property believed to have been stolen, and thereupon it shall be the duty of such pawn-broker, dealer or worker as aforesaid upon any article answering the description of any of the property set forth in any such list being offered him in pawn, for sale, or otherwise, to enquire the name and address of the party offering such article, to seize and detain the article, and forthwith to communicate to the nearest police station, the fact of such article having been offered and such name and address as may be given by the party offering it.

(2) Any pawnbroker, dealer or worker who fails, without any reasonable excuse, to comply with the requirements of sub-section (1), shall be punishable with fine which may extend to fifty rupees for every such offence.

(3) A pawnbroker, dealer or worker to whom any such article as is referred to in sub-section (1) is offered may detain the person offering such article, pending the arrival of the police.".

[1]**[34-G. Prohibition of sale of tickets for admission to an entertainment except under the orders of, and at the place provided and price fixed by the proprietor of the entertainment. ---** (1) Whoever sells or attempts to sell tickets for admission to a place of entertainment, except under the orders of, and at the place provided and price fixed in this behalf by, the proprietor of the entertainment shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or both.

(2) Any Police Officer who takes cognizance of any offence under sub-section (1) may seize any ticket in respect of which he is satisfied that any such offence has been committed.

(3) A court trying any offence punishable under sub-section (1) may, without prejudice to any other or further order or orders that may, in its opinion, be passed in the case, direct the forfeiture of any ticket which may have been seized under sub-section (2).

Explanation. – In this section, ---

(a) "entertainment" means any exhibition, performance, amusement, game or sport to which persons are admitted on production of tickets, and

(b) "proprietor" in relation to any entertainment, includes any person responsible for the management of such entertainment".**]**

1. Ins. by Regulation 2 of 1979, section 2, w.e.f. 9-4-1979.

6. **Insertion of new sections 35-A to 35-C. -** After section 35 of the principal Act, the following sections shall be inserted, namely: -

"**35-A. Fee for licence. –** For every licence or permission granted under this Act the Inspector-General of Police may levy such fee not exceeding two rupees as may, from time to time, be fixed by the State Government.

35-B. Police Officer may arrest without a warrant on view of offence. – Any Police Officer may arrest without a warrant any person committing in his view any offence made punishable under Sections 29-A, 34-A, 34-B, 34-C, 34-D, [1] **[**34-E or 34-G.**]**

35-C. Penalty for breach of conditions of licences. – (1) For any breach of any of the conditions of a licence granted under this Act, the offender shall be liable on conviction to fine, not exceeding one hundred rupees and such fine may be recovered from the person licensed, notwithstanding that such breach may have been owing to the default or carelessness of his servant or agent in charge of the shop or place.

(2) Any licence granted to a person who is convicted for any breach of any of the conditions of a licence granted under this Act, shall also be liable to be cancelled at the discretion of the Inspector-General of Police."

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1 Subs. by Regulation 2 of 1979, section 3, w.e.f. 9-4-1979.

THE PUDUCHERRY USURY LAWS (AMENDMENT) ACT, 1966

(No. 10 of 1966)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Decree of 1935 not to apply to transactions of certain institutions.

THE PUDUCHERRY USURY LAWS (AMENDMENT) ACT, 1966

(Act No. 10 of 1966)

21st May, 1966.

AN ACT

to amend the law regulating the rate of interest chargeable on loans in the Union territory of Puducherry and for matters connected therewith.

BE it enacted by the Legislative Assembly of Puducherry in the Seventeenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Usury Laws (Amendment) Act, 1966.

(2) It extends to the whole of the Union territory of Puducherry.

+ (3) It shall come into force at once.

2. **Definitions. –** In this Act, unless there is anything repugnant to the subject or context ---

(1) "Agricultural Refinance Corporation" means the Agricultural Refinance Corporation established under section 3 of the Agricultural Refinance Corporation Act, 1963 (Act No. 10 of 1963);

(2) "Co-operative Society" means a society registered or deemed to be registered under the Puducherry Co-operative Societies Act, 1965 (Act No. 11 of 1965);

(3) "Development Bank" means the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964 (Act No. 18 of 1964);

(4) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

+ This Act came into force w.e.f 28.05.1966

(5) "Industrial Finance Corporation" means the Industrial Finance Corporation of India incorporated under the Industrial Finance Corporation Act, 1948 (Act No. 15 of 1948);

(6) "Life Insurance Corporation" means the Life Insurance Corporation established under the Life Insurance Corporation Act, 1956 (Act No. 31 of 1956);

(7) "Scheduled Bank" means a bank included in the Second Schedule of the Reserve Bank of India Act, 1934 (Act No. 2 of 1934) ;

(8) "State Financial Corporation" means a Financial Corporation established under section 3 of the State Financial Corporation Act, 1951 (Act No. 63 of 1951) and includes a Joint Financial Corporation established under section 3-A of the said Act.

3. **Decree of 1935 not to apply to transactions of certain institutions. –** Nothing contained in Decree dated 22nd September, 1935, promulgated by Arrete dated 9th November, 1935 or in any other law enacted and made applicable to the Union territory of Puducherry prior to the 1st November 1954 regulating the rate of interest chargeable on loans shall apply to any loan granted, or any contract to lend money, to grant accommodation, to supply goods or services on credit whether by way of sale, hire-purchase or otherwise, entered into by the Government, the Scheduled Banks, the Industrial Finance Corporation, a State Financial Corporation, the Development Bank, the Industrial Credit and Investment Corporation of India, the Film Finance Corporation, the Agricultural Refinance Corporation, the Life Insurance Corporation of India, a company carrying on general insurance business, a Co-operative Society any institution constituted by a statute, which grants any loans or advances in pursuance of the provisions of that statute, or any other institution in public sector whether incorporated or not.

THE PUDUCHERRY PAWNBROKERS ACT, 1966

(No. 11 of 1966)

ARRANGEMENT OF SECTIONS

SECTION

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2. Extension and adaptation.
3. Power to remove difficulty.
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ANNEXURE

THE MADRAS PAWNBROKERS ACT, 1943

(As extended to the Union territory of Puducherry)

(Madras Act XXIII of 1943)

ARRANGEMENT OF SECTIONS

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THE PUDUCHERRY PAWNBROKERS ACT, 1966

(Act No. 11 of 1966)

3rd June, 1966.

AN ACT

to regulate and control the business of the pawnbrokers in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Seventeenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Pawnbrokers Act, 1966.

+(2) It shall come into force on such date as the Government may, by notification in the Official gazette, appoint.

2. **Extension and adaptation.–** (1) The Madras Pawnbrokers Act, 1943 (Madras Act No. 23 of 1943) (hereinafter referred to as the said Act) as in force in the State of Madras immediately before the commencement of this act shall extend to and come into force in the Union territory of Puducherry subject to the following modifications and adaptations, namely :-

(i) Any reference in the said Act or in any rule to the 'State of Madras' shall be construed as a reference to the 'Union territory of Puducherry';

(ii) Any reference in the said Act or in any rule to the 'state Government' shall be construed as a reference to the 'Administrator' appointed by the President under article 239 of the Constitution;

(iii) Any reference to any provision of law not in force or to any functionary not in existence in the Union territory of Puducherry shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that territory;

+ This Act came into force w.e.f 15.10.1966

Provided that ---

(a) if any question arises as to who such corresponding functionary is, or

(b) if there is no such corresponding functionary,

the Administrator shall decide as to who such functionary will be and such decision shall be final;

(iv) Any reference in the said Act or rules to 'Fort St. George Gazette' or 'District Gazette' shall be construed as reference to 'Official Gazette';

(v) In section 2 of the said Act ---

(a) sub-section (1) shall be omitted.

(b) In sub-section (3), for the words 'Madras Co-operative Societies Act, 1932' the words 'Puducherry Co-operative Societies Act, 1965 (Act No. 11 of 1965)' shall be substituted.

(c) For sub-clause (ii) of section (5), the following shall be substituted, namely : -

'(ii) an advance made by a banking company as defined in section 5 (c) of the Banking Regulation Act, 1949 (Central Act X of 1949) or by the State Bank of India or by any other banking institution notified under Section 51 of the said Act or a Co-operative Society';

(vi) in sub-section (1) of section 3, omit the brackets and the words 'other than section 1';

(vii) in sub-section (1) of section 6, of the said Act, the words 'Notwithstanding anything contained in the Decree dated 22nd September, 1935' shall be inserted at the beginning and the word 'naya' shall be omitted.

(viii) in clause (a) of sub-section (3) of section 10-B, the words 'in the mufassal or a Presidency Magistrate in the Presidency town' shall be omitted.

(ix) In section 12 of the said Act ---

(a) at the beginning of sub-section (1), the words 'subject to the provisions of any other law' shall be inserted.

(b) sub-section (2) shall be omitted.

(x) For section 19 of the said Act, the following shall be substituted namely: -

"19. **Jurisdiction to try offences. –** No Court inferior to that of a Magistrate of second class shall try any offence punishable under this Act.".

(xi) For sub-section (4) of section 22 of the said Act, the following sub-section shall be substituted, namely : -

"(4) Every rule made under this Act shall, as soon as may be after it is made, be laid before the Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modifications in the rule or decides that rule should not be made, the rule shall there after 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.

(xii) Sections 21-A, 23, 24 and 25 shall be omitted.

(2) The Madras Pawnbrokers Rules, 1944 and any other rules made or issued under the said Act and similarly in force, in so far as their application is required for the purpose of effectively applying the provisions of the said act, are also hereby applied to, and shall be in force in the Union territory of Puducherry.

3. **Power to remove difficulty. –** If any difficulty arises in giving effect to the provisions of the said Act, the Government may, by order in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty, in so far as it is not inconsistent with the provisions of the said Act or rules.

4. **Repeal of existing law. –** The Decree No. 386, dated 22nd February, 1906 promulgated by Arrete No. 385, dated 18th June, 1906 shall stand repealed.

ANNEXURE

THE MADRAS PAWNBROKERS ACT, 1943

(As extended to the Union territory of Puducherry)

(Madras Act XXIII of 1943)

AN ACT

to regulate and control the business of pawnbrokers in the State of Madras.

Whereas it is expedient to make provision for the regulation and control of the business of pawnbrokers in the State of Madras;

It is hereby enacted as follows : -

1. **Short title, extent and commencement. –** (1) This Act may be called the Madras Pawnbrokers Act, 1943.

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

(3) **[**Omitted.**]**

2. **Definitions. –** In this Act, unless there is anything repugnant in the subject or context ---

(1) (Omitted)

(2) 'Company' means the Company ---

(a) registered under any of the enactments relating to companies for the time being in force in India or in the United Kingdom or in any of the British Dominion or in any of the Colonies of the United Kingdom; or

(b) incorporated by an Act of Parliament of the United Kingdom or by Royal Charter of Letters Patent or by any Central Act.

(3) "Co-operative Society" means a society registered or deemed to be registered under the Puducherry Co-operative Societies Act, 1965 (Act No. 11 of 1965);

(3-A) "Inspector" means an Inspector appointed under sub-section (1) of section 10-B;

(4) "interest" does not include any sum lawfully charged in accordance with the provisions of this Act by a pawnbroker for or on account of charges, but save as aforesaid includes any amount, by whatsoever name called, in excess of the principal, paid or payable to a pawnbroker in consideration of or otherwise in respect of a loan;

(5) "loan" means an advance of money or in kind at interest, and includes any transaction which the court finds in substance to amount to such an advance, but does not include ---

(i) a deposit of money or other property in a Government Post Office Savings Bank or in a company or with a co-operative society;

(ii) an advance made by a Banking Company as defined in section 5 (c) of the Banking Regulation Act, 1949 (Central Act X of 1949) or by the State Bank of India or by any other banking institution notified under section 51 of the said Act or a co-operative society;

(iii) an advance made by Government or by any person authorised by Government to make advances in their behalf, or by any local authority;

(iv) an advance made by any person bona fide carrying on any business not having for its primary object the lending of money, if such loan is advanced in the regular course of such business; and

(v) an advance made by a landlord to his tenant, by a lessor to his lessee, or by one partner in cultivation or co-sharer to another for the purpose of carrying on agriculture;

(6) "pawnbroker" means a person who carries on the business of taking goods and chattels in pawn for a loan;

Explanation. – Every person who keeps a shop for the purchase or sale of goods or chattels and who purchases goods or chattels and pays or advances thereon any sum of money with or under an agreement or understanding expressed or implied that the goods or chattels may be afterwards re-purchased on any terms is a pawnbroker within the meaning of this clause;

(7) "pawner" means a person delivering an article for pawn to a pawnbroker;

(8) "pledge" means an article pawned with a pawn broker;

(9) "prescribed" means prescribed by rules made under this Act;

(10) "principal" in relation to a loan means the amount actually lent to the pawner; and

(11) "year" means the financial year.

3. **Pawnbroker to obtain licence annually. –** (1) No person shall, after the expiry of three months from the date on which the provisions of this Act come into force in any area, carry on or continue to carry on business as a pawnbroker at any place in such area, unless he has obtained a pawnbroker's licence under this Act.

Explanation. --- Where a pawnbroker has more than one shop or place of business, whether in the same town or village or in different towns and villages, he shall obtain a separate pawnbroker's licence in respect of each shop or place of business.

(2) Every pawnbroker's licence granted under this Act shall expire on the last day of the year for which it was granted, but may be renewed from year to year.

4. **Grant and refusal of licences. –** (1) Every application for a pawnbroker's licence shall be in writing and shall be made to the licensing authority prescribed under this Act.

(2) The licence shall not be refused except on one or both of the following grounds, namely :-

(a) that the applicant is of bad character.

Explanation. – If any evidence of bad character is adduced against the applicant, he shall be given an opportunity of rebutting such evidence; and

(b) that the shop or place at which he intends to carry on the business of a pawnbroker or any adjacent house or shop or place, owned or occupied by him, is frequented by thieves or persons of bad character:

Provided that the licence shall not be refused under this sub-section unless the applicant has had a reasonable opportunity of making his representations.

(3) In granting or refusing to grant a licence under this section, the licensing authority may consult such authority or officer as may be prescribed.

(3-A) Any person aggrieved by an order of the licensing authority refusing to grant a licence under this section may, within such time as may be prescribed, appeal to such authority as the Administrator may specify in this behalf and such authority may make such order in the case as he may think fit.

(4) Every licence shall be granted in such form and subject to such conditions as may be prescribed and on payment of such fee not exceeding [1][one hundred rupees] as the Administrator may, from time to time, by notification in the Official Gazette, determine.

5. **Pawnbrokers to exhibit their names over shops, etc. –** Every pawnbroker shall --

(a) always keep exhibited in large characters over the outer door of his shop or place of business his name with the word Pawnbroker in the chief language of the locality; and

(b) always keep placed in a conspicuous part of his shop or place of business so as to be legible to all persons resorting thereto the information required to be printed on pawn tickets by rules made under this Act in the chief language of the locality.

6. **Interest and charges allowed to pawnbrokers.**-*[(1) Notwithstanding anything contained in the Decree dated 22nd September, 1935, no pawn broker shall charge interest in respect of a loan on a pledge at a rate exceeding such rate as the State Government may, by notification, fix from time to time:

Provided that the rate of interest, as may be fixed by the State Government, shall be correlated to the current bank rates of lending, as may be fixed by the Reserve Bank of India, from time to time.]

(2) A pawnbroker may demand and take from the pawner such charges and in such cases as may be prescribed.

(3) A pawnbroker shall not demand or take from the pawner any profit, interest, charge or sum whatsoever, other than the interest due to him and the charges, if any, referred to in sub-section (2).

7. **Pawn ticket to be given to pawner. –** Every pawn broker shall on taking a pledge in pawn give to the pawner a pawn-ticket in the prescribed form, and shall not take a pledge in pawn unless the pawner takes the pawn-ticket.

8. **Conditions relating to redemption of pledge. –** (1) In the absence of a decree of an order of a civil court, or an order of a Magistrate or an officer of police not below the rank of Sub-Inspector prohibiting the delivery by the pawnbroker, of the pledge, to the pawner, the pawner shall, on production of the pawn-ticket and on payment of the sum legally payable in respect thereof, be entitled to the delivery of the pledge.

(2) On a declaration in the prescribed form from the pawner that the right to redeem the pledge has been transferred to, or is vested in, some other person and on a declaration from that other person that he is in possession of the pawn-ticket and that he is entitled to redeem the pledge, the pawnbroker shall cause an endorsement to be made on the pawn-ticket that the holder thereof is such other person, and shall cause the necessary entry to be made in the pledge book and

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1 Substituted by Act 12 of 1973, Section 2, w.e.f 03.10.1973.

* Amended vide Act No. 7 of 1980 w.e.f 03.07.1980.

thereafter the former persons' right to redeem shall be extinguished and such other person shall be deemed to be the pawner for the purposes of this section.

(3) Where a person claiming to be the messenger or agent of the pawner produces the pawn-ticket and offers to redeem the pledge, the pawn may, after obtaining from the person so claiming, a declaration in the prescribed form, allow redemption if the pawnbroker is satisfied that the person who claims to be such messenger or agent is in fact such messenger or agent:

Provided that such pawnbroker shall remain liable to compensate the pawner if it be found later that such messenger or agent had not in fact been duly authorised by the pawner to redeem the pledge:

Provided further that, where a person claiming to be the messenger or agent of the pawner produces the pawn-ticket and offers to redeem the pledge, the pawnbroker may send a notice in the prescribed form by registered post to the pawner to the address left by the pawner with the pawnbroker, and if he does not hear anything from the pawner contrary to the claim within two weeks after the date on which the notice would in the usual course of post reach the pawner, the pawn broker may allow the person claiming to be such messenger or agent to redeem the pledge and shall in that event be exonerated from further liability to the pawner of any person claiming under him.

(4) (a) Where the pawner is dead and a person produces the pawn-ticket claiming to be the legal representative of the pawner and offers to redeem the pledge, the pawnbroker shall allow such redemption, after obtaining from such person ---

(i) a declaration in the prescribed form duly made by such person before any Magistrate or Judge; and

(ii) a bond duly executed by such person with one or more sureties to the satisfaction of the pawnbroker or of such authority or person as may be prescribed in this behalf, agreeing to indemnify the pawnbroker in respect of any liability which may be incurred by him by reason of delivering the pledge or otherwise acting in conformity with the declaration:

Provided that no such declaration or bond shall be necessary if such person produces an order of a civil court having jurisdiction to entertain a suit for the redemption of the pledge, authorizing him to redeem the pledge as the legal representative of the deceased pawner and in any such case, the pawnbroker shall allow redemption.

(b) The amount of every bond executed under clause (a) shall be fixed with due regard to the circumstances of the case and shall not be excessive.

(5) Where a person comes into possession of a pawn-ticket as the assignee of the pawner such person shall give notice of such assignment to the pawnbroker in the prescribed form, but the pawnbroker shall not be bound to recognize the claim of such person to redeem the pledge unless the pawner intimates to the pawnbroker the fact of such assignment or unless the pawnbroker, after having sent a notice in the prescribed form by registered post to the pawner to the address

left by the pawner with the pawnbroker intimating to him the claim made under the alleged assignment, does not hear anything from the pawner contrary to the claim within two weeks after the date on which the notice would in the usual course of post reach the pawner.

(6) Where the pawner alleges that the pawn-ticket has been lost or destroyed and claims redemption of the pledge, the pawnbroker shall, after obtaining from the pawner, a declaration in the prescribed form allow such redemption unless the pawnbroker has received intimation from any other person that he is in possession of the pawn-ticket and is entitled to redeem the pledge.

Provided that, before allowing such redemption, the pawnbroker may insist on security to his satisfaction or to the satisfaction of such authority or person as may be prescribed in this behalf being given by the pawner against possible claim by any other person.

(7) Where a person claims to be the owner of a pledge and alleges that the pledge was pawned without his knowledge or authority, the pawnbroker shall take a declaration from such person in the prescribed form and send a notice in the prescribed form by registered post to the pawner to the address left by the pawner with the pawnbroker, and similarly to every other person who has made any claim to the pawnbroker of being entitled to redeem the pledge, and if the pawnbroker does not receive any communication in writing from the pawner or any other such person prohibiting the delivery of the pledge to the claimant, within two weeks after the date on which the notice or notices would in the usual course of post reach the addressee or addressees the pawnbroker may allow the claimant to redeem the pledge, and the pawnbroker shall in that event be exonerated from further liability to the pawner or any person claiming under him.

9. (Omitted).

10. **Pawnbrokers to keep books, give receipts, etc. –** (1) Every pawnbroker shall –

(a) regularly record and maintain or cause to be recorded and maintained in a pledge book in the prescribed form, an account showing for each pawner separately ---

(i) the date of the loan, the amount of the principal of the loan and the rate of interest charged on the loan percent per annum or per rupee per mensem or per rupee per annum;

(ii) the amount of every payment received by the pawn broker in respect of the loan, and the date of such payment;

(iii) a full and detailed description of the article or of each of the articles taken in pawn.

(iv) the time agreed upon for the redemption of the pawn;

(v) the name and address of the pawner, and where the pawner is not the owner of the article or of any of the articles pawned, the name and address of the owner thereof;

(vi) such other particulars as may be prescribed.

(b) keep and use in his business the following documents and books (which shall be in the prescribed form) and enter therein from time to time, as occasion requires, in a fair and legible manner such particulars and in accordance with such directions as may be prescribed : -

(i) pawn-ticket;

(ii) sale book of pledges;

(iii) declaration where pledge is claimed by owner;

(iv) declaration of pawn-ticket lost; and

(v) receipt on redemption of pledge;

(c) give to the pawner or his agent a receipt for every sum paid by him, duly signed and, if necessary, stamped at the time of such payment; and

(d) on requisition in writing made by the pawner furnish to the pawner or, if he so requires, to any person mentioned by him in that behalf in his requisition, a statement of account signed by himself or his agent, showing the particulars referred to in clause (a) and also the amount, which remains outstanding on account of the principal and of interest, and charge such sum as the Administrator may prescribe as fee therefor:

Provided that no such statement shall be required to be furnished to a pawner if he is supplied by the pawnbroker with a pass book in the prescribed form containing an up-to-date account of the pawnbroker's transactions with the pawner.

(2) All records or entries made in the books, accounts and documents referred to in sub-section (1) shall be either in English or in such language of the locality as may be prescribed; and all such books, accounts and documents and all pledges taken by the pawnbroker shall be open to inspection at any time by the Inspector having jurisdiction.

(3) Notwithstanding anything contained in the Indian Evidence Act, 1872 (Central Act I of 1872), a copy of the account referred to in clause (a) of sub-section (1), certified in such manner as may be prescribed, shall be admissible in evidence in the same manner and to the same extent as the original account.

(4) A pawner to whom a statement of account has been furnished under clause (d) of sub-section (1) and who fails to object to the correctness of the account shall not, by such failure alone, be deemed to have admitted the correctness of such account.

(5) In the pawn-ticket furnished to the pawner, in the receipt given under clause (c) of sub-section (1) and in the statement of account furnished under clause (d) of that sub-section, the figures shall be entered only in Arabic numerals.

10-A.**Pawnbroker to keep pledge in his shop or place of business. –** Every pawnbroker shall ordinarily keep every pledge in the shop or place of business for which the licence has been granted. If in any case, the pawnbroker keeps the pledge in any place other than such shop or place of business, he shall, within a period of seven days from the date on which the holder of a pawn-ticket, intimates his desire to inspect the pledge concerned, produce such pledge at the shop or place of business aforesaid for such inspection.

10-B. **Appointment of Inspectors and their powers. –** (1) The Administrator or any authority or officer empowered by them may, by notification, appoint one or more persons to be Inspectors for the purposes of this Act and specify in such notification the local limits of their jurisdiction.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

(3) (a) A Magistrate of the first-class may, on receiving a report from an Inspector or from any Police Officer not below the rank of Sub-Inspector that ---

(i) any person carries on business as a pawnbroker without a licence at any place within the jurisdiction of such Magistrate, or

(ii) any pawnbroker carries on business in contravention of the provisions of this Act or the rules made thereunder or the conditions of the licence granted under this Act, at any place within the jurisdiction of such Magistrate,

issue warrant empowering the Inspector or, as the case may be, such Police Officer to enter such place with such assistants as he considers necessary and inspect the books, accounts, records, files, documents, sales, vaults and pledges in such premises. On receiving such warrant, the Inspector or the Police Officer may enter the place and inspect the books, accounts, records, files, documents, safes, vaults and pledges in such premises and may take to his office for further investigation such books, accounts, records, files and documents as he considers necessary:

Provided that if the Inspector or the police officer removes from the premises any books, accounts, records, files and documents, he shall give to the

person in charge of the place, a receipt describing the books, accounts, records, files and documents so removed by him:

Provided further that within twenty-four hours of the removal of the books, accounts, records, files and documents from the premises, the Inspector or the police officer shall either return them to the person from whose custody they were removed or produce them in the court of the Magistrate who issued the warrant. Such Magistrate may return the books, accounts, records, files and documents or any of them to the person from whose custody they were removed by the Inspector or the police officer, after taking from such person such security as the Magistrate considers necessary for the production of the books, accounts, records, files and documents when required whether by the Inspector, the police officer or the court or may pass such other orders as to their disposal as appear just and convenient to the Magistrate.

(b) An Inspector shall have authority to require any person whose testimony he may require regarding any loan or pledge or any other transaction of a pawnbroker to attend before him or to produce or cause to be produced any document and to examine such person on oath.

(4) An Inspector may apply for assistance to an officer in charge of a police station and take police officers to accompany and assist the Inspector in performing his duties under this Act.

11. **Redemption of pledge. –** (1) Every pledge shall be redeemable within one year from the date of pawning, exclusive of that day; and there shall be added to that year of redemption seven days of grace within which every pledge shall continue to be redeemable.

(2) A pledge shall further continue to be redeemable until it is disposed of as provided in this Act, although the period of redemption and days of grace have expired.

Explanation. – Where the contract between the parties provides a longer period for redemption than one year, the provisions of this section shall be read and construed as if references to such longer period had been substituted for the references to the period of one year therein.

12. **Sale of pledge and inspection of sale book. ---** (1) Subject to the provisions of any other law, a pledge pawned shall not be disposed of by the pawnbroker otherwise than by sale at a public auction, conducted in accordance with such rules as may be prescribed.

(2) (Omitted)

(3) At any time within three years after the public auction the holder of the pawn-ticket may inspect the entry relating to the sale either in the pawnbroker's book or in such catalogue of the auction as may be prescribed.

(4) (a) Where a pledge has been sold for more than the amount of the loan and the interest and prescribed charges due at the time of the sale, the pawnbroker shall pay to the holder of the pawn-ticket on demand made within three years after the sale, the surplus after deducting therefrom the necessary costs and prescribed charges of the sale

(b) If on such demand it appears that the sale of the pledge has resulted in a surplus but that within twelve months before such sale, the sale of any other pledge or pledges of the same person has resulted in a deficit, the pawnbroker may set-off the deficit against the surplus and shall be liable to pay only the balance, if any, after such set-off.

13. **Liability of pawnbroker in case of fire. –** (1) Where a pledge is lost by theft or is destroyed or damaged by or in consequence of fire, the pawnbroker shall nevertheless be liable on application made within the period during which the pledge would have been redeemable to pay the value of the pledge, after deducting the amount of the principal and interest.

Explanation. – For the purpose of this sub-section, the value of the pledge shall be its estimated value (if any) entered in the pledge book at the time of the pawn together with interest on the amount of the principal and shall in no case be less than the aggregate of the amount of the principal and interest and twenty-five per cent on the amount of the principal.

(2) A pawnbroker shall be entitled to ensure to the extent of the value so estimated.

14. **Compensation for depreciation of pledge. –** If a person entitled and offering to redeem a pledge shows to the satisfaction of a Civil Court having jurisdiction to entertain a suit for such redemption that the pledge has become or has been rendered of less value than it was at the time of pawning thereof by or through the default, neglect or willful misbehaviour of the pawnbroker, the Court may if it thinks fit award reasonable compensation to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker (as the case requires) in such manner as the Court directs.

14-A. **Power to cancel licences, etc. –** (1) The licensing authority specified in sub-section (1) of section 4 may, at any time, during the term of any licence, cancel it by an order in writing –

(a) if the licensee carries on the business in contravention of any of the provisions of this Act or the rules made thereunder or of the conditions of the licence, or

(b) if any reason for which such authority could have refused to grant the licence to the pawnbroker under sub-section (2) of section 4, is brought to the notice of that authority after the grant of the licence, or

(c) if the licensee is convicted for an offence under sub-section (1) of section 15, or

(d) if the licensee maintains false accounts.

(2) Before cancelling a licence under sub-section (1), the licensing authority shall give the licensee a notice in writing stating the grounds on which it is proposed to take action and requiring him to show cause against it within such time as may be specified in the notice.

(3) Any person aggrieved by an order of the licensing authority cancelling a licence under sub-section (1), may, within such time as may be prescribed, appeal to such authority as the Administrator may specify in this behalf and such authority may make such order in the case as he may think fit.

14-B. **Publication of order of cancellation. –** Every order of cancellation of a licence under section 14-A shall be notified in the Official Gazette and also on the notice-board of the office of the licensing authority.

14-C. **No compensation for cancellation of licence. --** A person whose licence is cancelled under section 14-A shall not be entitled to any compensation in respect of such cancellation or to the refund of any fee paid in respect of such licence.

14-D. **Auctioneers to maintain certain registers. –** (1) Auctioneers conducting sales under this Act of pledges shall maintain such registers containing such particulars as may be prescribed.

(2) At any time within three years after the public auction, any police officer not below the rank of Sub-Inspector may inspect the registers referred to in sub-section (1) at all reasonable times and at such places as may be prescribed.

15. **Pawnbroker advancing smaller amount or receiving higher interest than that specified in accounts to be punishable. –** (1) Any pawnbroker who actually advances an amount less than that shown in the pawn-ticket or in his accounts or registers or who takes or receives interest or any other charge at a rate higher than that shown in the pawn-ticket or in his accounts or registers shall be punished with fine which may extend to five hundred rupees.

(2) If a pawnbroker is convicted of an offence under sub-section (1) after having been previously convicted of such an offence, the court convicting him may order his licence as a pawnbroker to be cancelled.

16. **Certain other acts of pawnbrokers to be punishable. –** A pawnbroker, who --

(1) takes an article in pawn from any person appearing to be under the age of eighteen years, or to be of unsound mind; or

(2) purchases or takes in pawn or exchanges a pawn-ticket issued by another pawnbroker; or

(3) employs any person under the age of eighteen years to take pledges in pawn; or

(4) under any pretence purchases, except at a public auction, any pledge while in pawn with him; or

(5) suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it; or

(6) makes any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale or disposition thereof within the time of redemption; or

(7) Sells or otherwise disposes of any pledge pawned with him except at such time and in such manner as is authorised by or under this Act,

shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

17. **Certain acts of pawners to be punishable. –** (1) Any person who ---

(a) offers to a pawnbroker an article by way of pawn, being unable or refusing to give a satisfactory account of the means by which he became possessed of the article; or

(b) wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address, or as to the name and address of the owner of the article; or

(c) not being entitled to redeem, and not having any colour of title by law to redeem, a pledge, attempts or endeavours to redeem the same;

shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees or with both.

(2) In every case falling under sub-section (1), and also in any case where, on an article being offered in pawn, for sale, or otherwise, to a pawnbroker he reasonably suspects that it has been stolen or otherwise illegally or clandestinely obtained, the pawnbroker shall, in the absence of reasonable excuse, inquire into the name and address of the person concerned, and seize and detain such person and the article, if any, and forthwith communicate to the nearest police station the facts of the case and shall deliver the person and the article, if any, seized to the police.

(3) A list of properties believed to have been stolen may be delivered by the police to any pawnbroker licensed under this Act and thereupon it shall be the duty of such pawnbroker ---

(a) if any article answering the description of any of the properties set-forth in any such list is offered to him in pawn, for sale, or otherwise, to proceed in accordance with the provisions of sub-section (2); and

(b) if any such article is already in his possession, forthwith to communicate to the nearest police station the facts of the case (including full particulars as to the name and address of the person concerned in the delivery of the article to the pawnbroker) and also, if so required by the police, to deliver the article to them.

18. **General penalty for contravention of Act, etc. –** (1) whoever contravenes any of the provisions of this Act or of any rule or of any terms or conditions of a licence made or granted thereunder shall, if no other penalty is elsewhere provided in this Act for such contravention, be punished with fine which may extend to fifty rupees and, if such person has been previously convicted whether under this section or any other provision contained in this Act, with fine which may extend to one hundred rupees.

(2) Any person who after having been convicted of the offence of carrying on, or continuing to carry on, the business of pawnbroker in contravention of the provisions of section 3, continues to commit the same offence in the same year, shall in addition to the fine to which he is liable under sub-section (1), be punished with a further fine which may extend to ten rupees for each day after the previous date of conviction during which he continues so to offend.

(3) Any Court convicting a pawnbroker of a contravention of the provisions of clause (c) or clause (d) or sub-section (1) of section 10 may direct him to furnish a receipt of statement of account in accordance with the provisions of that clause, and if the pawnbroker fails to comply with the direction, the Court may order his licence as a pawnbroker to be cancelled.

19. **Jurisdiction to try offences. –** No Court inferior to that of a Magistrate of second class shall try any offence punishable under this Act.

20. (Omitted).

21. **Contracts not to be void on account of offences but interest and costs not to be allowed in certain cases. –** Where a pawnbroker is guilty of an offence under this Act, or where his licence is cancelled under any of the provisions of this Act, any contract of pawn or other contract made by him, in relation to his business of pawnbroker, shall nevertheless not be void by reason only of that offence, or cancellation nor shall he by reason only of that offence or cancellation lose his lien on or right to the pledge or to the loan and the interest and other charges, if any, payable in respect thereof; nor shall that offence or cancellation affect any

obligation or liability incurred by the pawnbroker before that offence or cancellation.

Provided that if a pawnbroker fails to deliver to the pawner a pawn-ticket as required by section 7 or fails to give to the pawner or his agent a receipt as required by clause (c) of sub-section (1) of section 10 or to furnish on a requisition made under clause (d) of that sub-section , a statement of account as required therein within one month after such requisition has been made, the pawnbroker shall not be entitled to any interest for the period of his default:

Provided further that if in any suit or proceeding relating to a loan, the Court finds that a pawnbroker has not maintained accounts as required by clause (a) or clause (b) of sub-section (1) of section 10, he shall not be allowed his costs.

21. A. (Omitted).

22. **Power to make rules. –** (1) The Administrator may make rules to carry out the purposes of this Act.

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

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the form of, and the particulars to be contained in, an application for a pawnbroker's licence under this Act; and

(c) the form in which books, accounts and documents specified in this Act shall be recorded, maintained, kept or used.

(3) All rules made under this Act shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as may be after it is made, be laid before the Legislative Assembly while it is in session for a total period of not les than 14 days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modifications in the rule or decides that the rule should not be made, the rules 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.

23. (Omitted).

24. (Omitted).

25. (Omitted).

THE PUDUCHERRY CIVIL COURTS ACT, 1966

(No. 12 of 1966)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Courts and their number and jurisdiction.
4. Appointment of Additional Judges.
5. Situation of Courts.
6. Courts under the Act to be successors to existing Courts.
7. Seal of Court.
8. Jurisdiction of District Judge or Subordinate Judge and District Munsif in original suits.
9. Appeal from decrees and orders of District Courts, Subordinate Courts and District Munsif Courts.
10. Power to require witness or party to make oath or affirmation.
11. Judges not to try suits in which they are interested nor try appeals from decrees passed by them in other capacities.
12. Duties of ministerial officers.
13. Temporary discharge of duties of District Judge.
14. District Judge to control Civil Courts.
15. Power to invest Subordinate Judge or Munsif with small cause jurisdiction.
16. Exercise by Subordinate Judge of jurisdiction of District Judge in certain proceedings.
17. Vacation.
18. Abolition of Conseil Judge of jurisdiction of District Judge in certain proceedings.
19. Abolition of the Offices of the Procureur de la Republique.
20. Pending proceedings.
21. Rule of construction.
22. Effect on other laws.
23. Power to remove difficulties.
24. Repeal and saving.

THE PUDUCHERRY CIVIL COURTS ACT, 1966

(Act No. 12 of 1966)

21st October, 1966.

AN ACT

to consolidate and amend the law relating to the Civil Courts in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Seventeenth Year of the Republic of India as follows: -

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Civil Courts Act, 1966.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on such +date as the Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act, and any reference to the commencement of this Act in any provision thereof shall be construed as a reference to the date on which that provision comes into force.

2. **Definitions. –** In this Act, unless the context otherwise requires, --

(a) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(b) "High Court" means the High Court at Madras;

(c) "Union territory" means the Union territory of Puducherry.

3. **Courts and their number and jurisdiction. --** (1) There shall be the following Courts in the Union territory ***[**…**]**, namely: -

***[**(a) the Courts of the District Judge**]**,

(b) the Subordinate Judge's Courts, and

(c) the Munsif's Courts.

+ This Act came into force w.e.f 5.9.1968 vide Notification S.O. No.98 published in the Extraordinary Gazette No.73 dated 4.9.68.

***** Amended vide Act No.9 of 1986. This Act came into force w.e.f 1.9.1986 vide Notification published in the Gazette of Puducherry No.34 dt. 26.8.86

(2) Appointments to the posts of District Judge, Sub-ordinate Judge and Munsif shall be made by the Government in accordance with rules made under article 309 of the Constitution:

Provided that appointment to the post of District Judge shall be made after consultation with the High Court.

(3) The number of ***[**Courts of the District Judge, Subordinate Judge's Courts**]** and Munsif's Courts shall be fixed and may, from time to time, be altered by the Government.

***[**(4) The local limits of the jurisdiction of a Court of the District Judge, a Subordinate Judge's Court and a Munsif's Court shall be such as the Government may, by notification in the Official Gazette, specify:

Provided that the Government may, by a like notification, alter the jurisdiction of any Court under this sub-section from time to time**]**.

4. **Appointment of Additional Judges. –** (1) The Government may, if satisfied after consultation with the High Court that the state of business pending before any Court so requires, appoint in accordance with the provisions of sub-section (2) of section 3 one or more Additional Judges to that Court for such period as it may deem necessary.

(2) When more than one Judge is appointed to a Court, one of the Judges shall be appointed the Principal Judge of that Court.

(3) Each of the Judges appointed to a Court may exercise all or any of the powers conferred on that Court by this Act or any other law for the time being in force.

(4) The Principal Judge of every Court may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof:

Provided that the District Judge, or the Principal District Judge, if there is more than one District Judge, may give such general or special direction in regard to the distribution of work in the courts of Subordinate Judge and Munsif.

Explanation. – In this section, unless the context otherwise requires, the expression 'judge' includes a Subordinate Judge and Munsif.

***** Substituted vide Act No.9 of 1986 w.e.f 26-6-1986.

5. **Situation of Courts. –** (1) The place at which any Court under this Act shall be held may be fixed and may, from time to time, be altered by the Government.

(2) The place fixed for any Court under this section shall be deemed to be within the local jurisdiction of that Court.

6. **Courts under the Act to be successors to existing Courts. –** (1) The Tribunal Superieur d' Appel, Courts of Tribunal de lere Instance and Juge de Paix existing immediately before the commencement of this Act shall be respectively the first Court of the District Judge, Subordinate Judges' Court and Munsif's Court under this Act.

***[**Provided that in any area of the Union territory where there is no Subordinate Judge's Court or Munsif's Court, the next superior court exercising jurisdiction in that area shall be the successor to the Court of Tribunal de lere Instance or the Court of Juge de Paix, as the case may be**]**.

(2) As from the commencement of this Act, ---

(a) the President and Judges of the Tribunal Superieur d' Appel holding office immediately before such commencement shall respectively function as the Principal District Judge and Additional District Judges; and

(b) the Presidents of the Tribunal de lere Instance and Juges de Paix holding office immediately before such commencement shall respectively function as Subordinate Judges and Munsifs within their jurisdiction.

(3) Subject to the other provisions of this Act, a District Judge sitting singly shall exercise all the powers and functions of the Tribunal Superieur d' Appel in respect of all pending cases and cases remanded by the High Court in exercise of its powers as Cour de Cassation.

7. **Seal of Court. –** Every Court under this Act shall use a seal of such form and dimensions as are, for the time being, prescribed by the Government.

***** Inserted vide Act No.9 of 1986 w.e.f 26-6-1986

8. **Jurisdiction of District Judge, Subordinate Judge and District Munsif in original suits. – *[**(1) The jurisdiction of the District Judge shall, subject to the rules of procedure contained in the Code of Civil Procedure, 1908 (hereinafter referred to in this section as the said Code) for the time being in force, extend to all original suits and proceedings of a civil nature, of which the amount or value of the subject matter exceeds rupees five lakhs.

(2) The jurisdiction of the Subordinate Judge shall, subject to the rules of procedure contained in the said Code for the time being in force, extend to all original suits and proceedings of a civil nature, of which the amount or value of the subject matter exceeds rupees one lakh but does not exceed rupees five lakhs.

(3) The jurisdiction of the District Munsif shall extend to all like suits and proceedings not otherwise exempted from his cognizance, of which the amount or value of the subject matter does not exceed rupees one lakh:

Provided that the Government may, by notification in the Official Gazette, increase the jurisdiction as and when exigency arises**]**.

9. **Appeal from decrees and orders of District Courts, Subordinate Courts and District Munsif Courts. – **[**(1) Appeals from the decrees and orders of District Judges at Puducherry and Karaikal shall, when such appeals are allowed by law, lie to the High Court of Judicature at Madras.

(2) Appeals from the decrees and orders of the Subordinate Judges at Puducherry, Mahe and Yanam shall, when such appeals are allowed by law, lie to the Court of District Judge at Puducherry.

(3) Appeals from the decrees and orders of District Munsifs shall when such appeals are allowed by law, lie to the Court of Subordinate Judge, except in the case of Karaikal region, where the appeals would lie to the Court of Additional District Judge, Puducherry at Karaikal:

Provided however that the pecuniary limit specified in this section shall not apply in the case of appeals from decrees and orders passed under and in accordance with the French law relating to civil procedure.

(4) Transitory provisions**. –** (1) All suits pending in the Subordinate Courts at Puducherry, Mahe and Yanam, when the amount or the value of the subject matter of the suit exceeds rupees five lakhs shall stand transferred to the District Court at Puducherry.

***** Substituted vide Act No.5 of 2005. This Act came into force w.e.f 01.11.2005.

(2) All suits pending in the Subordinate Courts at Puducherry and all suits pending in the District Court at Karaikal, where the amount or the value of the subject matter of the suit does not exceed rupees one lakh shall stand transferred to the respective District Munsif Courts at Puducherry and Karaikal having jurisdiction.

(3) All first appeals from the decrees and orders of the Subordinate Courts at Puducherry, Mahe and Yanam and pending on the file of the High Court at Madras and when the amount or the value of the subject matter of such appeals does not exceed rupees five lakhs shall stand transferred to the District Court at Puducherry.

(4) All the part-heard and judgement reserved suits and appeals shall be heard and disposed of by the respective courts as if this Act has not been passed**]**.

10. **Power to require witness or party to make oath or affirmation. –** Every Court under this Act may require a witness or party to any suit or other proceeding pending in such Court to make such oath or affirmation as is prescribed by the law for the time being in force.

11. **Judges not to try suits in which they are interested nor try appeals from decrees passed by them in other capacities. –** (1) (a) ***[**No District Judge, Vacation Civil Judge**]**, Subordinate Judge or Munsif shall try any suit to or in which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

(b) ***[**No District Judge, Vacation Civil Judge**]**, or Subordinate Judge shall try any appeal against a decree or order passed by himself in another capacity.

(2) When any such suit, proceeding or appeal comes before ---

(a) ***[**any Vacation Civil Judge, Subordinate Judge**]** or Munsif, he shall report the circumstances to the District Judge, who shall thereupon either take up the case himself or transfer the case to some other officer, otherwise competent to deal with the same;

(b) any District Judge, he shall transfer the case to an Additional District Judge or if there be no such Judge, to a Subordinate Judge who is otherwise competent to deal with the same:

***** Substituted vide Act No.9 of 1986 w.e.f 26-6-1986

Provided that in the absence of any judicial officer competent to deal with the same within the Union territory, the District Judge shall report the circumstances to the High Court, which shall thereupon deal with the case itself or transfer the case for disposal to any other District Judge under its jurisdiction.

12. **Duties of ministerial officers. –** The ministerial officers of a Court shall perform such duties as may, from time to time, be imposed upon them by the presiding officer of the Court.

13. **Temporary discharge of duties of District Judge. –** In the event of the death of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties or of his absence from the station in which his Court is held, the senior Additional District Judge or the Additional District Judge, as the case be or if there is no Additional District Judge, the senior Subordinate Judge in the station in which his Court is held shall, without interruption to his ordinary duties, assume charge of the District Judge's Office, and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like, and shall continue in charge of the office until the same is resumed or assumed by an officer duly appointed thereto.

14. **District Judge to control Civil Courts. –** (1) The Court of the District Judge shall be the principal Civil Court of original jurisdiction ***[**in the local limits over which such court exercises jurisdiction**]** within the meaning of any law relating to procedure for the time being in force and the Subordinate Judge's Court and the Munsif's Court shall be subordinate to it.

(2) Subject to the other provisions of this Act and any other law for the time being in force and to the general superintendence and control of the High Court, the general control over all Civil Courts under this Act shall be vested in the ***[**Chief Judge**]**.

[Explanation.*– For the purpose of this section, "Chief Judge" shall mean the Principal District Judge, Puducherry**]**.

15. **Power to invest **[District Judge or Subordinate Judge] or Munsif with small cause jurisdiction. –** (1) The Government may, by notification in the Official Gazette, invest within such local limits as it shall, from time to time, appoint –

***** Substituted vide Act No.9 of 1986 w.e.f 26.06.1986

****** Substituted vide Act No.5 of 2005 w.e.f 15.07.05

(a) any ***[**District Judge or Subordinate Judge**]** with the jurisdiction of a Judge of a Court of small Causes for the trail of suits cognizable by such Courts up to the amount of ***[**five thousand rupees**]**; and

(b) any Munsif with the same jurisdiction upto the amount of ****[**two thousand rupees**]**.

(2) The Government may, by like notification, withdraw such jurisdiction from the ***[**District Judge or Subordinate Judge**]** or Munsif as invested under sub-section (1).

****[Transitory provisions.** (1) All small cause suits pending on the file of the Subordinate Courts, Puducherry, where the amount or the value of the subject matter of such small cause suits does not exceed rupees two thousand, shall stand transferred to the District Munsif Courts at Puducherry.

(2) All small cause suits pending on the file of the District Court at Karaikal, where the amount or value of the subject matter of such small cause suits does not exceed rupees two thousand, shall stand transferred to the District Munsif Court at Karaikal.

(3) All the part-heard and judgement reserved suits shall be heard and disposed of by the respective courts as if this Act has not been passed.**]**

16. **Exercise by Subordinate Judge of jurisdiction of District Judge in certain proceedings. –** (1) The High Court may, by general or special order, authorise any Subordinate Judge to take cognizance of, any District Judge, to transfer to any Subordinate Judge under his control, any proceedings under the Indian Succession Act, 1925 (39 of 1925), which cannot be disposed of by District Delegates.

(2) The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to, a Subordinate Judge and may either himself dispose of them or transfer them to a Court competent to dispose of them.

(3) Notwithstanding anything contained in section 9, proceedings taken cognizance of by or transferred to, a Subordinate Judge under the provisions of this section shall be disposed of by him subject to the law applicable to like proceedings when disposed of by the District Judge.

***** Substituted vide Act No.9 of 1986 w.e.f 26-6-1986

****** Substituted vide Act No.5 of 2005 w.e.f 15-7-2005

17. **Vacation. – *[**(1) The annual vacations for the Courts constituted under this Act shall be fixed by the High Court**]**.

(2) Such annual vacations shall not exceed in the aggregate sixty days in the case of the Court of the District Judge and a Subordinate Judge's Court and forty-five days in the case of a Munsif's Court.

****[**Omitted**]**.

(3) Notwithstanding anything contained in this Act or in the Code of Civil Procedure, 1908, the Government may, for the duration of the annual vacations, appoint a Vacation Civil Judge in each of the regions of the Union territory, namely, Puducherry, Karaikal, Mahe and Yanam;

Provided that a Vacation Civil Judge appointed for Puducherry or Karaikal region shall be not below the rank of a Subordinate Judge.

(4) The local limits of the jurisdiction of the Vacation Civil Judge shall be the same as those of the principal Civil Court in the region concerned.

(5) The jurisdiction of the Vacation Civil Judge shall extend to all suits, appeals and other proceedings pending in, or cognizable by, any civil court in the region concerned when such court is adjourned for annual vacations.

(6) Notwithstanding the appointment of the Vacation Civil Judge, every civil court in the Union territory shall, during the period it is adjourned for annual vacations, be deemed to be closed for the purpose of section 4 of the Limitation Act, 1963.

(7) On the reopening of a Court of the District Judge, a Subordinate Judge's Court or a Munsif's Court after the annual vacations, all suits, appeals and other proceedings pending in the court of the Vacation Civil Judge which, but for this section, would have been instituted or pending in such Court of the District Judge, Subordinate Judge's Court or Munsif's Court, as the case may be, shall stand transferred to such Court of the District Judge, Subordinate Judge's Court or Munsif's Court and any decree, order or proceeding passed by the Vacation Civil Judge shall, after such transfer, be deemed to be a decree, order or proceeding passed by the court concerned.

(8) Notwithstanding the provisions of sub-section (7), any appeal from the decree or order of the court of the Vacation Civil Judge shall, when such appeal is allowed by law, lie to the High Court**]**.

*****Amended vide Act No.5 of 2005 w.e.f 15-7-2005.
****** Omitted vide Act No.9 of 1986 w.e.f 26-6-1986.

18. **Abolition of Conseil du Contentieux Adminsratif. –** (1) As from the commencement of this Act, the Court of Conseil du Contentieux Administratif shall stand abolished.

(2) Notwithstanding such abolition, all cases pending before the said Court immediately before such commencement and those cases that may be remanded by the High Court in exercise of its powers as Conseil d' Etat, shall be heard and disposed of by the District Judge or an Additional District Judge sitting singly in accordance with the procedure followed immediately before the commencement of this Act in so far as it is not inconsistent with the provisions of this Act.

19. **Abolition of the Offices of the Procureur de la Republique. –** (1) As from the commencement of this Act, the Offices of the Procureur de la Republique shall stand abolished.

(2) Notwithstanding such abolition, the Government may, by notification in the Official Gazette, empower any officer holding a degree or diploma in law to perform the duties and functions of the said offices under the French law in so far as may be necessary for such areas as may be specified.

20. **Pending Proceedings. –** (1) Any proceeding of a Civil nature pending in a Court immediately before the commencement of this Act shall, on such commencement, be deemed to be transferred to the Court exercising jurisdiction under this Act in which the proceedings would have lain if it had been instituted after such commencement, and the Court to which the proceedings in transferred shall proceed to try, hear and determine the matter as if it has been pending therein.

(2) Any appeal from a decree or order passed by a Court and not appealed against before the commencement of this Act shall lie to the Court exercising jurisdiction under this Act to which such appeal would have lain if it had been preferred after such commencement.

(3) Any decree or order passed before the commencement of this Act by any court shall be deemed, for the purpose of execution, to have been passed by the Court exercising jurisdiction under this Act which corresponds, so far as may be, to the jurisdiction of the Court which passed the decree or order.

Provided that nothing in sub-section (1) or sub-section (2) shall be construed as extending the period of limitation to which any suit or appeal or application my be subject.

21. **Rule of construction. –** References in any law in force in the Union territory to the Tribunal Superieur d' Appel, the Tribunal de lere Instance or the Juge de Paix shall be construed as references to the Court of the District Judge or a Subordinate Judge or a Munsif as the case may require.

22. **Effect on other laws. –** The provisions of this Act shall have effect notwithstanding any thing inconsistent therewith contained in any other law in force in the Union territory.

23. **Power to remove difficulties. --** If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

24. **Repeal and savings –** (1) As from the commencement of this Act, any law in force in the Union territory including the Ordinances, Decrees and Arretes specified in the Schedule in so far as it makes provisions for the matters covered by this Act, shall stand repealed.

(2) Notwithstanding anything contained in the foregoing provisions, the constitution and organisation of Courts under this Act shall not prejudicially affect the continued operation of any notice served, injunction issued, direction made or proceedings taken before the commencement of this Act by any court under the powers conferred upon it by any law for the time being in force.

THE SCHEDULE

(see section 24)

1. Royal Ordinance dated 7th February, 1842 relating to judicial organisation.
2. Decree dated 22nd August, 1928 determining the status of the colonial Magistrates and the composition of Courts, Tribunals, etc.
3. Decree dated 5th August, 1881 relating to organisation and competency of Administrative Courts in the Colonies.
4. Decree No. 47-707, dated 12th April, 1947 relating to the setting up of an Administrative Court (Conseil du Contentieux Administratif) in the French settlements in India.
5. Decree No. 48-2032, dated 30th December, 1948 providing for the composition of an Administrative Court in French India.
6. Arrete No. 267, dated 25th February, 1949 determining the functions of the Administrative Courts' Secretary.
7. Arrete, dated 1-7-1936 laying down the rules governing the Process Servers of the Judicial Department.

THE MOTOR VEHICLES (PUDUCHERRY AMENDMENT) ACT, 1966

(No. 16 of 1966)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, and commencement.
2. Amendment of section 48, Central Act IV of 1939.
3. Amendment of section 57, Central Act IV of 1939.
4. Special provision in regard to existing stage carriage permits.

THE MOTOR VEHICLES (PUDUCHERRY AMENDMENT) ACT, 1966

(Act No. 16 of 1966)

13-1-1967

AN ACT

to further amend the Motor Vehicles Act, 1939 in its application to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Seventeenth Year of the Republic of India as follows: -

1. **Short title and commencement. –** (1) This Act may be called the Motor Vehicles (Puducherry Amendment) Act, 1966.

+(2) It shall come into force at once.

2. **Amendment of section 48 (Central Act IV of 1939) –** In section 48 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) (hereinafter referred to as the principal Act), ---

(i) sub-section (2) shall be omitted;

(ii) in sub-section (3) --

(a) clause (i) shall be renumbered as clause (i-a) and before the clause as so renumbered, the following clause, shall be inserted namely: -

"(i) that the stage carriage or stage carriages shall be used only on a specified route or routes or in a specified area;";

(b) for sub-clause (a) of clause (xxi), the following sub-clause shall be substituted, namely: -

"(a) vary, extend or curtail the route or routes or the area specified in the permit:

+ This Act came into force w.e.f 23.01.1967

Provided that in the case of ---

(1) variation, the termini shall not be altered, and the distance covered by the variation shall not exceed twenty four kilometres; and

(2) extension, the distance covered by the extension, shall not exceed twenty-four kilometres from the termini:

Provided further that the variation and extension as aforesaid shall be made only after the State Transport Authority is satisfied that such variation / extension will serve the pubic convenience and that it is not expedient to grant a separate permit in respect of the original route as so varied or any part thereof.

(aa) vary any other condition of the permit;".

3. **Amendment of section 57 (Central Act IV of 1939). –** In sub-section (8) of section 57 of the principal Act after the words "by the inclusion of a new route or routes or a new area", the words "or by the variation, extension or curtailment of the route or routes or the area specified in the permit" shall be inserted.

4. **Special provision in regard to existing stage carriage permits. –** Notwithstanding anything contained in the principal Act, the routes or the area specified in every stage carriage permit granted before the commencement of this Act shall be deemed to be a condition attached to such permit under sub-section (3) of section 48 of the principal Act, as if this Act were in force on the date of grant of such permit.

THE PUDUCHERRY CHIT FUNDS ACT, 1966

(No. 18 of 1966)

ARRANGEMENT OF SECTIONS

SECTION

CHAPTER - I

Preliminary

1. Short title, extent and commencement.
2. Definitions.

CHAPTER - II

Constitution and Registration

3. Registration of bye-laws.
4. Prohibition of invitation for subscription to chit of which bye-laws have not been registered.
5. Form of chit agreement.
6. Filing of chit agreement.
7. Commencement of chit business.
8. Copies of bye-laws and chit agreement to be given to subscribers.
9. Alteration of chit agreement.
10. Minutes of proceedings.
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THE PUDUCHERRY CHIT FUNDS ACT, 1966

(Act No. 18 of 1966)

14th February, 1967.

AN ACT

to provide for the regulation of chit funds in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Seventeenth Year of the Republic of India as follows: -

CHAPTER - I

Preliminary

1. **Short title, extent and commencement. –** (1) This Act may be called the Puducherry Chit Funds Act, 1966.

(2) It extends to the whole of the Union territory of Puducherry.

+(3) It shall come into force on such date as the Government may, by notification, appoint, and different dates may be appointed for different areas and for different provisions of this Act.

2. **Definitions. –** In this Act, unless the context otherwise requires, –

(1) "approved bank" means a bank approved by the Government;

(2) "Chit" means a transaction whether called chit fund, chit, kuri, or by any other name by which its foreman enters into an agreement with a number of subscribers that every one of them shall subscribe a certain sum or a certain quantity of grain by instalments for a definite period and that each subscriber in his turn as determined by lot or by auction or by tender or in such other manner as may be provided for in the agreement, shall be entitled to a prize amount.

Explanation: - A transaction is not a chit within the meaning of this clause, if in such transaction ---

(a) some alone, but not all, of the subscribers get the prize amount without any liability to pay future subscriptions; or

(b) all the subscribers get the whole of the chit amount by turns with a liability to pay future subscriptions.

+ This Act came into force w.e.f 01.08.1967

Illustration : - There are 100 subscribers to a chit and the subscription by each of them is Rs. 10. All the subscribers get by turns Rs.1,000 being the whole of the chit amount and are liable to pay future subscriptions. The transaction falls within clause (b) of the above Explanation and is not a chit;

(3) "Chit agreement" means a document containing the articles of agreement between the foreman and the subscribers relating to the chit;

(4) "Chit amount" means the sum total of the subscriptions payable by all the subscribers for any instalment of a chit without any deduction for discount or otherwise;

(5) "Defaulting subscriber" means a subscriber who has defaulted in the payment of subscriptions due according to the terms of the chit agreement;

(6) "Discount" means the sum or the quantity of grain, which a prized subscriber has under the terms of the chit agreement to forego and which is set apart under the said agreement to meet the expenses of running the chit or for distribution among the subscribers or for both;

(7) "Dividend" means the share of a subscriber in the discount available under the chit agreement for rateable distribution among the subscribers at each instalment of the chit;

(8) "Drawing" means ascertaining of the person or persons entitled to the prize amount at any instalment of a chit;

(9) "Firm" means a firm registered under the Indian Partnership Act, 1932 (Central Act 9 of 1932);

(10) "Foreman" means the person who under the chit agreement is responsible for the conduct of the chit and includes any other person discharging the functions of the foreman under section 30:

Provided that no firm shall be a foreman unless such firm is registered under the Indian Partnership Act, 1932 (Central Act 9 of 1932);

(11) "Government" means Administrator appointed by the President under Article 239 of the Constitution;

(12) "Non-prized subscriber" does not include a subscriber who has defaulted in the payment of subscriptions due according to the terms of the chit agreement;

(13) "Prize amount" means the differences, between the chit amount and the discount, and, in the case of a fraction of a ticket means the difference between the chit amount and the discount proportionate to the fraction of the ticket, and when the prize amount is payable otherwise than in cash, the value of the prize amount shall be the value at the time it becomes payable;

(14) "Prized subscriber" means a subscriber who has either received or is entitled to the prize amount;

(15) "Registrar" means a Registrar appointed under sub-section (1) of section 51;

(16) "Subscriber" includes a person who holds a fraction of a ticket and also a transferee of a ticket or a fraction thereof by assignment in writing or by operation of law;

(17) "Ticket" means the share of a subscriber in a chit;

(18) "Union territory" means the Union territory of Puducherry.

CHAPTER – II

Constitution and Registration

3. **Registration of bye-laws. –** (1) Save as otherwise provided in this Act, no person shall start or conduct any chit unless he has registered with the Registrar the proposed by laws of the chit.

(2) For the purpose of registration, there shall be filed with the Registrar the by-laws of the chit in duplicate signed by the foreman and attested by at least two witnesses.

(3) The Registrar, on being satisfied that the by-laws are not contrary to this Act or to the rules made thereunder, shall issue to the foreman a certificate of registration and such certificate shall be conclusive evidence that the bye-laws of the chit therein mentioned are duly registered.

(4) The Registrar shall retain the by-laws of the chit and return the duplicate of the by-laws to the foreman with an endorsement that the by-laws have been registered.

4. **Prohibition of invitation for subscription to chit of which by-laws have not been registered. –** No person shall issue or publish any notice, circular, prospectus or other document containing the terms and conditions of any chit or inviting the public to subscribe for tickets in any chit unless such notice, circular, prospectus or other document relates to a chit the by-laws of which have been registered.

5. **Form of chit agreement. ---** Every chit agreement shall be in duplicate and shall be signed by the subscribers or by persons authorised in that behalf in writing by the subscribers and the foreman and attested by at least two witnesses, and it shall contain the following particulars, namely: -

(1) the full name and the permanent residential address of every subscriber;

(2) the tickets held by each subscriber;

(3) the number of instalments and the amount payable in respect of each ticket for each instalment;

(4) the dates of commencement and termination of the chit;

(5) the mode of ascertaining the prized subscriber;

(6) the amount of discount which the prized subscriber at any instalment has to forego;

(7) the mode and proportion in which the discount is distributable by way of dividend, foreman's commission and other expenses, if any;

(8) the date, time and place at which the chit is to be drawn;

(9) if under the chit agreement the foreman is entitled to the chit amount, the instalment at which the foreman is to get the chit amount;

(10) the approved bank or banks in which chit moneys shall be deposited by the foreman under the provisions of this Act;

(11) the manner in which a chit shall be continued, where a foreman who is an individual dies or becomes of unsound mind; and

(12) any other particulars which may be prescribed.

Explanation. – It is sufficient to get the signature of each subscriber on separate copies of the agreement.

6. **Filing of chit agreement. –** (1) Every chit agreement with its duplicate shall be filed with the Registrar.

(2) The Registrar shall retain the chit agreement and return the duplicate chit agreement to the foreman with an endorsement that the chit agreement is filed.

7. **Commencement of chit business. –** (1) No person shall commence any auction or drawing of any chit unless he has obtained a certificate of commencement from the Registrar.

(2) The Registrar shall, on being satisfied that the by-laws of the chit have been registered and the chit agreement has been filed and the security required under section 12 has been furnished by the foreman, grant a certificate of commencement.

8. **Copies of by-laws and chit agreement to be given to subscribers. –** (1) The foreman shall, as soon as may be after he has obtained the certificate of commencement referred to in section 7, but not later than the date of the first drawing of the chit, furnish to every subscriber a copy of the by-laws of the chit and of the chit agreement certified by him to be a true copy.

(2) The foreman shall, within the fifteenth day of the month succeeding the month in which the first instalment of the chit is drawn, file with the Registrar a certificate to the effect that he has complied with the provisions of sub-section (1).

9. **Alteration of chit agreement. -** The chit agreement shall not be altered, added to or cancelled except with the consent in writing of the foreman and all the subscribers to the chit.

10. **Minutes of proceedings. –** (1) The minutes of the proceedings of every drawing shall be drawn up and entered in a book to be kept for that purpose and shall be signed by the foreman and all the subscribers present. It shall also be signed by the prized subscriber or his authorised agent.

(2) Such minutes shall state clearly ---

(i) the date and hour when the proceedings began and ended and the place where the drawing was held;

(ii) the number of the particular instalment of the chit of which proceedings are recorded;

(iii) the names of the subscribers present;

(iv) the person or persons who become entitled to the prize amount in the particular instalment;

(v) the amount of discount;

(vi) full particulars regarding the disposal of the prize amount in respect of the preceding instalment and disposal of unpaid prize amount, if any, in respect of any previous instalment; and

(vii) any other particulars which may be prescribed.

11. **Copy of minutes to be filed with Registrar. –** Every foreman shall within the fifteenth day of the month succeeding the month in which one or more instalments of the same chit or one or more instalments of any other chit are drawn, file with the Registrar a copy of the minutes referred to in section 10 in respect of the drawings at all such instalments and certified by the foreman to be a true copy.

CHAPTER – III

Foreman

12. **Security to be given by foreman. –** (1) For the proper conduct of the chit, every foreman shall, before applying for the certificate of commencement under section 7, ---

(a) execute an indenture of mortgage and trust in favour of the Registrar as trustee charging by way of security property sufficient to the satisfaction of the Registrar for the realisation of the chit amount; or

(b) (i) deposit in any approved bank an amount of cash not less than half of the chit amount; or

(ii) invest in Government securities of the face value or market value whichever is less, of not less than half of the chit amount, and transfer the amount so deposited or the Government securities in favour of the Registrar to be held in trust by him as security:

Provided that, where movable property is charged by way of security, only such kind of movable property as may be prescribed shall be so charged and such movable property shall be deposited in such manner and with such person or officer as may be prescribed.

(2) Where a foreman conducts more than one chit, he shall furnish security in accordance with the provisions of sub-section (1) in respect of each such chit.

(3) Subject to the provisions of section 520 of the Companies Act, 1956 (Central Act 1 of 1956), the security given by the foreman under sub-section (1) shall not be liable to be attached in execution of a decree or otherwise ---

(i) until the chit is terminated and the claims of all the subscribers are fully satisfied;

(ii) until all dues payable by the foreman under this Act to the Registrar or any other officer have been paid;

(iii) where owing to the default of the prized subscriber the prize amount due remains unpaid even after the termination of a

chit until the foreman deposits such amount in an approved bank mentioned in the chit agreement and intimates in writing the fact of such deposit to the prized subscriber.

(4) The Registrar shall, after the termination of a chit and after satisfying himself that the requirements under clauses (i) to (iii) of sub-section (3) have been complied with, release the property charged by way of security or order the release of the cash security or the Government securities referred to in sub-section (1) and in so doing, he shall follow such procedure as may be prescribed.

(5) The Registrar may, on the application of any foreman, instead of releasing the security under sub-section (4), accept the same as security in respect of any other chit or chits conducted by the same foreman. If the value or amount of the security so accepted is less than the value or amount specified in sub-section (1), the Registrar shall require the foreman to furnish additional security to make up the deficiency. If the value or amount of such security is in excess of the value or amount required, the registrar shall release such excess.

(6) Notwithstanding anything to the contrary contained in any other law the security furnished under this section shall not be dealt with by the foreman during the currency of the chit and any dealing by the foreman with respect thereto by way of transfer, charge, mortgage, or other encumbrance shall be void.

13. **Rights of the foreman. –** The foreman shall be entitled ---

(a) in the absence of any provision in the chit agreement to the contrary to obtain the chit amount at the instalment specified in the chit agreement;

(b) to such commission or remuneration not exceeding five per cent of the chit amount as may be fixed in the chit agreement;

(c) to receive and realize all contributions from the subscribers and to distribute the prize amounts to prized subscribers and the dividend among the subscribers;

(d) to demand sufficient security from any prized subscriber for the due payment of future subscriptions;

(e) to substitute subscribers in the place of defaulters; and

(f) to do all other acts that may be necessary for the due and proper conduct of the chit.

14. **Duties of the foreman. –** (1) The foreman shall, on the prized subscriber, furnishing sufficient security for the due payment of future subscriptions, be bound to pay him the prize amount:

Provided that the prized subscriber shall be entitled to demand immediate payment of the prize amount after deducting all future subscriptions without any security whatsoever, and in such case the foreman shall, before the date of the next succeeding instalment, deposit in an approved bank mentioned in the chit agreement the amount of future subscriptions deducted as aforesaid and he shall not withdraw the amount so deposited except for payment of future subscriptions.

(2) If, owing to the default of the prized subscriber, the prize amount due in respect of any drawing remains unpaid before the date of the next succeeding drawing, the foreman shall deposit the same forthwith in an approved bank mentioned in the chit agreement and intimate in writing the fact of such deposit to the prized subscriber.

(3) Every payment of the prize amount, the deposit of the amount of future subscriptions under sub-section (1) and the deposit of the prize amount under sub-section (2) shall be intimated to the subscribers at the next succeeding drawing and particulars of such payment or deposit entered in the minutes of the proceedings of that drawing.

(4) The foreman shall not appropriate for himself any amount in excess of what he is entitled to under clauses (a) and (b) of section 13:

Provided that the foreman may appropriate for himself the interest accruing on the amount deposited under the proviso to sub-section (1).

15. **Registers and books of account. -** The foreman shall keep such registers and books of account, and in such form, as may be prescribed.

16. **Balance Sheet. –** (1) Every foreman shall prepare and file with the Registrar in such manner and within such time as may be prescribed a balance sheet duly audited either by auditors duly qualified to act as auditors of companies under the Companies Act, 1956 (Central Act 1 of 1956), or by a Chit Auditor appointed under sub-section (2) of section 51 and relating to the period of account.

(2) The balance sheet referred to in sub-section (1) shall ---

(a) contain a summary of the assets and liabilities of the chit; and

(b) give such particulars as will disclose the nature of the assets and liabilities and how the value of the assets has been arrived at.

17. **Liability of the foreman to the subscribers. –** (1) Every foreman shall be liable to account to the subscribers for the amounts due to them.

(2) Where there are more than one foreman, each one of them jointly and severally or if the foreman is a firm, each one of the partners thereof jointly and severally and if the foreman is a Corporation, the Corporation as such shall be liable to the subscribers in respect of the obligations arising out of the chit.

18. **Withdrawal of a foreman. –** Where there are more than one person as foreman in a chit, none of them shall withdraw from it until the termination of the chit unless such withdrawal is assented to by all the non-prized subscribers and unpaid prized subscribers and a copy of such assent has been filed as required by section 32. Such withdrawal shall not, however, affect the security given under section 12.

CHAPTER – IV

Non-prized subscribers

19. **Non-prized subscribers to pay subscription and get receipt. –** Every non-prized subscriber shall pay his subscription at the time and place mentioned in the chit agreement and shall on such payment be entitled to get a receipt from the foreman.

20. **Removal of defaulting subscribers. –** (1) A non-prized subscriber who defaults in paying his subscription in accordance with the terms of the chit agreement shall be liable to have his name removed from the list of subscribers. Every such removal shall, with the date thereof, be entered in the relevant book maintained by the foreman. A written notice of such removal shall be given by the foreman to the defaulting subscriber within fourteen days of such removal.

(2) A true copy of the entry referred to in sub-section (1) shall be filed by the foreman with the Registrar within fourteen days from the date of such removal.

(3) Any defaulting subscriber aggrieved by the removal of his name from the list of subscribers may, within seven days of the communication to him of the notice of removal, appeal to the Registrar.

(4) The Registrar may, after giving the parties an opportunity of being heard, pass such orders on the appeal as he thinks fit and the decision of the Registrar shall be final.

21. **Substitution. –** (1) The foreman may substitute in the list of subscribers any person in the place of a defaulting subscriber whose name has been removed from such list under sub-section (1) of section 20:

Provided that no such substitution shall be made until the expiry of the period allowed for appeal under sub-section (3) of section 20, or where any such appeal has been preferred, until the same has been disposed of.

(2) Every substitution referred to in sub-section (1) shall, with the date thereof, be entered in the relevant book maintained by the foreman. A true copy of

every such entry shall be filed by the foreman with the registrar within fourteen days from the date of substitution.

(3) All arrears of subscriptions realised from the substituted subscriber, less amount advanced by the foreman, shall, before the date of the next succeeding instalment, be deposited by the foreman in an approved bank mentioned in the chit agreement. The foreman shall not withdraw the amount so deposited except for payment to the defaulting subscriber.

Explanation.– For the purposes of sub-section (3) 'arrears of subscriptions' shall mean all the previous instalments realised from the substituted subscriber.

22. **Amount due to defaulting subscriber how dealt with. –** When a substituted subscriber draws the prize amount, the defaulting subscriber shall be entitled to recover from the foreman his contributions subject to such deductions as may be provided for in the chit agreement. The foreman shall, on demand made by the defaulting subscriber and on his executing an acknowledgment duly signed, be bound to pay to the defaulting subscriber the amount to him before the date of the next succeeding instalment. If the defaulting subscriber fails to furnish the acknowledgment as aforesaid, the foreman shall, before the date of next succeeding instalment, deposit in an approved bank the amount due to the defaulting subscriber. The amount so deposited shall not be withdrawn by the foreman for any purpose other than for payment to the defaulting subscriber.

CHAPTER – V

Prized subscribers

23. **Prized subscriber to give security. –** Before receiving the prize amount without deducting all future subscriptions every prized subscriber shall furnish and the foreman shall take sufficient security for the due payment of future subscriptions and if the foreman is the prized subscriber, he shall give security for the due payment of future subscriptions to the satisfaction of the Registrar.

24. **Prized subscriber to pay the subscription regularly. –** Every prized subscriber shall pay his subscriptions regularly at the time and place and on the date mentioned in the chit agreement and on his failure to do so, he shall be liable to make a consolidated payment of all the future subscriptions at once.

25. **Foreman to demand future subscriptions by written notice. –** (1) A foreman shall not be entitled to claim consolidated payment of all the future subscriptions from a defaulting prized subscriber unless he shall have demanded the same in writing.

(2) If in a suit by a foreman for consolidated payment of future subscriptions from a defaulting prized subscriber the defendant pays into court on or before the date to which the suit is posted for hearing the arrears of subscriptions till that date together with interest thereon at the rate provided for in the chit agreement or at twelve per cent per annum simple interest whichever is lower, and the costs of the suit for payment to the plaintiff, then notwithstanding any contract to the contrary, the court shall pass a decree directing that the defendant shall deposit in court for payment to the plaintiff, the future subscriptions on or before the dates on which they fall due and that, in default of payment by the defendant of any future subscription on or before the due date, the plaintiff shall be at liberty to realize in execution all the future subscriptions and interest thereon, less the amount, if any already deposited by the defendant:

Provided that if any such suit is upon a promissory note, no decree shall be passed under this sub-section unless such promissory note expressly state that the amount due under the promissory note is towards payment of subscriptions to the chit.

(3) Any person who holds an interest in the property furnished as security or any part thereof shall be entitled to make payment under sub-section (2).

(4) All consolidated payments of future subscriptions realized by a foreman shall be deposited in an approved bank before the date of the next succeeding instalment. The amount so deposited may be withdrawn only for payment of future subscriptions. When any property is acquired in lieu of the consolidated payment, it shall remain as security for the due payment of future subscriptions.

CHAPTER – VI

Transfer

26. **Restrictions on transfer of right of foreman. –** (1) No transfer of the right of a foreman to receive subscriptions from prized subscribers shall be made without the previous sanction in writing of the Registrar.

(2) Any such transfer of the rights of a foreman to receive subscriptions form a prized subscriber shall, if it is likely to affect prejudicially the interest of any non-prized subscriber or unpaid prized subscriber, be set aside on application by such subscriber to such officer as may be empowered by the Government in this behalf.

(3) When under sub-section (2) a transfer is disputed by a subscriber, the burden of proving that the foreman was in solvent circumstances at the time of the transfer and that the transfer is not likely to affect prejudicially the interest of any such subscriber is upon the transferee.

27. **Transfer of non-prized subscribers' rights to be in writing. –** Every transfer by a non-prized subscriber of his rights in the chit shall be in writing duly attested by at least two witnesses and shall be filed with the foreman.

28. **Recognition of transfer by the foreman. –** Every transfer under section 27 shall be recognised by the foreman, unless the transferee is not solvent or the transfer was effected with a view to defeat the provisions of any law.

29. **Entry of transferee's name in the book. –** Every transfer made under section 26 or section 27 shall be entered by the foreman in the books of the chit forthwith and a true copy of such entry shall be filed by the foreman with the Registrar within fourteen days from the date of such entry.

CHAPTER – VII

Termination of chits

30. **Provisions for continuation of chits in certain cases. –** Where the foreman who is an individual dies or becomes of unsound mind the chit may be continued in accordance with the provisions of the chit agreement.

31. **Termination of chit. –** A chit shall be deemed to have terminated –

(a) When the period fixed in the chit agreement has expired, provided payment of dues to all the subscribers has been completed, or

(b) when all the non-prized and unpaid prized subscribers consent in writing to the termination of the chit and a copy of such consent is filed as required by section 32; or

(c) when a foreman, who is an individual, dies or becomes of unsound mind and the chit is not continued in accordance with the provisions of the chit agreement:

Provided that in the case of a foreman which is a firm, if a partner dies or becomes of unsound mind, the chit shall not be deemed to have terminated and the surviving partner or partners shall conduct the chit in the absence of any provisions to the contrary in the chit agreement.

32. **Copy of assent or consent to be filed with the Registrar. –** A true copy of every assent mentioned in section 18 and of every consent mentioned in section 31, with the date of such assent or consent shall be filed by the foreman or by the remaining foreman or foremen, as the case may be, with the Registrar within fourteen days from the date of such assent or consent.

33. **Refund of non-prized subscriber's contributions. –** Except in the cases referred to in clauses (a) and (b) of section 31 ---

(a) every non-prized subscriber shall, unless otherwise provided for in the chit agreement, be entitled to get back his contribution at the termination of the chit without deduction for dividend, if any, received by him:

Provided that any person to whom the rights of a non-prized subscriber are transferred under sections 27, 28 and 29 shall, in addition to his own contributions, be entitled to get back the contribution, made by such non-prized subscriber, subject to the conditions specified in this clause;

(b) if the chit terminates on a date earlier than the date originally fixed in the chit agreement, the non-prized subscriber's claim shall be deemed to have arisen on the date on which he has notice thereof.

34. **Subscriber's dues to be first charge on chit assets. –** Where there are debts due from the foreman of a chit in relation thereto and also other debts due from such foreman, the chit debts due to the subscribers shall be a first charge on the chit assets.

CHAPTER – VIII

Inspection of documents

35. **Foreman to allow subscriber to examine chit records. -** Every foreman shall, on payment of such fee not exceeding five rupees as may be specified in the chit agreement, allow non-prized and unpaid prized subscribers all reasonable facilities on all days of drawing of chits or on such days and within such hours as may be provided for in the chit agreement for the inspection of security bonds and documents, receipts and other records taken from the prized subscribers or furnished by the foreman himself in his capacity as a subscriber and all chit records including books of account and pass books, the balance sheets and profit and loss accounts and such other records as may show the actual financial position of the chit scheme.

36. **Preservation of chit record by foreman. –** All the records pertaining to a chit shall be preserved intact by the foreman and kept for a period of six years from the date of the termination of the chit.

37. **Inspection of chit books and records. –** (1) (a) The Registrar; or

(b) any officer authorised by the Director of Chits in this behalf may,

inspect the chit books and all records after giving due notice in writing to the foreman.

(2) Every foreman shall be bound to produce the chit books and records before the Registrar or the officer authorised under sub-section (1) at the time and place mentioned in the notice and shall furnish such information to him as he may require:

Provided that such inspection may be made at the premises of the foreman if he pays in advance such fees as may be prescribed for the inspection:

Provided further that if the foreman is a banking company as defined in the Banking Regulation Act, 1949 (Central Act 10 of 1949), or a corporation established by or under any statute and carrying on the business of banking, such inspection shall be made only at the premises of the company or the corporation, as the case may be, and only on a working day and such foreman shall pay such fees as may be prescribed for the inspection.

CHAPTER – IX

Winding up of Chits

38. **When chit may be wound up. --** A chit may be wound up by the District Court –

(a) if the chit has terminated under clause (c) of section 31, or

(b) if the foreman fails to give the security specified in section 12 or if he commits any such act in respect thereto as are calculated to impair materially the nature of the security or the value thereof, or

(c) if he fails to deposit the chit moneys in accordance with the provisions of this Act, or

(d) if it is proved to the satisfaction of the court that the foreman is unable to pay the amounts due to the subscribers, or

(e) if execution or other process issued on a decree or order of any court in favour of any subscriber in respect of amounts due to him form the chit is returned unsatisfied in whole or in part or

(f) if it is proved that there has been fraud or collusion on the part of the foreman in the matter of taking securities from prized subscribers, or

(g) if the foreman has appropriated the prize amount in his capacity as a subscriber without furnishing sufficient security for future subscriptions, or

(h) if it is just and equitable that the chit should be wound up.

Explanation. – For the purposes of clause (d), in determining whether the foreman is unable to pay the amounts due to the subscribers, the court shall take into account his contingent and prospective liabilities in respect of the chit:

Provided that a chit conducted by a company within the meaning of the Companies Act, 1956 (Central Act 1 of 1956), shall be wound up only by the court having jurisdiction under that Act.

39. **Winding up application. –** The application to the court for the winding up of a chit shall be by a petition presented by any non-prized subscriber or unpaid prized subscriber by the Registrar, signed and verified in the manner prescribed by the law relating to Civil Procedure for the time being in force and shall contain such particulars as may be prescribed:

Provided that no application for the winding up of a chit under clauses (d) and (h) of section 38 shall lie unless such petition is presented ---

(a) by those non-prized subscribers and those unpaid prized subscribers whose subscriptions to the chit amount in the aggregate to at least twenty-five per cent of the amounts contributed by all the non-prized subscribers and unpaid prized subscribers; or

(b) with the previous sanction of the Government.

Explanation. – For the purposes of the above proviso a subscriber of a fraction of a ticket shall be deemed to be subscriber only to the extent of such fraction.

40. **Insolvency or liquidation a bar to winding up proceedings. –** Notwithstanding anything contained in sections 38 and 39, no petition for the winding up of a chit shall be entertained by a court if proceedings under the law relating to insolvency for the time being in force are pending against the foreman for adjudicating him an insolvent or when the foreman is a company, if proceedings for winding up the company are pending against such company in a court.

41. **Commencement and effect of winding up order. –** An order for the winding up of a chit shall operate in favour of all the subscribers to whom amounts are due form the chit and it shall be deemed to have commenced from the time of the presentation of the application for the winding up.

42. **Injunction order. –** The court may, upon the application of the foreman or of any subscriber to whom amounts are due in respect of the chit at any time after the presentation of the application for the winding up of a chit under this Act and before making of an order for the appointment of an Interim Receiver or for winding up the chit, restrain further proceedings in any suit or proceeding

instituted against the foreman for the realization of amounts due from the chit upon such terms as the court thinks fit.

43. **Powers of Court on hearing the application. –** On hearing the application, the court may dismiss it with or without costs or adjourn the hearing conditionally or unconditionally or make an interim order or any other order that it deems fit.

44. **Chit assets to vest in Court for distribution. –** On the making of an order for the winding up of a chit, the entire chit assets shall vest in the court for distribution amongst the subscribers to whom amounts are due in respect of the chit and the court shall pass such orders in the matter (including the appointment of a receiver) as it deems fit.

45. **Suits stayed on winding up orders. ---** When a winding up order has been made by a court no suit or other legal proceedings shall be continued or commenced against the foreman by a subscriber for the realization of amounts due to him in respect of the chit except with the leave of the court and on such terms as the court may impose.

46. **Copy of winding up order to be filed with the Registrar. –** (1) On the making of a winding up order, it shall be the duty of the petitioner in the winding up proceedings and of the Receiver to file with the Registrar a copy of the order, within one month from the date of the making of the order:

Provided that the Registrar may, upon application in writing by such petitioner or Receiver, allow, in his discretion, further time not exceeding fifteen days for the filing of any such copy.

(2) On the filing of a copy of the winding up order the Registrar shall make an entry thereof in his books relating to the chit and shall notify in the Official Gazette that such an order has been made.

47. **Stay of winding up proceedings on insolvency of foreman and transfer of insolvency proceedings. –** When during the pendency of the proceedings for the winding up of a chit, the foreman is adjudicated an insolvent or when the foreman is a company, the company has been ordered to be wound up by the court, the winding up proceedings under this Act shall cease and the distribution of the chit assets shall, subject to the provisions contained in sections 34 and 42, be made by the insolvency court or the court winding up the company, as the case may be.

48. **Compensation for frivolous or vexatious application. –** (1) When an application presented for winding up a chit is dismissed and the court is satisfied that the application is frivolous or vexatious, the court may award against the applicant such amount, not exceeding five hundred rupees, as it deems reasonable

as compensation to the foreman for the expense or injury occasioned to him by the application and the proceedings thereon and such amount may be realized as if the award were a decree.

(2) Compensation under sub-section (1) shall bar any suit for compensation.

49. **Right of appeal. –** The foreman, any subscriber, the Receiver or any other person aggrieved by a decision or order of the court in proceedings for winding up a chit may, within two months from the date of such decision or order appeal to the High Court.

50. **Limitation. –** (1) Where an order refusing to wind up a chit has been made under this Act, the chit shall be deemed to have been under suspension from the date of the presentation of the application to the date of such order in respect of non-prized subscriber, and notwithstanding anything contained in the chit agreement, no non-prized subscriber who was not a defaulter on the date of the presentation of the application for winding up shall be deemed to be a defaulter on the date of its dismissal.

(2) Where an order refusing to wind up a chit has been made under this Act, in computing the period of limitation prescribed for any suit or other legal proceedings (other than a suit or an application in respect of which the leave of the court has been obtained) which might have been brought or instituted the period from the date of the presentation of the application to the date of the order refusing to wind up the chit shall be excluded.

(3) Nothing contained in this Act shall affect the right of the subscriber to proceed by suit or application against the foreman personally for the balance, if any, of the amount due to him after the declaration of the final dividend in proceedings for winding up the chit and in computing the period of limitation prescribed for any such suit or application, the period from the date of the presentation of the application for winding up the chit to the date of the declaration of the final dividend shall be excluded.

CHAPTER – X

Officers, inspection and fees

51. **Appointment of Director of Chits, Inspecting Officers, Registrars and Chit Auditors. –** (1) The Government may, by notification, appoint a Director of Chits and as many Inspecting Officers and Registrars as may be necessary for the purpose of discharging the duties imposed upon the Director of Chits, the Inspecting Officers and the Registrars by or under this Act or the rules made thereunder.

(2) The Director of Chits may appoint as many Chit Auditors as may be necessary for the purpose of discharging the duties imposed upon the Chit Auditors by or under this Act or the rules made thereunder.

(3) All Inspecting Officers, Registrars and Chit Auditors shall discharge the duties imposed upon them by or under this Act or the rules made thereunder under the general superintendence and control of the Director of Chits.

(4) If the Registrar is of the opinion that the accounts of any chit are not properly maintained and that such accounts should be audited, it shall be lawful for him to have such accounts audited by a Chit Auditor. It shall be the duty of the foreman of the chit concerned to produce before the Chit Auditor all accounts, books and other records relating to the chit, to furnish him with such information as may be required and to afford him all such information as may be required and to afford him all such assistance and facilities as may be necessary or reasonable and as may be required in regard to the audit of the accounts of the chit.

(5) The foreman shall pay to the Chit Auditor such fees as may be prescribed for the audit of the accounts of a chit under sub-section (4).

52. **Inspection of document in the Registrar's Office. –** Any person may on payment of such fees as may be prescribed ----

(i) inspect the documents kept by the Registrar and;

(ii) obtain a copy or extract of any document to be certified by the Registrar.

53. **Levy of fees. –** (1) There shall be paid to the Registrar such fees as the Government may, from time to time, prescribe for ---

(a) the registration of the by-laws of a chit under section 3;

(b) the grant of a certificate of commencement under section 7;

(c) filing with the Registrar of the chit agreement and copies of document under sections 11, 20, 21, 29 and 32;

(d) the inspection of documents under section 52;

(e) the certificate, copy of or extract of documents under section 52;

(f) the audit of the accounts of the foreman and the issue of an audit certificate;

(g) such other matters as may appear necessary to give effect to the purposes of this Act.

(2) A table of fees payable under sub-section (1) shall be published in the Official Gazette.

CHAPTER – XI

Miscellaneous

54. **Appeal. –** (1) Any foreman aggrieved by an order of the Registrar ---

(a) refusing to register the by-laws of a chit under sub-section (1) of section 3;

(b) refusing to grant a certificate of commencement under sub-section (2) of section 7;

(c) refusing to accept the security under clause (a) of sub-section (1) of section 12 or under section 23; or

(d) refusing to release the property charged by way of security or to order the release of the cash security or the Government securities under sub-section (4) or sub-section (5) of section 12;

may, within thirty days of the communication to him of such order, appeal to the Director of Chits.

(2) Any foreman or any other person aggrieved by an order of the Registrar under sub-section (1) of section 26 or by an order of an officer empowered by the Government under sub-section (2) of that section may, within thirty days of the communication to him or such order appeal to the Director of Chits.

(3) The Director of Chits may, after giving the appellant an opportunity of being heard, pass such orders on the appeal under sub-section (1) or sub-section (2) as he thinks fit.

55. **Power of Registrar to condone delay in certain cases. -** The Registrar may, in his discretion and upon an application in writing by any foreman made within the period of fourteen days specified in any of the provisions of sub-section (2) of section 20, sub-section (2) of section 21, section 29 and section 32, allow to the foreman further time not exceeding fifteen days to file a copy of any document under any of the provisions referred to above.

56. **Penalties. –** (1) Whoever contravenes or abets the contravention of any of the provisions of sections 3, 4 and 7 shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) Any foreman ---

(a) who does not file the chit agreement under section 6 or a copy of any document under section 11, sub-section (2) of section 20, sub-section (2) of section 21, section 29 or section 32 within the period specified for such filing or within the further time allowed under section 55 for such filing; or

(b) who contravenes any of the provisions of section 8, sub-sections (1) and (6) of section 12, section 14, section 15, section 16, section 20, section 21, section 22, section 23, sub-section (4) of section 25, section 29, section 35, section 36, section 37 and sub-section (4) of section 51; or

(c) who fails to comply with the requirements of the chit agreement regarding the date, time and place at which the chit is to be drawn; shall be punishable with fine which may extend to one hundred rupees.

(3) Whoever in any document required by, or for purposes of, any of the provisions of this Act wilfully makes a statement false in any material particular knowing it to be false shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

57. **Cognizance of offences. –** No court inferior to that of a salaried magistrate of the first class shall try any offence under this Act.

58. **Application of fines. –** The court imposing any fine under this Act may direct that the whole or any part thereof be applied in or towards payment of the costs of the proceedings.

59. **Power to enter and search any place and to seize documents, etc. –** (1) A magistrate of the first-class may, on receiving a report from the Registrar of the Inspecting Officer appointed under sub-section (1) of section 51 that any person conducts or is responsible for the conduct of a chit in any place in contravention of the provisions of this Act, issue a warrant empowering the Registrar or the Inspecting Officer to enter such place with such assistants as he considers necessary and inspect the books, registers, accounts or documents in such place. On receiving such warrant, the Registrar or the Inspecting Officer may enter the place with such assistants as he considers necessary and inspect the books, registers, accounts or documents in such place and may take to his office for further investigation such books, registers, accounts and documents as he considers necessary:

Provided that if the Registrar or the Inspecting Officer removes from the place any book, register, account or document, he shall give to the person in charge of the place a receipt describing the book, register, account or document so removed by him.

Provided further that within twenty-four hours of the removal of the books, registers, accounts and documents from the place, the Registrar or the Inspecting Officer shall either return them to the person from whose custody they were removed or produce them in the court of the magistrate who issued the warrant. Such magistrate may return the books, registers, accounts and documents or any of them to the person from whose custody they were removed by the Registrar or the inspecting Officer, after taking from such person such security as the magistrate considers necessary for the production of the books, registers, accounts and documents, when required whether by the Registrar or by the Inspecting Officer or by the court, or may pass such other orders as to their disposal as appear just and convenient to the magistrate.

(2) The Registrar or the Inspecting Officer shall have authority to require any person whose testimony he may require regarding any chit agreement to attend before him or to produce or cause to be produced any document and to examine such person on oath.

(3) The registrar or the Inspecting Officer may apply for assistance to an Officer in charge of a police station and take police officers to accompany and assist the Registrar or the Inspecting Officer in performing his duties under this Act.

60. **Payment to be evidenced by document. --** All payments in respect of a chit whether by the foreman or by the subscriber shall be evidenced by documents in writing.

61. **Interest at more than twelve pr cent not be allowed. –** No Court shall award interest on claims arising under this Act at more than twelve per cent per annum simple interest.

62. **Power of Court to grant relief in certain cases. –** Nothing contained in the foregoing provisions of this Act shall affect the powers vested in a Court for granting relief against any of the provisions contained in the chit agreement, if the same be unconscionable or opposed to the provisions of any law.

63. **Power to make rules. –** (1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate ---

(a) all matters expressly required or allowed by this Act to be prescribed:

(b) the matters in respect of which provision shall be made in the by-laws of a chit and the procedure to be followed in making, registering, altering and abrogating by-laws, and the conditions to be satisfied prior to such making, registration, alteration or abrogation;

(c) the particulars which every chit agreement shall contain;

(d) the method of valuation of grains by the Registrar in a grain chit, for the purposes of security under section 12;

(e) the restrictions and conditions subject to which and the manner in which, any security given by a foreman under section 12 may be changed or substituted;

(f) the procedure to be followed by the Registrar for the release of security given by the foreman under section 12;

(g) the maintenance of registers and books of accounts by the foreman, the safe custody of books, papers and documents in the Registrar's office and also for the destruction of such books, papers and documents as need no longer be kept;

(h) the procedure to be followed for the winding up of a chit under Chapter IX; and

(i) the auditing of the balance sheets and profit and loss accounts and the issue of audit certificates.

(3) (a) All rules made under this Act shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act, shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) All rules made and all notifications issued under this Act shall as soon as may be after they are made or issued, be laid before the Legislative Assembly, Puducherry, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which they are so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or notification or decides that the rule or notification should not be made or issued, the rule or notification

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 or notification.

64. **Recovery of amounts due from a foreman. –** All amounts due from a foreman to the Registrar or any other officer under this Act by way of any fee shall be recoverable as arrears of land revenue.

65. **Act not to apply to certain chits. –** The provisions of this Act shall not apply in respect of ---

(1) any chit started before the commencement of this Act, or

(2) any chit, the chit amount of which or where two or more chits are started or conducted simultaneously by the same foreman, the aggregate chit amount of which does not exceed one hundred rupees.

66. **Power to exempt. –** The Government may, by notification, exempt any person or class of persons to whom or any chit or class of chits to which this Act applies from all or any of its provisions, subject to such conditions as they deem fit and may cancel or modify any such notification.

67. **Stamp duty for chit agreement. –** Notwithstanding anything contained in any law relating to stamp duty, a chit agreement that is an agreement relating to a chit as defined in clause (3) of section 2 of this Act shall bear a stamp duty of rupee one if either such agreement is executed or the chit is conducted in the Union territory.

68. **Repeal and saving. –** (1) Any law corresponding to this Act in force in the Union territory immediately before the commencement of this Act, including the law of 21st May, 1836, shall stand repealed on such commencement.

(2) The repeal by sub-section (1) of the corresponding law shall not affect-

(a) (i) the previous operation of the corresponding law or anything done or duly suffered thereunder; or

(ii) any right, privilege, obligation or liability acquired, accrued or incurred under the corresponding law; or

(iii) any penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding law; or

(iv) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty,

forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed; or

(b) The operation of the corresponding law in respect of chitties started before the commencement of this Act.

(3) Subject to the provisions of sub-section (2), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, or any rule, regulation or form framed, certificate granted or registration effected, under the corresponding law shall be deemed to have been done or taken under this act and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under this Act.

69. **Power to remove difficulties. –** (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) All orders made under sub-section (1) shall, as soon as possible, after they are made, be placed on the table of the Legislative Assembly, Puducherry, and shall be subject to such modifications by way of amendment or repeal as the Assembly may make either in the same session or in the next session.

THE PUDUCHERRY CHAMBER OF COMMERCE CONSTITUTION (AMENDMENT) ACT, 1966

(No. 19 of 1966)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title commencement.
2. Amendment of article 18.

THE PUDUCHERRY CHAMBER OF COMMERCE CONSTITUTION (AMENDMENT) ACT, 1966

(Act No. 19 of 1966)

14-2-1967

AN ACT

to amend the French Decree dated 6th July, 1934 relating to the establishment of the Chamber of Commerce in Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Seventeenth Year of the Republic of India as follows: -

1. **Short title and commencement. –** (1) This Act may be called the Puducherry Chamber of Commerce Constitution (Amendment) Act, 1966.

+ (2) It shall come into force at once.

2. **Amendment of Article 18. –** In the French Decree dated 6th July, 1934, in Article 18 ---

(i) for paragraph 1, the following paragraph shall be substituted, namely: -

"The Chamber of Commerce shall elect from among its members a President, a Vice-President, a Secretary and a Treasurer";

(ii) in paragraph 2, for the word "nominations" the word "elections" shall be substituted.

+ This Act came into force w.e.f 22.02.1967.